Te Tai o Poutini Plan Committee Meeting
Commencing at 9.00am 18 September 2025
West Coast Regional Council Chambers, Paroa, Greymouth
Livestreamed on YouTube
@westcoastregionalcouncil5171

Please Note that this meeting will be held over a number of consecutive working days. The meeting will be adjourned at the end of each session and reconvened at the date and time resolved by TTPP Committee. Each session will be livestreamed via the link above. Once TTPP Committee has made their decision on the Independent Hearing Panel recommendations, any further sessions available for the meeting will be cancelled.

AGENDA

9.00am	Welcome and Apologies	**Chair**
9.05am	Confirm previous minutes of 26 June 2025	**Chair**
	Matters Arising	**Chair**
9.10am	Report – Decisions Meeting Process	**Project Manager**
9.15am	Noting Report – Summary of Hearings Recommendations Reports for Information	**Principal Planner**
Final agenda item	Report – Decisions on Submissions and Adoption of Decisions on the proposed Te Tai o Poutini Plan, Variation 1 and Variation 2	**Principal Planner**
On TTPP Committee Making its decision	Meeting ends	

Venues for reconvened sessions of the meeting are as follows:

DATE	VENUE
19 September 2025	Arahura Marae, Old Christchurch Rd, Arahura
22 September 2025	West Coast Regional Council Chambers, Paroa, Greymouth
23 September 2025	Grey District Council Chambers, Tainui St, Greymouth
24 September 2025	Grey District Council Chambers, Tainui St, Greymouth
26 September 2025	West Coast Regional Council Chambers, Paroa, Greymouth

TTPP Committee Meetings for 2025	Time	Venue
No October meeting – Local Elections		
19 November	1.30-3.30pm	WCRC
To be Confirmed	1.30-3.30pm	WDC

MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD AT CLOCKTOWER CHAMBERS, 119 PALMERSTON STREET, WESTPORT AT 9.00 AM ON 26 AUGUST 2025

Present

R. Williams (Chairman), Mayor T. Gibson (GDC), Cr B. Cummings (WCRC), Kaiwhakahaere F. Tumahai (Ngāti Waewae), Cr J. Howard (BDC), Mayor J. Cleine (BDC), Cr A. Gibson (GDC), Cr P. Haddock (WCRC), Mayor H. Lash (WDC)

In attendance

D. Lew (WCRC), Jo Field (WCRC), J. Armstrong (TTPP Project Manager), Michael McEnaney (GDC), Joanne Soderlund (GDC), Simon Pickford (BDC), Carissa du Plessis (BDC), Lois Easton (Kereru Consultant on behalf of WCRC), Janeen Kydd-Smith (Sage Planning on behalf of WCRC), Lucy de Latour (Wynn Williams), Kate Dickson (Wynn Williams), Doug Bray (WCRC), Chu Zhao (WCRC).

Welcome

Apologies

Kaiwhakahaere P. Madgwick (Makaawhio), Cr G. Neylon (BDC), & Cr A. Cassin (WDC)

Moved (Mayor Cleine / R. Williams)

That the apologies of Kaiwhakahaere P. Madgwick, Cr Neylon *& Cr Cassin be accepted.*

Carried

Confirm minutes of the previous meeting held 26 June 2025

Moved (Kaiwhakahaere Tumahai / Cr Cummings)

That the minutes of the meeting held 26 June 2025 be confirmed.

Carried

Matters arising from previous meetings

None raised

Presentation – Legal Options and Process for Decision–Making

Lucy de Latour pointed out three options available to TTPP Committee for making decisions on the recommendations report of the Independent Hearings Panel:

1. Accept the recommendations in full.
2. Accept the recommendations in part (and reject parts of the recommendations).
3. Reject the recommendations in full

For Option 1:

- TTPP has legal effect
- Any outstanding concerns can be resolved through appeals
- Consistent with the earlier decision to appoint a hearings panel of qualified experts to hear evidence on behalf of the Committee
- Cost effective and fastest option

The Procedure is that the committee accepts the recommendations and adopts the recommendations (and reasoning) of the Hearing Panel as its own decision. Committee publicly notifies the decision.

For Option 2:

- Parts of the TTPP will have legal effect
- Any parts that are rejected will revert to the notified version of the TTPP
- Committee cannot substitute its own decision
- Not consistent with earlier decision to appoint Commissioners to hear submissions
- Risk that a decision to reject recommendations will be challenged
- Additional time and cost will be incurred in rehearing submissions and making new decisions

The procedure is that the committee accepts specific recommendations by adopting those recommendations (and reasoning) of the Hearing Panel as its own decision. Committee rejects recommendations by providing reasons (after taking action to reduce risk of rejecting recommendations). Committee then publicly notifies this decision.

For Option 3:

- TTPP will revert to notified version – some provisions have legal effect
- Committee cannot substitute its own decision
- Not consistent with earlier decision to appoint Commissioners to hear submissions
- Risk that a decision to reject recommendations will be challenged
- Significant costs and time delays involved with reducing this risk

The procedure is that the committee rejects recommendations as a whole and provides reasons (after taking action to reduce risk of rejecting recommendations). Committee publicly notifies this decision.

Chair Williams asked about the fourth point of the Option 3 – who would think about challenging or how would that recommendation be challenged.

Lucy de Latour answered that the challenge, if the committee makes that decision, would be a judicial review in the High Court. She added that if the committee takes into account irrelevant considerations in making a decision to reject, it would need very clear and strong reasons to reject.

Lucy de Latour talked about four ways to reduce the risk of legal challenge if report rejected in part or in full:

1. Rehear the submissions/ evidence on the relevant part of the TTPP
2. Appoint a different hearing panel to rehear the submissions/ evidence on the relevant parts of the TTPP
3. Prepare a variation to amend the TTPP
4. Withdraw the relevant parts of the TTPP

Lucy de Latour noted that the submitters can appeal to the environment court against the council's decision. The environment court will look at the merits of the decision, as well as whether it was the correct decision on the law. The environment court can direct the council(s) to amend the proposed plan to remedy issues.

Cr Haddock asked the cost if there was an appeal by one of the submitters.

Lucy de Latour answered that the environment court won't award costs for appeals on planning documents, but there will be costs involved for the committee in terms of being there as respondent in the room for the mediations and appeal.

Report – The TTPP Decision-Making Process

Lois Easton pointed out that TTPP Committee will get 24 recommendation reports from the commissioners. She will prepare for the committee a summary of each of the 24 recommendation reports. The Technical Advisory Team (TAT) will also get those reports and the track change version of the plan before those reports come to the committee.

Mayor Cleine asked the timing of the upcoming decision-making meetings/workshops.

J. Armstrong noted that TAT workshops will be held on the 11th,12th and 15th of September, prior to the first Committee meeting on the 18th of September. The Committee meeting will be held from 18 – 24 September. She highlighted that their aim is to make a decision on the 24th, but to keep the 26th as a backup just in case.

Cr Cummings asked whether they would be making decisions each day.

J. Armstrong said that everyone will be asked if they are comfortable with a topic before moving on. She added that Ms Easton will ask if the Committee agrees on these matters, and that some issues will need further conversation on the final day.

Moved (Mayor Lash / Mayor Gibson)

1. *That the Committee receive the report.*

Carried

Financial Report to 31 May 2025 & Financial Report to 30 June 2025

Mayor Cleine asked if the Regional Council has raised a loan for around $3.9 million to cover the difference between income and expenditure on Page 25.

J. Armstrong responded that they had.

Moved (Kaiwhakahaere Tumahai / Mayor Lash)

1. *That the Committee receive the report*

Carried

R. Williams pointed out that it is very important when budgets are set for next year, that the budget details will be presented to the Committee.

Project Manager's Report

The report was taken as read.

Moved (R. Williams / Mayor Cleine)

1. *That the Committee receive the report.*

Carried

Meeting ended at 10.13am.

Te Tai o Poutini PLAN
A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 18 September 2025

Subject: **Te Tai o Poutini Plan – Decisions Meeting Process**

SUMMARY

This report explains the process for this Te Tai o Poutini Plan Committee meeting, which will extend across several days until decisions on the Independent Hearing Panel recommendations have been made.

A resolution is sought to extend this meeting past the six-hour meeting time limit set in clause 4.2 of Te Tai o Poutini Plan Committee Standing Orders 2025.

RECOMMENDATIONS

1. *That TTPP Committee receive the report.*
2. *That in accordance with clause 4.2 of the Standing Orders, the TTPP Committee agrees that this meeting to make decisions on the recommendations of the Independent Hearing Panel will continue until such time as decisions are made on all recommendations.*
3. *That in accordance with clause 8.12 of the Standing Orders TTPP Committee resolves to accept late reports as items of business not on the agenda which cannot be delayed.*

Jo Armstrong

Project Manager

Background

1. Hearings on the proposed Te Tai o Poutini Plan (TTPP) were completed on 20 March 2025.
2. Hearings were held for each of the 26 TTPP topics, as all were submitted on.
3. Since that time the Hearing Panel have written and deliberated on their recommendation reports with the final recommendation reports for 19 of the topics being received by The TTPP Committee at the time of agenda finalisation.

Process for this Multi-day Meeting

4. Due to the large number of topics requiring a decision, it is proposed that this meeting will adjourn at the end of today (18 September) and be reconvened on a date and time to be resolved at the end of the meeting.
5. This process will continue on the working days up to and including 24 September 2025, until such time as the TTPP Committee has made its decision on the Hearing Panel recommendations.
6. If further time is required, the meeting can extend to a session on 26 September 2025. However, in order to provide hard copies of the decisions version of TTPP at notification on 10 October 2025, the final text needs to be with the printer on 25 September 2025.

Resolution Required to Extend Meeting

7. Under clause 4.2 of the Standing Orders *A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue.*
8. Due to the extended nature of this meeting, a resolution to continue the meeting for longer than six hours is being sought.

Procedural Motion to Adjourn Required

9. Under clause 4.1 of the Standing Orders *A meeting can be adjourned to a specified time and day if required by resolution of the meeting.*
10. At the end of each day a motion to adjourn to the date and time specified will be put to the meeting for approval.

Late Reports Received by TTPP Committee

11. Any final Independent Hearing Panel recommendations reports not received at the time this meeting agenda was finalised, will be presented for Committee resolution under clause 8.12 of the Standing Orders as *Items of business not on the agenda which cannot be delayed –*

    A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the chairperson provides the following information during the public part of the meeting:

    The reason the item is not on the agenda; and

    The reason why the discussion of the item cannot be delayed until a subsequent meeting.

    s. 46A (7), LGOIMA.

    Items not on the agenda may be brought before the meeting through a report from TTPP staff or the chairperson.

Prepared for: **Te Tai o Poutini Plan Committee**

Prepared by: **Lois Easton, Principal Planner**

Date: **Thursday 18th September 2025**

Subject: **Summary of Hearings Recommendations Reports for Information**

SUMMARY

This report contains an overview of the recommendations from the Hearing Panel in relation to Te Tai o Poutini Plan and a brief summary of the key changes recommended to each topic of the Plan from the Hearing Panel.

RECOMMENDATIONS

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

INTRODUCTION

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

OVERVIEW OF THE RECOMMENDATIONS

3. The Hearings Panel has prepared a comprehensive set of recommendations report, which are integrated across the Plan. From this some key themes in recommendations are evident in terms of changes from the proposed Plan. These are:
    a. ***An overall approach to strengthening Objectives, Policies and Rules in relation to reverse sensitivity matters***.
    During the development of TTPP reverse sensitivity (whereby industrial, farming and mining operations are adversely impacted by complaints of new – usually residential – neighbours moving close to the activity) was identified as a key issue and the notified TTPP addressed this to some extent. There was strong representation from submitters through the hearings that these were insufficient. The Hearings Panel recommendations across a range of topics – starting with the Strategic Direction, strengthen the approach of TTPP in managing reverse sensitivity matters.
    b. Overall, a simplification of the Plan, where possible.
    Many submitters expressed concern about the complexity of TTPP. Some of that complexity is inherent – modern RMA documents are not user friendly to lay people, and the requirement to meet National Planning Standards means the TTPP looks very different to the current Operative Buller, Grey and Westland District Plans. However, where possible, the Hearings Panel have made recommendations which reduce the complexity of the provisions – particularly the Rules, within the Plan.
    c. Providing more explanatory material to aid interpretation.
    The recommendations include the introduction and amendment of a large number of definitions to aid in interpretation of the Plan. This was based on submitters asking, across the topics, for new concepts to be more clearly defined, and to give greater certainty of process and intent. The Hearing Panel have also recommended the addition of a range of new Appendices to the Plan to aid in interpretation. They have also recommended additional Methods, with a focus on guidance and support for landowners, to help them navigate the TTPP planning process.
    d. Ensuring the Objectives, Policies and Rules sit within the National Direction and are not ultra vires (illegal).
    Since the TTPP was publicly notified there have been two new National Direction Instruments – the National Policy Statement for Indigenous

Biodiversity, and the National Policy for Highly Productive Land which have come into effect. Alongside this a number of National Direction Instruments have been amended. The Hearings Panel have been very mindful of these National Direction Instruments and their requirements, and their recommendations reflect these as much as possible within the scope of submissions. It is not lawful (*ultra vires)* to go against the requirements of National Direction instruments, and the Hearings Panel have been very careful on this matter. They have also recommended the redrafting of some aspects of the TTPP – such as the Limited Notification clauses, to ensure that they fit within the current RMA legal framework.

e. ***Keeping the "West Coast flavour"***

A key part of the development of the proposed TTPP was applying the national framework to the local West Coast context and ensuring that TTPP reflected the aspirations of the West Coast. This means that some things are done differently than in other Plans, for example the Sites of Significance to Māori topic has a high reliance on Permitted Activities, whereas in the rest of the country many of these activities would require resource consents.

f. The main increases in stringency recommended are for mineral extraction and ecosystems and biodiversity.

In finalising the proposed Plan staff advised the Committee at the time that both the mineral extraction and indigenous vegetation clearance rules were among the most enabling in the country and there may be difficulty in justifying this level of enablement through the process.

The Hearings Panel have made recommendations that increase the stringency of regulation for mineral extraction but retain a high degree of enablement in particular in the Mineral Extraction and Buller Coalfield Zones. They have also recommended an increase in stringency in relation to indigenous vegetation clearance, but the recommended provisions still remain among the most permissive in the country.

g. Overall, the recommendations are for less stringent regulation than the proposed Plan – particularly for urban uses and infrastructure.

Because the three operative plans are very old and do not reflect current national requirements the proposed Plan reflected a significant increase in regulation for some activities.

However, the recommendations from the Hearings Panel for the majority of topics are for a reduction of stringency in the regulation. This is particularly in relation to the extent of the mapped overlays – for example reductions in the areas of outstanding natural landscape and high coastal natural character and removal of three of the natural hazard overlays. In addition, there is a strong set of recommendations that reduce the regulatory requirements for infrastructure – in particular regionally significant infrastructure, including electricity transmission and distribution and renewable electricity generation, as well as network utilities such as local roads.

Alongside this the recommendations across the zone provisions are for a reduction in stringency for a range of activities that are unlikely to lead to

significant adverse effects, such as relocated buildings, minor structures and fences. The recommendation that the "catch all" rules across the zones are generally Discretionary rather than Non-complying is also a reduction in stringency. The natural environment recommendations are for a significant reduction in stringency in terms of urban locations.

TOPIC BY TOPIC SUMMARY OF RECOMMENDATIONS

4. The full Recommendations Reports have been circulated separately to the Committee and include tracked changes versions of the chapters. They have also been reviewed by the Technical Advisory Team (TAT).
5. It should be noted that staff views expressed in this report are those of the TTPP staff and that individual TAT staff of the organisations represented on the Committee will provide their own advice from their organisation perspective to their respective representatives.

STRATEGIC DIRECTIONS RECOMMENDATION REPORT

6. The Strategic Directions Recommendations Report addresses the submissions and further submissions for Te Tai o Poutini Plan in relation to the Strategic Directions Chapter in Part 2 District Wide Matters.
7. This report provides recommendations on 458 submissions points and 168 further submissions points.
8. The report makes a number of recommendations to the Strategic Directions Overview and the Title Page of the chapter. As these are descriptive matters (i.e. not an objective, policy or rule), rather than parts of the Plan with legal weight these changes are considered minor.
9. The Notified Plan had seven strategic directions for – Agriculture, Connections and Resilience, Mineral Extraction, Natural Environment, Poutini Ngāi Tahu, Tourism and Urban Form and Development. The report recommends regrouping and amending these strategic directions as follows:
    a. Renaming the Agriculture Strategic Direction to Rural Production and renaming the Connections and Resilience Strategic Direction to Climate Change and Resilience;
    b. Rewording the objectives to create both objectives and policies – recognising that the Plan drafting was poor in this respect;
10. The report recommends amendment and redrafting of the strategic directions in response to submissions.
11. The recommendation also outlines the understanding that the objectives and policies in the strategic direction section are given equal weight to other objectives and policies in the Plan. While they have guided its direction they do not over-ride other policies.
12. Other than the recommended changes to the Climate Change and Resilience Strategic Direction, TTPP staff consider that the practical effect of the rewording/redrafting is relatively minor, and there are no specific concerns.
13. In relation to the Climate Change and Resilience Strategic Direction, more substantial changes are proposed,
    a. Changes which have the effect of more strongly linking the strategic direction to the natural hazards provisions in the Plan and the need to adapt to the effects of climate change. Staff consider this change is useful to support the integration of the Plan, and will provide helpful guidance/support to Plan Changes to address natural hazards in the future.

b. Addition of policy which supports, at a local level, reductions in greenhouse gas emissions – through new technology, development of renewable electricity generation, and low carbon transport options such as walking, cycling and electric vehicles.
c. Addition of policy that links the natural environment and nature based solutions as a way to provide resilience to climate change.

14. Overall TTPP staff consider that the recommended amendments to the Strategic Directions Chapter do not have significant consequences for the overall direction of the Plan, or require any consequential amendments. They also note that the amendments recommended to the strategic directions in relation to natural hazards contain an element of future proofing for national direction, as the government has advised that stronger national direction around natural hazards is coming through the development of a National Policy Statement for Natural Hazards.
15. As recommended by the Hearings Panel, TTPP staff consider these changes make this section of the Plan clearer to read and more closely link the strategic directions to the objectives, policies and rules across the Plan, improving Plan integration.
16. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic, though do note there are some typographic and spelling errors within the recommendations which will need to be corrected.

ENERGY INFRASTRUCTURE AND TRANSPORT RECOMMENDATION REPORT

17. The Energy, Infrastructure and Transport Recommendations Report provides recommendations on 1064 submissions points and 355 further submissions points.
18. The report addresses some of the most technically complex parts of the Plan, and this is reflected in the high level of engagement of submitters, the production of multiple reports to support the hearings and the size of the recommendation report.
19. It should be noted that for the activities covered by this chapter the zone rules do not apply, and there was very significant engagement from the infrastructure sector in the hearings process.
20. During the hearings process, specific submitter Expert Witness Conferencing was held to try and reach agreement on the wording of provisions. The outputs of this have had a strong influence on the Panel Recommendations.
21. A key matter raised in the hearings relates to the definition of Critical Infrastructure and the replacement of this with Regionally Significant Infrastructure, to better align the TTPP with the West Coast Regional Policy Statement (RPS). This change is recommended by the Panel, however they recommend a different (wider) definition of Regionally Significant Infrastructure than the RPS – recognising the specific matters that are regulated by TTPP.
22. A further key matter was the need for a "catch all" rule which addresses matters not specifically provided for in the rules. Without such a "catch all" rule, unforeseen activities could end up being non-complying activities, not because of their adverse effects, but unanticipated nature. A Discretionary "catch all" rule is recommended for all three chapters.
23. In relation to the Energy Chapter it is recommended:
    a. That the objectives and policy direction be much clearer in terms of recognising the importance of the National Grid and renewable electricity generation (to give effect to specific national direction);
    b. That a new objective specific to electricity transmission and distribution and the co-ordination of this with subdivision, use and development be included;
    c. That the policy and rules differentiate between electricity transmission (National Grid) and distribution (local lines);

d. That the policies are redrafted to be clearer and more consistent with the range of national direction;
e. That three new policies are included covering:
    - Significant electricity distribution lines and compliance with electrical safe distances;
    - Discouraging the development of non-renewable electricity generation; and
    - Servicing of subdivision and development.
f. Amendment of the Permitted Activity rules to better provide for day-to-day maintenance, operation, repair and upgrade of electricity transmission, distribution and renewable electricity generation;
g. Redrafting of the Permitted Activity for renewable electricity generation to better provide for new small and community scale renewables generation – the recommendations reflect a significant relaxation in the rules compared with the notified proposed Plan for this type of activity;
h. Specifically providing a Permitted Activity for back-up generators when outages and emergencies occur;
i. Specifically providing a Permitted Activity for new electricity distribution (local) lines;
j. Amendments to the rules where resource consents are required to be clearer and to align with the recommended policy approach and permitted activities.
k. Specifically including a rule that restricts the development of non-renewable electricity generation.

24. In relation to the Infrastructure Chapter it is recommended:
    a. Relatively minor amendments to the objectives and policies to address some submitter concerns around clarity and consistency with higher order documents (national and regional direction);
    b. Amendment to the Permitted Activity rules to better provide for day-to-day maintenance, operation, repair and upgrade of infrastructure and better link to national direction around telecommunications infrastructure;
    c. Relatively minor amendments to the other rules to make these clearer, easier to understand and address the relevant resource management matters.
25. In relation to the Transport Chapter it is recommended:
    d. Relatively minor rewording and clarification of the transport objectives and policies;
    e. Addition of two new Transport policies:
        - In relation to safe and efficient movement of people and goods; and
        - In relation to high trip generating activities – linking to the rules on this matter
    f. Amendment to the Permitted Activity rules to better provide for day-to-day maintenance, operation, repair and upgrade of the transport network;
    g. Better providing for sightlines at railway crossings;
    h. Amendment of the transport standards at Appendix One to update these to current good practice standards and to include an updated roading hierarchy.
26. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
27. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic, though do note there are some typographic and numbering errors within the recommendations which will need to be corrected. Essentially they consider the recommendations of the commissioners on this topic would improve the Plan.

CONTAMINATED LAND AND HAZARDOUS SUBSTANCES RECOMMENDATIONS REPORT

28. The Contaminated Land and Hazardous Substances Recommendations Report provides recommendations on 106 submissions points and 26 further submissions points.
29. The main recommendations in relation to Contaminated Land are:
    a. Add an additional policy in relation to used and closed landfills.
30. The main recommendations in relation to Hazardous Substances are:
    b. To include definitions of Hazardous Substances and Major Hazard Facility;
    c. Amend the policy to more explicitly refer to new major hazard facilities being located outside of natural hazard overlays.
31. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
32. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic. Essentially they consider the recommendations of the commissioners would improve the Plan.

HISTORIC HERITAGE RECOMMENDATIONS REPORT

33. The Historic Heritage Recommendations Report provides recommendations on 222 submissions points and 59 further submissions points.
34. Heritage New Zealand Pouhere Taonga were a significant submitter across this topic and a pre-hearing meeting was held with this organisation. This informed recommendations in the s42A report and has had an impact on the recommendations from the hearing panel.
35. The main recommendations in relation to Historic Heritage include a range of relatively minor matters:
    a. Refining the definitions so that they better help interpret the objectives, policies and rules. A new definition is recommended for Accidental Discovery Protocol Commitment, and amendments to the definitions of Archaeological Site, Historic Heritage, Heritage Fabric and Suitably Qualified or Experienced Heritage Professional are recommended.
    b. Minor amendments to Objectives 3 and 4 – clarifying that protection is from "inappropriate subdivision, use and developments" and that demolition and destruction of heritage items could only occur in limited circumstances
    c. Amendment to the policies to better recognise the potential for adaptive reuse, the functional and operational needs of regionally significant infrastructure and public safety.
    d. Adding a new policy specifically around regionally significant infrastructure.
    e. Adding a requirement for date stamping of new materials as part of Permitted Activity rules.
    f. Amending the rules to correct references to Heritage Items and Archaeological Sites
    g. Better providing for utilities and regionally significant infrastructure as part of Permitted Activities
    h. Clarifying the role of HNZPT in relation to archaeological sites through advice notes within the rules and requirements for specific consultation.
    i. Addition of new non-statutory methods to support historic heritage interpretation and understanding on the West Coast.

36. More significant recommendations are:
    a. Making repositioning of a Historic Heritage item a Restricted Discretionary rather than Controlled Activity
    b. Making Relocation of a Historic Heritage item a Discretionary Activity in all circumstances;
    c. Making demolition or destruction of a historic heritage item or area a Non-complying rather than Discretionary Activity.
    d. Recommending the listing of a further seven historic heritage items.
37. A further evaluation under s32AA was undertaken in relation to the significant recommendations which indicated these are effective and efficient and that the benefits outweigh the costs of the actions. It was noted that all owners of the new heritage items were contacted about the scheduling and no objections were raised.
38. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic.

NOTABLE TREES RECOMMENDATIONS REPORT

39. The Notable Trees Recommendations Report provides recommendations on 81 submissions points and 17 further submissions points.
40. The main recommendations in relation to Notable Trees are:
    a. Amend Objective TREE – O3 and Policy TREE – P4 to more strongly recognise safe operation of infrastructure and energy activities;
    b. More clearly define the requirements for arboricultural contractors that provide a certifying role in relation to the Rules;
    c. Some other minor amendments – emphasising energy activities and clarifying the rules;
    d. Amending the Schedule of Notable Trees to make it clearer which trees support Poutini Ngāi Tahu values.
41. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
42. Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic. Essentially they consider the recommendations of the commissioners would improve the Plan.

SITES AND AREAS OF SIGNIFICANCE TO MĀORI RECOMMENDATIONS REPORT

43. The Sites and Areas of Significance to Māori (SASM) Report provides recommendations on 1057 submissions points and 581 further submissions points.
44. This topic was one of the largest in terms of public submissions, but a significant number of those submissions points were addressed by the RMA Clause 16 Minor Error corrections undertaken after the TTPP was notified. In particular a number of submissions related to concerns about being affected by SASMs, or that rules may affect them, where this is not the case.
45. Alongside the hearing there was a session of Planner expert witness conferencing (where the planner representatives of the submitters met with the s42A report planner to discuss and provide any recommendations back to the panel) and meetings between the legal counsel representing the submitters and the Committee to discuss matters around written approval.
46. These meetings and advice back to the Commissioners have had a significant influence on their recommendations.
47. There are a large number of recommended changes to this chapter, which encompass a number of key aspects:

a. Providing additional definitions for ease of interpretation of objectives, policies and rules. New definitions are proposed for the following terms: cleanfill material: cultural materials; hazardous facilities; landfill; upper slopes; and wastewater treatment facilities
b. Including two new Methods in the plan:
    - to develop written protocols and guidance for engagement with Poutini Ngāi Tahu for both permitted activities and resource consents and information in general for landowners of SASM
    - to support through non-regulatory methods the development of access for Poutini Ngāi Tahu to SASM
c. To emphasise in both the objectives and policies that access to SASM sites by Poutini Ngāi Tahu is only with landowner agreement.
d. Substantial redrafting of the Permitted Activity Rules so that it is much clearer which SASM sites each rule applies to.
e. Amending the "approval" process for Permitted Activities to a "certification" process, with the addition of a Schedule – Schedule 3A which outlines in detail how this certification process will proceed. This will provide a greater degree of certainty to both landowners and the Councils administering the Plan.
f. Clarifying the Permitted Activity Rule around quarrying and mineral extraction in the pounamu and aotea management areas and in SASM sites.
g. Better providing for maintenance, repair and upgrading of infrastructure within most SASM as either a Permitted or Controlled Activity.
h. Providing for mineral extraction that is not Permitted within SASM as a Discretionary Activity (rather than Non-complying as per the Notified Plan).
i. Redrafting many of the rules to make them clearer to understand when they apply and how to be assessed.

48. In relation to the Sites and Areas of Significance to Māori mapped and scheduled in the Plan the Panel makes the following recommendations:
    a. Removing all SASM sites that are mapped below Mean High Water Springs, as these are outside of the jurisdiction of Te Tai o Poutini Plan.
    b. Amending the shapes/mapped area of SASM sites where this does not mean any additional landowner is affected by the SASM.
    c. Not amending the shapes/mapped area where this would extend the SASM site across additional landowner's property.
    d. Redrafting Schedule 3 to help make it clearer what rules apply to which SASM.
    e. Adding additional SASMs to the Plan where these affect public conservation land or a waterbody, but not where additional landowners would be affected by the SASM.
    f. Removing 2 SASM where these affect private landowners and the exact location of the SASM site was not able to be clarified at the hearing.
49. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.

ECOSYSTEMS AND BIODIVERSITY RECOMMENDATIONS REPORT

50. The Ecosystems and Biodiversity Recommendation Report addresses 1143 submissions and 611 further submissions points.
51. This was one of the larger topics and is recognised as one of the most contentious matters within the Plan.

52. To add to the complexity of the topic there have been a range of changes to central government direction which have occurred since the Plan was notified. These are referred to in the recommendations report and the timeline included is shown below:

TTPP		**HIGHER ORDER DOCUMENTS AND LEGISLATION**
		November 2019 – March 2020 Public consultation on the proposed NPSIB
		24 July 2020 RPS Operative
		31 August 2020 Summary of submissions (NPSIB)
July 2022 Plan notified		*June 2022 – July 2022* Exposure draft released (NPSIB)
30 September 2022 Submissions close		
11 January 2023 Minute 14 – Responds to request to delay the hearing due to Government's intention to review the NPSIB and the mapping of SNA.		
May 2023 Further submissions close		
		7 July 2023 NPSIB gazetted
		May 2024 Resource Management (Freshwater and Other Matters) Amendment Bill
12 July 2024 S42A Report available		
6 August 2024 Minute 36 – Responds to a further request to delay the hearing		
8 August 2024 Minute 40 – Reschedules the hearing		
		24 October 2024 Resource Management (Freshwater and Other Matters) Amendment Act Section 78 – Time limited modifications to NPSIB
		October 2024

			NPSIB amended by Section 30 of the Resource Management (Freshwater and Other Matters) Amendment Act 2024
18, 19, 21 and 22 November 2024 Ecosystems and Indigenous Biodiversity hearings held. <u>Documents presented at hearing</u> (a) Introductory statement from reporting planner (b) Supplementary Statement from Reporting Officer (c) Wynn Williams legal advice (dated 8 November 2024 and 22 November 2024) (d) Evidence/statements and legal submissions from submitters			
3 December 2024 Minute 54 – Directing planner caucusing			
17 February 2025 Joint Witness Statement provided			
7 March 2025 Reporting Officer's Right of Reply provided			

53. As is outlined in the timeline above, after the hearing, the commissioners directed that planner expert caucusing occur and a Joint Witness Statement with recommended changes to the policies and rules was developed.
54. A major focus of discussion and evidence presented at the hearing was the inter-relationship between the national (NPSIB) and regional (RPS) direction and what were the requirements that the Plan has to meet. Legal advice and legal submissions were received on this. Key matters that all parties agreed were:
    a. The NPSIB and WCRPS criteria while written differently are essentially the same.
    b. Only the NPSIB requirement to identify SNAs has been deferred until 2030 (not removed) - all other parts of the NPSIB are in effect, and within the scope of submissions, the Councils must implement it.
    c. The councils are required to identify SNAs under the direction of the WCRPS, regardless of the NPSIB deferral.
55. The commissioner recommendations largely reflect the agreed position from the joint witness caucusing. This involved planners from the range of organisational submitters including mining, conservation, farming and infrastructure representatives.
56. The recommended amendments are supported by amendments to the definitions of: Significant Natural Area; Area of Significant Indigenous Biodiversity; and Indigenous Vegetation Clearance and new definitions for: Poutini Ngāi Tahu Land; Cultural Harvest; Specified Māori Land; Ecological District; Effects Management Hierarchy; Threatened Environments Classification; Threatened or At Risk or Threatened or At

Risk (Declining); Biodiversity Compensation; Biodiversity Offset; Net Gain; Indigenous Biodiversity; Indigenous Vegetation; Improved Pasture; and Parent Title.

57. The main recommendations in relation to the Objectives are:
    a. Amending Objective ECO – O1 (now 5) to specify that significant areas will be identified in consultation with landowners and will be mapped
    b. Splitting ECO – O2 into two objectives – one focussed on protection of significant areas and the other focussed on managing the adverse effects of subdivision use and development.
    c. Redrafting ECO – O4 (now 1) to reflect the direction and requirements of the NPSIB.
58. The main recommendations in relation to the Policies are:
    a. Redrafting Policy 1 around the identification of SNAs to:
        – reflect the requirements of the RPS to identify these promptly,
        – meet the requirements of the NPSIB to confirm whether existing SNAs meet the NPSIB criteria.
        – Meet the NPSIB requirements to undertake an assessment in Grey District to determine if there are further SNAs as well as the assessment needed for Buller and Westland.
        – No change to the notified Plan date for the identification of SNAs – June 2027.
    b. Including an Appendix which outlines in detail the process and principles for working with landowners to identify SNAs.
    c. Redrafting Policy 2 to include the matters identified in the NPSIB which are allowed to occur in SNAs (e.g. maintenance of improved pasture).
    d. Including a new Policy (now Policy 3) that identifies activities that can occur in SNAs in accordance with the Effects Management Hierarchy (e.g. Mineral extraction of national benefit).
    e. Amending Policy 3 (now 4) to clarify how the bonus lot subdivision provisions are supposed to work.
    f. Clarifying that Policy 6 (now 7) relates to all indigenous biodiversity.
    g. Expanding the matters of assessment in Policy 7 (now 8) to include functional or operational needs of regionally significant infrastructure, mineral extraction of national benefit or quarrying of regional benefit.
    h. Clarifying how biodiversity offsetting and compensation are determined with the addition of two appendices from the NPSIB and referring to these in Policy 7 (now 8).
    i. Redrafting Policy 8 (now 9) to be more consistent with national and regional direction.
    j. Deleting Policy 9 in relation to offsetting and compensation (these matters are now recommended to be covered in Policy 7).
    k. Expanding Policy 10 to provide more guidance for activities within the coastal environment consistent with the direction of the NZCPS
    l. Providing a stand-alone policy (Policy 11) for the national grid and renewable electricity generation.
    m. Providing a new policy (Policy 12) around the role of biodiversity in creating resilience to climate change.
59. Substantial redrafting of the Permitted Activity Vegetation Rules to make them clearer:
    a. Creating a set of general standards in Rule 1. Specific Changes from the notified plan are
        – Having a maximum clearance of 2000m^2 on any site that has not been assessed for significance [this is a significant increase in

stringency compared with the proposed Plan where 5000m^2 vegetation clearance was Permitted]
  - Having a maximum of 5000m^2 clearance on any site that has had a significance assessment, including those in Grey District [this is a significant increase in stringency compared with the proposed Plan as vegetation clearance in the Grey District was only restricted in areas of Outstanding Natural Landscapes – however it is a significant reduction in stringency for areas in Outstanding Natural Landscapes in the Grey District as they did not have Permitted vegetation clearance]
  - Providing exemptions to minimum clearance rules for the national grid, telecommunications and electricity distribution and transmission networks, network utility operations in the main towns; clearance of planted garden vegetation; shelterbelts and plantation forestry [this is a significant reduction in stringency compared with the proposed Plan].

b. Having a specific Permitted Rule (Rule 2) for indigenous vegetation clearance for Network Utilities, Renewable Electricity Generation and the National Grid. [this is a significant reduction in stringency compared with the proposed Plan].
c. Having a specific Permitted Rule (Rule 3) for indigenous vegetation clearance for lawfully established activities and structures;
d. Having a specific Permitted Rule (Rule 4) for indigenous vegetation clearance in urban areas. [this is a significant reduction in stringency compared with the proposed Plan and addresses some identified problems experienced with the proposed Plan rules which have current legal effect].
e. Having a specific Permitted Rule (Rule 5) for indigenous vegetation clearance on Māori Purpose Zone, Poutini Ngāi Tahu Land or Specified Māori Land [this is a reduction in stringency compared with the proposed Plan].
f. Having a Permitted Rule (Rule 6) for the range of other activities originally Permitted in Rule 1 in the Notified Plan.
g. Providing a "catch all" Permitted Activity for non-listed activities that fall within the maximum Permitted vegetation clearance limits. [This is a reduction in stringency compared with the proposed Plan].
h. Providing a Permitted Activity Rule that has some limited circumstances for clearance in an SNA (the notified Plan) [This is a reduction in stringency compared with the proposed Plan].

60. The main effects of the recommended changes to the Permitted Rules would be:
    a. Within the Grey District significant increase in stringency of the rules affecting rural landowners outside of areas of outstanding natural landscapes;
    b. Within the Grey District a significant relaxation of the rules for landowners in areas of outstanding natural landscape.
    c. A slight relaxation in the restrictions on landowners with existing SNAs;
    d. Within the Buller and Westland Districts, significant relaxation of the rules for infrastructure providers;
    e. Within all urban areas a significant relaxation of the rules – this means that the number of landowners affected across all districts is significantly less than the proposed Plan.
61. Rules requiring resource consents have been amended to be clearer, and to specify the level of ecological assessment required when vegetation clearance is proposed.

62. Where resource consent is required for clearance, the recommendations are to retain the Restricted Discretionary Activity in the Grey District but increasing the stringency to a Discretionary Activity in Buller and Westland.
63. In relation to the Subdivision Rules where bonus lots are provided for where significant areas are protected:
    a. Removing the duplicate set of rules from the ECO chapter and having these only in the subdivision chapter;
    b. Providing clarity around what ecological assessment is required to support the application;
    c. Amending the matters of control for Rule SUB – R7 and matters of discretion in SUB – R9 to be more consistent with other subdivision rules;
    d. Decreasing the minimum size of the bonus lots from 4000m^2 to 1000m^2 – in practice this will make more properties able to take advantage of the scheme, and for more bonus lots to be created.
64. In addition to the Rule changes the Hearing Panel recommend the addition of a method around giving effect to the NPSIB in relation to Specified Māori Land, tangata whenua provisions and Policy ECO – P1.
65. The Hearing Panel also recommend a method that outlines that once the SNA process is complete the vegetation clearance rules will be reviewed to reflect the identification process being complete.
66. The Hearing Panel recommend a reduction in the size of four SNAs, based on ecological assessments undertaken of the sites.
67. TTPP Staff acknowledge the Ecosystems and Biodiversity provisions are some of the most significant in the Plan – they implement national direction around managing the adverse effects of activities on ecosystems and biodiversity, but have a widespread effect across many parts of the West Coast and affect many landowners.
68. The National and Regional Direction is very strong in relation to this matter, and many organisational submitters and infrastructure providers consider that the identification of SNAs is a very high priority for the West Coast, as they face significant costs for individual ecological assessments for many projects without the clear identification of SNAs in place. They see the identification of SNAs as delivering significant benefits in terms of avoided future regulatory costs.
69. To counter this some individual landowners face significant additional regulatory burden with the identification of SNAs, however until this work is done, all landowners with indigenous vegetation are affected by regulation.
70. The recommended amendments to the plan recognise this dichotomy by providing for a process to identify SNAs working alongside landowners. The previous Grey District Council process is recognised as good example of successfully working with landowners through this.
71. The recommended amendments provide for this work to be done by June 2027 and TTPP staff are concerned that for a good process, this may not allow sufficient time. However the important action is to develop a workplan and start undertaking the work, as currently the TTPP is non-compliant with the requirements of the WCRPS. The presence of a deadline for undertaking the work is seen by some submitters, and likely appellants, as a key requirement to see the long delayed progress in implementing this work.

NATURAL FEATURES AND LANDSCAPES RECOMMENDATIONS REPORT

72. The Natural Features and Landscapes Recommendations Report provides recommendations on 551 submissions points and 496 further submissions points.

73. This was a significant topic in terms of public submissions, and one in which, in particular the network utility operators and electricity generators significantly engaged with.
74. There are a large number of recommended changes to this chapter, which encompass a number of key aspects:
    a. Providing an additional definition for the term minor upgrade in order to assist with interpretation of objectives, policies and rules;
    b. Amendments to Objective NFL – O1, and to all the policies to be clearer in interpretation and better provide for lawfully established buildings and structures, use and development of Māori land, infrastructure and renewable electricity generation;
    c. Addition of a new policy outlining the criteria and process for identification of outstanding natural landscapes in Te Tai o Poutini Plan.
    d. Amendment of Permitted Activity rules to be clearer about the activities that are permitted and to ensure that they are of a scale where adverse effects on landscape values are likely to be less than minor;
    e. Amending the Controlled Activity Rules NFL – R9 and NFL – R10 to be Restricted Discretionary Activities and including additional matters of discretion.
    f. Providing an additional Restricted Discretionary Activity Rule in relation to mineral extraction within an outstanding natural landscape or outstanding natural feature (ONLFG) within the Buller Coalfield and Mineral Extraction Zones (under the notified plan this is a Discretionary Activity).
    g. Amending the Discretionary Activity for Afforestation with Plantation Forestry within an ONLF to be a Non-complying rather than Discretionary Activity.
    h. Providing Discretionary Activity escalation rules for mineral extraction and Poutini Ngāi Tahu/Māori Purpose Activities do not meet the Restricted Discretionary Activity standards.
    i. Substantial amendment to the mapping of outstanding natural landscapes (ONLs) based on reassessment by Bridget Gilbert Landscape Architect. The recommendations are to remove the ONLs from a number of properties and amend the boundaries to pull them back in a range of locations. In a number of locations the updated maps represent a significant reduction in the extent of ONL affecting private land.
    j. Amendment to Schedule Five to better describe the values of ONLs.

75. TTPP Staff acknowledge the NFL chapter as being one of the most significant in the Plan – in that it implements national direction around the identification and protection of these areas, but also that it introduces new protections for landscape that was not part of the previous operative plans.
76. Overall however TTPP staff consider that the recommended amendments to the Plan represent a significant improvement compared with the notified Plan.

NATURAL CHARACTER AND THE MARGINS OF WATERBODIES AND ACTIVITIES ON THE SURFACE OF WATER RECOMMENDATIONS REPORT

77. The Natural Character and the Margins of Waterbodies and Activities on the Surface of Water Recommendation report covers two chapters of the Plan and addresses 415 submissions points and 152 further submissions points.
78. Parts of these chapters have had legal effect since the time of notification, so the commissioners have been informed by the experience of their implementation.

79. Main recommendations in the Natural Character and the Margins of Waterbodies report are:
    a. Amending the definition of riparian margin to exclude wetlands outside of the coastal marine area – advice from the TAT is that this will significantly reduce the regulatory burden in relation to activities near wetlands;
    b. Providing new definitions for watercraft, bed and fullest flow to assist in interpretation;
    c. Relatively minor amendments to the Objectives and Policies to clarify their intent;
    d. Moving Policy 5 into the Public Access Chapter;
    e. Moving the rules on vegetation clearance in riparian areas into the Ecosystems and Biodiversity Chapter;
    f. Better providing for network utilities and regionally significant infrastructure in the Permitted Activities;
    g. Specifically providing for maintenance and repair of lawfully established natural hazard mitigation structures and farming uses in the Permitted Activities;
    h. Providing for a range of other expected activities (eg Pump sheds, temporary bridges for military training, mai mai) as permitted activities;
    i. Increasing the volume of Permitted earthworks to align with the WCRC Land and Water Plan.
    j. Consolidating the Permitted Activity rules for new natural hazard mitigation structures into Rule 1
    k. Requiring that where Permitted standards for natural hazard mitigation structures are not met that a Restricted Discretionary Activity rather than Controlled Activity resource consent be required.
80. The main recommendations in relation to the Activities on the Surface of Water Chapter are:
    a. Minor amendments to the objectives and policies to clarify their intent;
    b. Clarifying the provisions around the waterways of cultural significance and where the rules apply;
    c. Making specific provision for the activities of the Māhinapua Aquatic Club;
    d. Providing for mai mai and clarifying the requirements around whitebait stands;
    e. Some amendments to matters of discretion in restricted discretionary rules to address missing matters;
    f. Amending the zoning maps so that Waterbodies are shown as General Rural Zone.
81. Because the recommended changes are of a minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
82. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic. They note that as a result of the recommendations fewer resource consents are likely to be required and the provisions are more targeted on activities that are likely to have significant adverse effects.

SUBDIVISION, FINANCIAL CONTRIBUTIONS AND PUBLIC ACCESS RECOMMENDATIONS REPORT

83. The Subdivision, Financial Contributions and Public Access Recommendations Report provides recommendations on 925 submissions points and 127 further submissions points.

84. The main recommendations in relation to Subdivision are:
    a. Amendments to the Objectives to:
        - More strongly emphasise the need for subdivision to facilitate safe, efficient and effective operation of regionally significant infrastructure;
        - Protect highly productive land as defined in the National Environmental Standard (NES)
        - Minor wording changes to other objectives to make them clearer and more readable
    b. Amendments to the Policies to:
        - More clearly outline the requirements in relation to overlay areas
        - Strengthen the direction around infrastructure
        - Support structure plans as a way of unlocking land zoned for Future Urban Development
        - Address reverse sensitivity issues with regionally significant infrastructure, mineral extraction and industrial activities
        - Provide specific reference to highly productive land and the NES
    c. Amendments to the Rules to:
        - Clarify the wording and circumstances for Permitted Activities
        - Ensure that Controlled Activity subdivisions provide for a compliant building platform and do not compromise existing infrastructure
        - Add additional matters of control and discretion around natural hazards, geotechnical constraints, easements, waterbodies
        - Separate out the rules for subdivision within the national grid corridor and the significant electricity distribution lines
        - Minor amendments to the subdivision standards to clarify the requirements for infrastructure
85. The main recommendations in relation to Financial Contributions are:
        - Removal of the provisions (at the Objective, Policy and Rule level) for offsetting and compensation. This has focussed the chapter entirely on the provision of Council infrastructure.
        - Amend the policies and rules to make it clearer the basis for which financial contributions are assessed and calculated and when they are able to be taken.
86. The main recommendations in relation to Public Access are:
        - Addition of a new policy making it clear that it is intended to provide for public access to and along the coastal marine are and other waterbodies, but that public safety is a key consideration.
87. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
88. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic.

NOISE RECOMMENDATIONS REPORT

89. The Noise Recommendations Report provides recommendations on 314 submissions points and 139 further submissions points.
90. Noise is a technically complex area and the recommendations from the panel are informed by the Expert Witness Caucusing and joint recommendations that occurred between the noise experts representing submitters and the expert engaged to assist the hearing.

91. While there are a large number of changes proposed to the chapter, many of these are technical corrections agreed between the expert witnesses.
92. The main matters where there is significant change recommended relate to the acoustic insulation requirements in rule NOISE – R3 and a reworking and standardisation of the noise standards across the zones.
93. In terms of standardisation of the noise standards (and differentiation between "noisy" and "quiet" times) the panel has relied on the expert witnesses and recommends an approach similar to that undertaken in recent district plans across New Zealand. This means a slightly longer period of "noisy time" in some zones, but will make the plan much easier to enforce as times will be more standardised.
94. In terms of the acoustic insulation issue, there are a range of changes recommended:
    a. In relation to roads, the proposed Plan had a blanket setback from State Highways applied based on their speeds. This applied only to new buildings for sensitive activities (e.g. residential, accommodation). The panel recommends that a "Road Noise Overlay" be included to replace these standard setbacks. This has been developed by NZTA based on actual traffic movements and takes into account topography. The TTPP staff view is that this is an improved approach compared with a blanket "rule of thumb" and it appears to reduce the extent of properties affected by the road noise acoustic requirements.
    b. In relation to the railway corridor, the proposed Plan required acoustic insultation within 40m of a railway line, the recommendations are to widen this to 100m from the tracks, but remove the requirement in relation to the Hokitika Line. This has the effect of increasing the land area that the overlay applies to, but reducing the number of properties affected.
    c. Identifying a noise overlay area around the Westport Rifle Range with a new requirement for acoustic insulation in this noise overlay area.
    d. In relation to all aspects of acoustic insulation requirements, the proposed Plan only applied acoustic insultation requirements to new buildings, and the recommendation is that this also apply to additions or alterations to existing buildings. This is consistent with the approach taken in the rest of the country, but will be an additional regulatory burden for some homeowners. In order to make compliance easier, a schedule has been developed which provides some standard methodology to implement the requirements and avoid the need for engagement of an acoustic expert.
95. While there are some aspects of the recommendations in relation to acoustic insulation which place additional regulatory burden on some landowners, there was very clear agreement between the technical noise experts on these matters. Given the significant negative impact of noise on human health, the commissioners have felt it is necessary to recommend these amendments to the Plan. They note that building to meet Building Code requirements for thermal insulation and glazing will generally meet most or all of the acoustic requirements and therefore in practice the additional cost to landowners to meet the standards may be negligible.
96. Overall the changes are considered to be relatively minor and a further evaluation under S32AA was not undertaken.

SIGNS RECOMMENDATIONS REPORT

97. The Signs Recommendations Report provides recommendations on 120 submissions points and 19 further submissions points.
98. The main recommendations in relation to Signs are:

a. Minor wording changes to improve the clarity of the Objective, Policy SIGN – P2 and Policy SIGN P6;
b. Addition of a new policy to support the rules in relation to off-site signs in rural and residential zones;
c. Amendments to the Permitted Activity rules to make them clearer;
d. Reduction in Permitted height from ground level of a Permitted Sign to 2.5m;
e. Additions to matters of discretion for signs that require resource consent to include sign content and address traffic safety matters.

99. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
100. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic. Essentially they consider the recommendations of the commissioners would improve the Plan.

OPEN SPACE AND RECREATION ZONES RECOMMENDATIONS REPORT

101. The Open Space and Recreation Zones Recommendations Report provides recommendations on 326 submissions points and 66 further submissions points.
102. There are three zones in the Open Space and Recreation Zones chapter. The Natural Open Space Zone covers National Parks and gazetted wilderness areas in the conservation estate. The Sports and Active Recreation Zone covers the major Council sporting facilities as well as golf courses, racecourses other sporting facilities. The Open Space Zone covers most of the public conservation estate (including stewardship land) and other Council parks and reserves.
103. Alongside the zone – specific rules, the Objectives and Policies for the three zones are held in an overarching chapter.
104. The main recommendations in relation to the OSRZ - Objectives and Policies chapter are:
    a. Amendments to the overview better explaining the three zones and their relationship with the Reserves Act, National Parks Act and Conservation Act and clarifying that mineral extraction can be appropriate in the Open Space Zone.
    b. Minor amendments to Objectives 1 and 2 better linking these to the Open Space Management Plan planning instrument, and specifically identifying that mineral extraction can be appropriate in the Open Space Zone.
    c. Amending Policy OSRZ – P2 to specifically provide for electricity transmission, distribution and renewable electricity generation and OSRZ – P9 to specifically provide for renewable electricity generation.
    d. Amending OSRZ – P9 to also include mineral prospecting and exploration alongside extraction as a purpose in the Open Space Zones.
    e. Including a new policy specifically around the reclassification of stewardship land.
    f. Including a new method providing for a future plan change if there is a rezoning benefit when stewardship land is reclassified.
    g. Other minor wording amendments to the policies to provide better clarity on intent.
105. The main recommendations in relation to the Natural Open Space Zone are:
    a. Amending the definition of Camping Grounds to include cabins and ancillary motel accommodation and specifically exclude nohoanga;
    b. Deleting Permitted Activities in relation to Temporary Camping Grounds, Residential Activities and Retail Activities as these are considered inappropriate as a Permitted Activity in National Parks and gazetted

wilderness areas – these rules are replaced with Restricted Discretionary Activity Rules for these three activities.

c. Minor amendments to matters of discretion in other rules, to be clearer around the assessment of landscape effects and effects on Poutini Ngāi Tahu values.
d. Adding a new "Any Other Activity" Discretionary Activity Rule. This is consistent with the approach the Commissioners are recommending across the Plan for "catch all" rules – in the notified Plan these "catch all" rules are mostly non-complying, but the Commissioners have formed a view that a Discretionary Activity is generally more appropriate and recommend this consistent change.

106. The main recommendations in relation to the Open Space Zone are:
    a. Minor amendments to the overview clarifying the relationship between this chapter and the Energy, Infrastructure and Transport chapters.
    b. Adding specific reference to the Rifle Range Protection Area across the relevant rules in the chapter.
    c. Deleting Rule OSZ – R4 in relation to clubrooms as this duplicates another rule.
    d. Amending Rule OSZ – R13 in relation to Park Facilities and Park Furniture to a Restricted Discretionary Activity rather than a Controlled Activity and specifically providing for the safe operation of the rail corridor as a matter of discretion.
    e. Amending the matters of discretion across the range of rules to better describe landscape effects, effects on Poutini Ngāi Tahu values and specifically include the safe and efficient operation of the rail corridor.
    f. Amending the "Any Other Activity" Rule to be Discretionary rather than Non-complying.
107. The main recommendations in relation to the Sports and Active Recreation Zone are:
    a. Deleting Rules SARZ – R4 in relation to clubrooms and SARZ – R9 in relation to grandstands as these duplicate another rule.
    b. Amending Rule SARZ – R10 in relation to Park Facilities and Park Furniture to a Restricted Discretionary Activity rather than a Controlled Activity and specifically providing for the safe operation of the rail corridor as a matter of discretion.
    c. Amending the matters of discretion across the range of rules to better describe landscape effects, effects on Poutini Ngāi Tahu values and specifically include the safe and efficient operation of the rail corridor.
    d. Amending the "Any Other Activity" Rule to be Discretionary rather than Non-complying.
108. Alongside the recommended changes to the Overviews, Objectives, Policies and Rules the commissioners recommend rezoning 7 parks to more appropriate types of Open Space Zone and 4 privately owned properties that had been incorrectly zoned Open Space Zone.
109. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
110. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic. Essentially they consider the recommendations of the commissioners would improve the Plan.

COMMERCIAL AND INDUSTRIAL ZONES RECOMMENDATIONS REPORT

111. The Commercial and Industrial Zones Recommendations Report provides recommendations on 735 submissions points and 71 further submissions points.
112. This report covers two sections of the Plan – Commercial and Mixed Use Zones and Industrial Zones.
113. In terms of Commercial and Mixed Use Zones, there are four zones – Commercial Zone, Town Centre Zone, Mixed Use Zone and Neighbourhood Centre Zone.
114. Alongside the zone – specific rules, the Objectives and Policies for the four zones are held in an overarching chapter.
115. The main recommendations in relation to the COMZ – Objectives and Policies chapter are:
    a. Addition of a new objective specifically around managing adverse effects on activities within and adjoining commercial areas.
    b. Addition of a new objective that spells out more clearly the purpose of the zones.
    c. Minor amendments to the other objectives and some policies to better recognise cycling, as well as functional and operational needs.
116. The main recommendations in relation to the individual Commercial and Mixed Use Zones rules are:
    a. Some restructuring and rewording to make them clearer including by separating out buildings from activities within the rules.
    b. Making activities not provided for in the rules Discretionary rather than non-complying (this is a Plan – wide recommendation in relation to most Zone chapters)
    c. Simplification of standards around relocatable buildings, accommodation and minor structures.
    d. Increasing the height limit of buildings within the Commercial Zone to 15m;
    e. Including a 1.5m setback from the Railway Corridor for buildings
    f. Minor amendments to the town centre urban design guidelines;
117. In terms of Industrial Zones, there are two zones – General Industrial Zone and Light Industrial Zone.
118. Alongside the zone – specific rules, the Objectives and Policies for the two zones are held in an overarching chapter.
119. The main recommendations in relation to the INZ – Objectives and Policies chapter are:
    a. Deleting the requirement for stormwater treatment and the associated Policy 11.
    b. Minor amendments to the other objectives and some policies to better target management of visual amenity and zone boundary effects.
120. The main recommendations in relation to the individual Zones rules are:
    a. Some restructuring and rewording to make them clearer including by separating out buildings from activities within the rules.
    b. Making activities not provided for in the rules Discretionary rather than non-complying (this is a Plan – wide recommendation in relation to most Zone chapters).
    c. Simplification of standards around relocatable buildings, retail activities and minor structures.
121. Alongside the recommended changes to the objectives, policies and rules, the commissioners recommend minor rezoning changes reflecting current use of the properties including:
    a. Rezoning several properties in Westport to Neighbourhood Centre Zone (these were errors identified after the Plan was notified)

b. Rezoning several properties in Westport to Commercial Zone (these were errors identified after the Plan was notified)
c. Rezoning a property at Marsden Rd Greymouth from Light Industrial to Future Urban Zone
d. Rezoning of a property at Livingstone Street Hokitika to Neighbourhood Centre Zone
e. Rezoning of some industrial properties at Kaiata, Reefton, West Drive Hokitika and Kaniere to an industrial zone (these were errors identified after the Plan was notified)

122. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
123. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic. Essentially they consider the recommendations of the commissioners on this topic would improve the Plan.

RESIDENTIAL ZONES RECOMMENDATIONS REPORT

124. The Residential Zones Recommendations Report provides recommendations on 708 submissions points and 109 further submissions points.
125. There are three zones in the Residential Zones chapter. The General Residential Zone is the "standard" residential zone found across the four main centres on the West Coast. The Large Lot Residential Zone is restricted to specific areas where the larger lot development is considered more appropriate given the infrastructure and environmental constraints of the location. The Medium Density Residential Zone is located around some major transport routes, some town centres and some neighbourhood centres.
126. Alongside the zone – specific rules, the Objectives and Policies for the three zones are held in an overarching chapter.
127. The main recommendation in relation to the Objectives and Policies chapter is:
    a. Minor amendments to Policies RURZ -P4 and RURZ – P10 to make this clearer to understand.
128. The main recommendations in relation to the General Residential Zone Chapter are:
    a. Amending the density provisions within Buller District to provide for a maximum of two residential dwellings per allotment, as sought by the Buller District Council.
    b. Specifically providing for accessory buildings (eg garages) within the Permitted Activities.
    c. Providing additional exemptions for emergency services and simplifying the minor structures Permitted Activity rule.
    d. Introducing a new Appendix to support the Permitted Relocated Buildings rule.
    e. Changing the Residential Visitor Accommodation Permitted Activity so that only homestay accommodation is Permitted in Westland District, as sought by Westland District Council.
    f. Amending and making clearer and more consistent the matters of discretion for Restricted Discretionary Activity rules.
    g. Reducing the stringency of the rule for fences, walls and retaining structures not meeting Permitted Activity standards from Discretionary to Restricted Discretionary.
129. The main recommendations in relation to the Large Lot Residential Zone Chapter are:

a. Specifically providing for accessory buildings (eg garages) within the Permitted Activities.
b. Simplifying the minor structures Permitted Activity rule.
c. Amending and making clearer and more consistent the matters of discretion for Restricted Discretionary Activity rules.
d. Reducing the stringency of the rule for fences, walls and retaining structures not meeting Permitted Activity standards from Discretionary to Restricted Discretionary.

130. The main recommendations in relation to the Medium Density Residential Zone Chapter are:
    a. Specifically providing for accessory buildings (eg garages) within the Permitted Activities.
    b. Simplifying the minor structures Permitted Activity rule.
    c. Changing the Residential Visitor Accommodation Permitted Activity so that only homestay accommodation is Permitted in Westland District, as sought by Westland District Council.
    d. Amending and making clearer and more consistent the matters of discretion for Restricted Discretionary Activity rules.
    e. Reducing the stringency of the rule for fences, walls and retaining structures not meeting Permitted Activity standards from Discretionary to Restricted Discretionary.
131. Alongside the recommended changes to the Policies and Rules, the commissioners recommend rezoning changes as follows:
    a. Rezoning the Alma Road terrace area in Westport to a mix of zones, as sought by the Buller District Council;
    b. Rezoning the road reserve adjacent to the O'Connor home in Westport to General Residential Zone (from General Rural);
    c. Amending 4 Neighbourhood Centre Zone areas in Reefton to General Residential Zone, as sought by the Buller District Council;
    d. Rezoning a property at Sturge Street Cobden to General Rural Zone (from General Residential) as sought by the landowner;
    e. Amending the Kaiata Park Zoning in relation to the outline development plan area, as sought by the landowner;
    f. Rezoning 5 properties on the Seaview Terrace in Hokitika adjacent to Silver Fern Farms from General Residential to Rural Lifestyle Zone.
    g. Rezoning the Medium Density Residential Zone along the Revell St beach frontage in Hokitika to General Residential Zone.
132. The matter of Appendix Two Recession Planes (Height in Relation to Boundary) across all zones was also dealt with in this hearing and there are recommendations to clarify this through additional explanatory text added to the appendix and a restructuring of the standard across the Plan, as sought by Buller District Council.
133. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan, a further evaluation under s32AA was not required.
134. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic. Essentially they consider the recommendations of the commissioners would improve the Plan.

RURAL ZONES RECOMMENDATIONS REPORT

135. The Rural Zones Recommendations Report provides recommendations on 1399 submissions points and 297 further submissions points.

136. There are two zones addressed within the report – the General Rural Zone (which is most of the rural land on the West Coast) and the Rural Lifestyle Zone (which is a new zone allowing for smaller subdivision sizes). Alongside this there are two precincts – the Community Living Precinct which covers the Gloriavale community in Grey District, and the Highly Productive Land Precinct which places a 10ha subdivision minimum lot size across land within it –mostly in the Grey District, but also some lands at Karamea in Buller.
137. Alongside the zone rules, the report covers the Objectives and Policies for the Rural Zones – including those that affect the Settlement Zone, although the rules for that zone are deal with in a separate report.
138. The most significant change recommended by the panel relates to the Highly Productive Land Precinct. They recommend that the basis of this precinct is altered to implement the NPS – Highly Productive Land and that the Precinct only apply to land identified as Land Use Capability Class 3.
139. The effect of this would be to remove the precinct from most of the Grey Valley and instead replace it with a smaller area. In Buller it would mean land to the east behind Westport and at Little Wanganui would also be moved into the Precinct, restricting subdivision on these properties to a minimum lot size of 10ha.
140. The recommendations also deal with a number of definitions that relate to activities that occur in rural areas. The panel recommends amendments to the following definitions:
    a. Agricultural Pastoral and Horticultural Activities (the main permitted activities in the zone) to add agricultural aviation activities, greenhouses and artificial crop protection structures;
    b. Farm quarry to make it clear that the definition allows for quarrying to serve a farm property, not just a single site
    c. Intensive indoor primary production to make it clear this does not include wintering barns
141. The panel also recommends the addition of new definitions to aid interpretation of the Plan – Agricultural aviation activities; commercial forestry; exotic continuous cover forestry; primary production; land based primary production; plantation forestry; specified Māori land; and woodlot.
142. The main recommendations for the Objectives and Policies for the rural zones are:
    a. Minor amendments to Objectives 1 and 2 to standardise language across the plan and specifically provide for rural activities in the objective;
    b. Adding a new Objective 7 that specifically relates to the General Rural Zone and the need to protect primary production uses from reverse sensitivity effects;
    c. Adding a policy that specifically relates to the General Rural Zone and supporting its primary purpose as a location of primary production activities and those which support primary production;
    d. Adding a policy that specifically relates to the Westport Radio Mast Electromagnetic Overlay, which is a new overlay recommended to be included in the Plan;
    e. General rewording of policies to clarify them and make them easier to understand;
    f. Amending Policy 1 (now 2) to be clear it is specific to the General Rural and Rural Lifestyle Zones and emphasising the primary production focus in these zones;
    g. Amending Policy 2 (now 3) to be clear it is specific to the Settlement Zone;
    h. Amending Policy 4 (now 5) to be clear it is specific to the Rural Lifestyle Zone;

i. Substantially redrafting Policy 5 (now 6) to focus on productive capacity of land and primary production;
j. Recognising regionally significant infrastructure and educational activities in Policy 6 (now 7) as being appropriate in the rural zones;

143. The main recommendations for the rules are:
a. Providing a setback from the railway corridor;
b. Amending the standards for pig keeping and poultry;
c. Putting in place a maximum size for a permitted building of 1000m^2 or 500m^2 for a residential building in the General Rural Zone
d. Putting in requirements for firefighting water to be provided for residential and papakāinga developments
e. Simplifying the rules for minor structures in line with other zones;
f. Deleting the requirements for Relocated Buildings
g. Replacing the traffic generation standard for home businesses to one that relates to the number of off-site workers
h. Reference to the recommended Westport Radio Mast EM Overlay
i. Standardisation of matters of discretion
j. Deleting the rule in relation to non-rural activities as it duplicated other provisions
k. Relaxing the rule for non-compliant fences to a Restricted Discretionary rather than Discretionary Activity
l. Redrafting of some rules to make their interpretation clearer
m. Providing the "catch all" rule as Discretionary rather than non-complying
n. Amending the visitor accommodation rule so that only homestay visitor accommodation is a Permitted Activity in Westland

144. Alongside this some rezoning is recommended, specifically:
a. Rezoning of road reserve at Cape Foulwind to Settlement Zone and Light Industrial Zone
b. Amending a zoning error for part of a property south of Hokitika so that the whole property is zoned settlement zone
c. Removing the split zone at 3 Bayfield Street Seddon so the whole property is zoned General Rural Zone
d. Rezoning some Ngāi Tahu forestry blocks to General Rural Zone
e. Removing the split zone at 42 Hatters Terrace Nelson Creek so the whole property is Rural Lifestyle Zone
f. Rezoning 3 properties at Barrytown, 2 properties at Rutherglen Road and 4 properties at Moana as Rural Lifestyle correcting zoning errors
g. Rezoning 13 ha of land at Waipuna as Rural Lifestyle
h. Rezoning 135 Ruatapu Road as Rural Lifestyle
i. Rezoning the CMP Kokiri Site, T Croft, Hindeman Sawmill and International Panel and Lumber Sites as Light Industrial Zone

145. It should be noted that many submissions to this topic sought rezoning of properties to allow for development. The commissioners sought additional technical advice in relation to wastewater capacity and the ability for development at both Moana North and Cape Foulwind to proceed if on-site wastewater systems were used. This report raised concerns about the adverse environmental effects of additional on-site wastewater disposal at both Moana and Cape Foulwind. The commissioners were not convinced from the information provided by the submitters, that the infrastructure issues could be easily dealt with, and recognised the limited funding and capacity of the Councils to develop community infrastructure at multiple locations. In the case of Cape Foulwind they considered that there may be merit in

rezoning this area in the future, but that this would need to be a planned development which addressed all the infrastructure issues in a comprehensive way.

SETTLEMENT ZONE RECOMMENDATIONS REPORT

146. The Settlement Zones Recommendations Report provides recommendations on 376 submissions points and 29 further submissions points.
147. While the report covers only one zone there are three precincts within the Settlement Zone – Coastal Settlement, Settlement Centre and Rural Residential Precinct.
148. The Settlement Zones are a type of rural zone, so the Recommendations Report for Settlement Zones only has recommendations in relation to the policies that are specific to the precincts – the rest of the Objectives and Policies are addressed in the Rural Zones recommendations.
149. The main recommendations in relation to the Settlement Zone are:
    a. Changes to Policy SETZ – PREC3 – P3 (Coastal Settlement Precinct) to better recognise the port at Jackson Bay and support visitor and worker accommodation and tourism support facilities at Punakaiki
    b. Better recognising industrial, commercial and rural activities and infrastructure in Policy SETZ – PREC4 – P4 (Rural Residential Precinct)
    c. Restructuring of some rules to make them easier to interpret
    d. Accommodating a range of changes sought by the Councils to better reflect their local differences including height limits, provision for accessory buildings, setbacks from wastewater treatment facilities, simplifying rules for minor structures and home business, changes to visitor accommodation Permitted Standards in Westland,
    e. Specifically requiring provision for firefighting water
    f. Simplifying rules for relocated buildings
    g. Recognising the Westport Radio Mast and the potential risk of electromagnetic coupling with tall buildings,
    h. Simplifying the rules for retail activities
    i. Standardising matters of discretion in Restricted Discretionary Activities
    j. Putting in place specific rules around the Moana North Development Area
    k. Rezoning the Moana North (Russell Robinson site) to a mix of General Residential, Settlement (Rural Residential Precinct) and Neighbourhood Centre Zone and including an Outline Plan for the development
    l. Rezoning some land at Te Kinga (Iveagh Bay) from Rural Residential Precinct to Settlement Zone (no precinct).

150. The rezoning at Moana North is probably the most significant recommendation from this report and there was substantial evidence presented by the submitter in support of the rezoning. The rezoning recommended would allow 200-300 new dwellings to be built at Moana and significantly change the community. The commissioners considered the submission and evidence presented very carefully, and sought additional technical information around the infrastructure situation. They have recommended that the site be rezoned in accordance with an Outline Plan for the area – this includes a range of measures to manage adverse effects. There are "no build" requirements for the former landfill and identified SNA, and the bush area would remain in the Settlement Zone – Rural Residential Precinct, with some additional rule requirements around landscape and ecological protections. The bulk of the site is recommended to be rezoned General Residential Zone. This would allow for a much greater of density of development than the proposed Plan and would require new lots to connect to full reticulation. Currently there is no

reticulated water supply at Moana, and it would be difficult for the development to proceed without a water supply being developed. The overall proposal does have some significant implications for the Grey District Council in terms of infrastructure requirements which are not currently provided for the Grey District Infrastructure Strategy.

SPECIAL PURPOSE ZONES RECOMMENDATIONS REPORT

151. The Special Purpose Zones Chapter covers seven of the special purpose zones and also addresses submissions seeking the identification of further special purpose zones.
152. Most of the special purpose zones apply to only small areas of land within each district where the "special" activity is located.
153. The recommendations report provides recommendations on 673 submissions points and 61 further submissions points.
154. For the Airport Zone the key recommendations are:
    a. The addition of Haast Airfield to the Airport Zone. Alongside this a Noise Control Overlay, a Flight Path Overlay and consequential amendments to the overview, definitions, objectives, policies and rules occur to recognise the Haast Airfield in that zone.
    b. Providing a specific policy and Permitted Activity rule for Greymouth Aerodrome to be used for public events.
    c. Inclusion of additional matters of discretion to the restricted discretionary rules around infrastructure provision and design matters.
155. For the Future Urban Zone the key recommendations are:
    a. Changes to the policy and rules to clarify the process of the Council using a Structure Plan to unlock development within the zone without the need for a Plan Change;
    b. Amendments to the rules for relocated buildings, visitor accommodation and mineral extraction to align with similar rules in other zones.
156. For the Hospital Zone the key recommendations are:
    a. The addition of Ngakawau Medical Centre to the Zone and consequential amendments to the overview.
    b. Addition of retirement villages where there is an ancillary hospital to the Definition of Healthcare and Medical Activities and consequential amendments to the policies and rules to make this activity Permitted;
    c. Allowing for helicopter landing at medical centres as a Permitted Activity;
    d. Removing the requirements around relocated buildings.
157. For the Māori Purpose Zone the key recommendations are:
    a. Changes to the definitions of Iwi/Papatipu Rūnanga Management Plan; Papakāinga and Papatipu Rūnanga and deletion of the definition of Māori Land
    b. Minor amendments to the objectives and policies to make their intent clearer;
    c. Amendments to the setback and density Permitted standards to align them with other equivalent zones;
    d. Requiring developments to provide for firefighting water;
    e. Amendments to the rules for relocated buildings and visitor accommodation to align with similar rules in other zones;
    f. Providing for emergency facilities and park furniture as a Permitted Activity;
    g. Standardisation of matters of discretion to align with other zones;
    h. Clarifying the alternative compliance pathway in rules where there is Iwi/Papatipu Management Plan in place;
    i. Specifically providing for mineral extraction in the zone

j. Rezoning the Lake Moeraki Reserve as Māori Purpose Zone.

158. The Port Zone applies at Westport and Greymouth Ports. For the Port Zone the key recommendations are:
    a. Including two new objectives and a new policy to better recognise the ports as regionally significant infrastructure and protect them from reverse sensitivity effects;
    b. Amend the objectives and policies to better recognise functional and operational needs and safe operation of the ports.
    c. Relatively minor changes to the amenity standards of the Permitted Activities to reflect the focus is on adverse effects on adjacent residential areas, not within the port zone itself;
    d. Standardisation of some rule wording and matters of discretion to be similar to other zones.
159. The Stadium Zone applies at the Westland Recreation Centre and Pulse Energy Centre. For the Stadium Zone the key recommendations are:
    a. Amendment to the definition of Stadium Activity to include Educational facilities;
    b. Minor amendments to the objectives and policies to correct spelling errors and recognise light as an adverse effect that should be managed.
    c. Standardisation of some rule wording and matters of discretion to be similar to other zones.
160. The Scenic Visitor Zone applies to commercial areas at Punakaiki, Franz Josef and Fox Glacier. For this zone the key recommendations are:
    a. Amendments to the policies and rules to better recognise worker and visitor accommodation and Poutini Ngāi Tahu values
    b. Standardisation of some rule wording and matters of discretion to be similar to other zones.
    c. Addition of advice notes to assist the Plan user.
161. To provide for the potential development of the Franz Josef Gondola the commissioners recommend amendments to the definitions of Recreation Activity and a new definition for Aerial Cableway. They also recommend the development of a Precinct within the Natural Open Space Zone that covers the proposed location of the gondola, with a specific policy and Discretionary Activity Rule that outlines the approach to development of such an activity.

DESIGNATIONS RECOMMENDATIONS REPORT

162. The Designations Recommendations Report provides recommendations on 71 submissions points and 6 further submissions points.
163. The main matters addressed in the recommendations relate to errors within the Designations tables and maps. Where at all possible the commissioners have recommended fixing these errors based on either the submissions or through Clause 16 of the RMA which allows for the fixing of minor errors.
164. NZTA sought alteration to their designation to expand the extent of this. A map viewer was developed to show the extent of changes proposed and how this would impact on adjacent properties. After reviewing the extent of changes proposed by NZTA on this viewer the commissioners have recommended that the mapping be amended to reflect these alterations.
165. Because the recommended changes are of a relatively minor nature and are intended to improve the workability of the Plan and correct errors, a further evaluation under s32AA was not required.
166. TTPP Staff have not identified any specific matters of concern to the Councils and Poutini Ngāi Tahu in relation to this topic though do note some spelling errors that

need to be corrected. They consider the recommendations of the commissioners would improve the Plan by correcting errors and providing up to date descriptions and mapping of the designations.

167. It should be noted that even if the Committee adopts the recommendations of the commissioners in relation to Designations, the final decision on these does not lie with the Committee. Instead the recommendations will be provided to the Requiring Authorities (e.g. NZTA) for them to decide if they accept the recommendations.

NEXT STEPS

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

Prepared for: **Te Tai o Poutini Plan Committee**

Prepared by: **Lois Easton, Principal Planner**

Date: **Thursday 18th September 2025**

Subject: **Decisions on Submissions and Adoption of Decisions on the proposed Te Tai o Poutini Plan, Variation 1 and Variation 2**

SUMMARY

This report outlines the process to date for Te Tai o Poutini Plan (TTPP) being prepared, going through the hearings phase and the recommendations on submissions and changes to the TTPP being presented to the Committee.

It seeks that the Committee make decisions on the submissions and adopt decisions on the proposed TTPP, Variation 1 and Variation 2.

RECOMMENDATIONS

That the Te Tai o Poutini Plan Committee:

1. Receives the Recommendation reports and appendices of the Independent Hearing Panel on the provisions of and submissions on the proposed Te Tai o Poutini Plan (including Variations 1 and 2).
2. Notes the contents of this report.
3. Adopts the Independent Hearings Panel recommendation reports (and appendices) as the Committee's decision on the provisions of and submissions on the proposed Te Tai o Poutini Plan (including Variations 1 and 2), in accordance with Clauses 10(1), 10(2) and 10(4)(aaa) of Schedule 1 of the Resource Management Act 1991.
4. Resolves to correct any typographic and numbering errors in the Hearings Panel recommendation reports appendices prior to making changes to the Decisions Version of the Plan.
5. Resolves to publicly notify the Committee's decision on 10 October 2025, in accordance with Clause 10(4)(b) of Schedule 1 of the Resource Management Act 1991.
6. Resolves to correct minor errors and make changes of minor effect in accordance with Clause 16(2) of Schedule 1 of the RMA, as identified in the Independent Hearing Panel's Recommendation reports.
7. Directs staff to alter the proposed Te Tai o Poutini Plan provisions and mapping application to reflect the Independent Commissioners recommended changes and to correct minor errors and changes of minor effect in accordance with clause 16 (2) of the First Schedule of the Resource Management Act 1991.
8. Notes that adopting the Recommendation reports of the Independent Hearing Panel as the Committee's decision means the Committee also adopts the independent hearing panel's reasons for those decisions on submissions as set out in the recommendation reports.

9. Notes that adopting the Recommendation reports of the Independent Hearing Panel as the Committee's decision does not mean the Committee has formed a view on possible future plan changes mentioned in the reports and recommendations.

INTRODUCTION

1. The Proposed Te Tai o Poutini Plan (TTPP) hearings have been completed, and the Committee is now required to notify its decision on the Proposed TTPP. This report sets out the process for adopting the recommendations as set out above, including the statutory requirements under the RMA. The Committee must decide whether to accept or reject the recommendations of the Independent Hearing Panel.

BACKGROUND

2. Every territorial authority is required to have a District Plan under the Resource Management Act. The TTPP is a review and replacement of the Buller, Grey and Westland District Plans.
3. Work on preparing the TTPP commenced in 2019, and the Proposed Plan was publicly notified for submissions in July 2022. Through the formal submission process on the TTPP, a total of 666 submissions and 212 further submissions were received.
4. The Committee delegated the task of hearing submissions and other evidence to the Independent Hearings Panel. On 21 March 2023 the Committee appointed a panel of five independent resource management commissioners to hear and make recommendations on the TTPP. In accordance with section 34(1)(A), the Council delegated its authority to hear submissions and make recommendations on the TTPP to the Independent Hearing Panel.
5. The recusal of one of the Independent Hearing Panel members resulted in a replacement being appointed by TTPP Committee. This meant there was a delay to the start of the hearings until 30 October 2023.
6. The Independent Hearing Panel was made up of
   - Commissioner Dean Chrystal (Chair)
   - Commissioner Paul Rogers
   - Commissioner Anton Becker
   - Commissioner Maria Bartlett
   - Commissioner Sharon McGarry
7. The Plan was divided into topics with the larger topics heard by all five commissioners and the smaller topics heard by 1-4 commissioners.
8. On 25 June 2024 Variation 1 to TTPP (Activities on the Surface of Water at the Ports) was Limited Notified for submissions and this was also incorporated into the Independent Hearing Panel process. Five submissions, all in support of the Variation, were received, with no further submissions.
9. On 25 June 2024 Variation 2 to TTPP (Coastal Natural Hazard Mapping) was notified for public submissions. Variation 2 was renotified on 21 November 2024 and in total 641 submissions and 126 further submissions were received. These were also incorporated into the Independent Hearing Panel process

DISCUSSION

10. The Independent Hearing Panel has prepared 26 recommendation reports, as detailed below:
    1. Introduction and General Provisions
    2. Strategic Direction
    3. Energy Infrastructure and Transport
    4. Contaminated Land and Hazardous Substances
    5. Natural Hazards (incorporating Variation 2)
    6. Notable Trees
    7. Historic Heritage
    8. Sites and Areas of Significance to Māori
    9. Natural Character and the Margins of Waterbodies and Activities on the Surface of Water
    10. Natural Features and Landscape
    11. Ecosystems and Biodiversity

12. Coastal Environment
13. General District Wide Matters – Earthworks, Light, Temporary Activities
14. Noise
15. Signs
16. Subdivision, Financial Contributions and Public Access
17. Mineral Extraction
18. Open Space Zones
19. Residential Zones
20. Commercial and Industrial Zones
21. Settlement Zone
22. Rural Zones
23. Special Purpose Zones
24. Variation 1
25. Outstanding Matters
26. Designations

11. The Recommendation Reports are provided in Attachment 1 and can be accessed on the TTPP website here: IHP Recommendations Reports
12. The Independent Hearing Panel has set out the reasons for its recommended changes in the relevant Recommendation Reports.
13. As an Appendix of each Recommendation Report, the Independent Hearing Panel provides its recommended version of the TTPP chapter(s) which that Recommendation Report relates to. The Independent Hearing Panel's reports are presented to the Committee in this public meeting which commences on 18 September 2025. The meeting will be adjourned and reconvened on subsequent days until this decision can be made.
14. The TTPP Committee can vote to accept or reject recommendations.
15. Where recommendations are accepted, the Committee adopts these recommendations as its decision(s).
16. The Independent Hearing Panel has heard submitters and considered evidence put forward to it. If the Committee decides to reject a recommendation it cannot substitute its own decision but must appoint commissioners to rehear the submissions on that matter, or prepare a Variation to the Plan with new provisions for public submission.
17. Decisions on provisions can be both appealed to the Environment Court and be judicially reviewed.
18. In making decisions, the Committee faces constraints on what it can and cannot consider. Notably, recommendations cannot be 'out of scope' of the submissions. Therefore, the Committee cannot make a decision where there is no submission in relation to this matter. The Independent Hearing Panel recommends some changes of minor effect and to fix minor errors. These are incorporated in the Independent Hearing Panel's report appendices.

Requiring authorities are the decision makers for designations

19. Designations operate differently within the RMA than the other instruments contained in the District Plan. A key difference is that requiring authorities (the owner of a designation) are the decision makers. The Committee's role is to determine whether it accepts or rejects the IHP's recommendations and refer those to the requiring authority for its determination.
20. Following confirmation of each requiring authority's decision, the Committee must serve notice on those that it considers to be directly affected by the modified designation.

Notification of Decisions are Required by 14 January 2026

21. In accordance with an extension provided by the Minister for the Environment, the Committee is required to give its decisions on TTPP by 14 January 2026.
22. The Committee must publicly notify its decisions at least 5 working days after the date of the above decisions being made and must serve notice of the decision(s) on any parties who made a submission on the relevant matters.
23. A 30 working day appeal period commences from the date that the decision on the provisions is notified.

Options

Option 1 – Accept all Independent Hearing Panel recommendations (recommended)

Accept Resolutions 1-8 without amendment – accepting all recommendations of the Independent Hearings Panel

Benefits

24. Would prevent delay of decisions being made by removing requirement to rehear the matter or defer to a future plan change.

Costs/risks

25. In accepting the recommendations, the Committee also accepts the reasoning and weighting of evidence used by the Independent Hearing Panel in coming to its recommendations.

Option 2 – Reject some of the Independent Hearing Panel recommendations (not recommended)

Benefits

26. Allows the Committee to rehear those parts of the recommendations which might not align with the Committee's strategic goals, interpretation of evidence or reasoning.

Costs/risks

27. There is inadequate time to facilitate a rehearing and for the Committee to make a subsequent decision in time to meet requirements to make decisions on TTPP by the 14 January 2026 deadline. A further request to the Minister for the Environment to extend the deadline for decisions would be required and may not be granted.
28. There must be good reasons for the Committee to reject the recommendations otherwise there is a risk of one of the submitters seeking a judicial review of the decision by the High Court.
29. Additional costs for both the West Coast Regional Council (as funder of TTPP) and submitters in rehearing the topic(s).

Option 3 – Reject all of the **Independent Hearing Panel recommendations (not recommended)**

Costs/risks

30. There is inadequate time to facilitate a rehearing and for the Committee to make a subsequent decision in time to meet requirements to make decisions on TTPP by the by the 14 January 2026 deadline. A further request to the Minister for the Environment to extend the deadline for decisions would be required and may not be granted
31. There must be good reasons for the Committee to reject the recommendations otherwise there is a risk of one of the submitters seeking a judicial review of the decision by the High Court.
32. Significant costs are associated with convening a new hearings panel and rehearing submissions. Costs in the order of at a least a million dollars to the West Coast Regional Council but also substantial costs to submitters, many of whom have been represented with professional planners and lawyers.

Alignment with higher order RMA direction

33. In making decisions on the TTPP, the Committee is required to give effect to higher order RMA instruments including:

    a. Matters of National Importance in the RMA

    b. National Policy Statements and National Environmental Standards

c. Regional Policy Statements and Environmental Plans

34. The plan has been assessed by Council Officers in its drafting, and by Independent Hearing Panellists during their deliberations. These assessments are that it meets the higher order direction extant at the time of decision.

Engagement and Consultation

35. Considerable engagement and consultation have been undertaken throughout the development of the proposed TTPP programme of works, including the consultation process on the Draft Plan prior to public notification.
36. At each stage of consultation, the Committee undertook media campaigns and held public drop-in sessions throughout the West Coast.
37. The proposed TTPP was notified on 14 July 2022. An extensive media campaign occurred at this time. In addition to the formal notice in local newspapers, this included a letter sent to each West Coast rate payer, communication via the Council's website and social media channels and additional newspaper advertising. Copies of the TTPP were made available in all Council offices, libraries and service centres and an additional round of public drop-in sessions were held.
38. Public notification of the TTPP presented the public with the opportunity to make formal written and oral submissions to the Independent Hearing Panel.
39. The TTPP has been developed in partnership with Poutini Ngāi Tahu.
40. This supports the Committee's statutory obligations in relation to Te Tiriti o Waitangi and the Part 2 (section 8) of the RMA.
41. The development of TTPP has involved significant engagement with mana whenua. Poutini Ngāi Tahu have submitted on the TTPP and await the final decisions from the Committee.

Financial Implications

42. The development of TTPP is funded via a special rate from the West Coast Regional Council (WCRC).
43. Rejecting one or more recommendations of the Hearing Panel will result in additional cost to the WCRC. This is due to the requirement to reconsider the matter and hold a new hearing to make a decision.
44. There will be costs associated with appeals to the Environment Court or responding to judicial review in the High Court, including legal costs. These costs will be relative to the number and complexity of matters that are the subject of appeals. As such costs are presently unknown and will be advised when known and as appropriate.

Communications Plan

45. The Committee's decisions will be publicly notified no later than 10 October 2025, and within five days of this date officers will serve that decision on every person who made a submission on the TTPP.
46. At this time the ePlan will be updated to reflect the Committee's decisions and show that the newly decided rules have legal effect.
47. Formal notification of decisions will be advertised through:
    a. An advertisement in The Greymouth Star, Hokitika Guardian and Westport News;
    b. The Four Councils websites;
    c. The TTPP website
    d. WCRC social media channels; and
    e. Direct notification (via email) to all parties who have made a submission on a provisions.
48. Council and libraries staff will assist customers to access the TTPP through publicly accessible computers at these facilities.
49. Phone and email support will also be available by the TTPP Planning Team.

NEXT STEPS

50. Where the recommendations from the Independent Hearing Panel are agreed to, the Committee accepts these recommendations as their decisions.

51. If any recommendations are rejected, officers will support the Committee in organising for the matters to be reheard or deferred to a future plan change.
52. The Committee formally notifies its decisions in accordance with Clause 10, Part 1, Schedule 1, of the Resource Management Act 1991.
53. The Committee formally notifies that any TTPP provisions, which proceed through Part 1, Schedule 1 and are not subject to appeal are made operative (in accordance with Clause 20, Part 1, Schedule 1 of the Resource Management Act 1991).

Appendix 1 Independent Hearings Panel Recommendations Reports

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TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic

Strategic Directions – Te Pai Tawhiti

Hearing Dates: 30 October – 3 November 2023

HEARING PANEL

Dean Chrystal (Chair)

Sharon McGarry

Paul Rogers

Maria Bartlett

Anton Becker

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or **'the Plan'**) are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Strategic Directions (**SD**) – Te Pae Tawhiti Chapter. The Report contains the Hearing Panel's evaluations and recommendations to the pTTPP Committee on the submissions and further submissions received on these sections of Part 2 of the Plan.

3. The Strategic Directions Section 32 Report[1] provides an evaluation for the inclusion of SD in the Plan, including consideration of the regulatory framework, key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options. It concludes that '*the proposed strategic objectives are considered to be the most appropriate way to achieve the purpose of the RMA as they will provide for the social, economic, cultural, and environmental wellbeing of the West Coast. They will ensure an RMA outcome-based approach to planning matters, so that strategic objectives can be achieved. Additionally, the objectives give effect to higher order documents.'*

4. The Section 42A Officer's Report[2] (**'s42A Report'**), authored by Ms Lois Easton (a Principal Consultant for Kereru Consultants) was circulated prior to the hearing. The s42A Report assessed a total of 458 submission points and 149 further submissions on the SD Chapter. It provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendations on all submissions as to either accepted, accepted in part or rejected in Appendix 2). An Addendum to the s42A Report was issued highlighting 19 further submissions that had been omitted from the s42A Report in error.

5. Submissions on Strategic Directions as a whole, the Strategic Directions Overview and the relationship between strategic objectives and other plan objectives and policies were addressed at the beginning of the report.

6. A s32AA evaluation for all the recommended changes was provided at the end of the s42A Report.

7. This Recommendation Report largely follows the same structure as the s42A Report, addressing each of the SD topics in turn. The Panel has considered the submissions and further submissions, the s42A Report and Addendum analysis and recommendations,

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report One Overview and Strategic Directions
[2] Te Tai o Poutini Plan – Section 42A Report: Strategic Directions

submitter evidence and statements, the Reporting Officer's reply evidence and the responses to Minute 22, before providing our evaluation and recommendation.

8. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified pTTPP provisions made by the Panel. The tracked change version of the pTTPP shows the Panel's recommended changes to the notified provisions, with **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

9. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence, or a specific reasoning by the Panel.

10. Where the Panel recommends the pTTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

11. Where there is a recommended change to a notified provision of the pTTPP, it is because:

    (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Report or Addendum to change the provision to that recommended in the original s42A Report; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

    (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

12. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

13. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the

relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

14. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

15. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

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

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

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

1.3. Hearing arrangements

17. The hearing was held at the West Coast Regional Council Building from the 30 October to 3 November 2023. Some submitters appeared remotely by internet connection.

18. At the hearing, Ms Easton tabled an Introductory Statement which in part covered Strategic Directions.

1.4. Appearances

19. The following submitters appeared at the hearing:

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

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

1.5. Overview of submitter evidence received

20. For those appearing at the hearing legal submissions were received from:

    (a) Ms Katherine Viskovic and Ms Sarah Scott for Poutini Ngāi Tahu (dated 16 October 2023),

    (b) Mr Dean van Mierlo for Fish & Game (dated 12 October 2023),

    (c) Ms Alex Booker and Alex Hansby for Birchfield et. al. (dated 13 October 2023),

    (d) Ms Alison Arthur-Young and Ms Kirsten Gunnell for KiwiRail (dated 16 October 2023);

    (e) Mr Matt Pemberton for the Director General of Conservation (dated 26 October 2023),

    (f) Ms Christina Sheard and Mr Joshua Leckie for Bathurst Resources and BT Mining; and

    (g) Ms Lucy de Latour for the TTPP Committee (dated 13 October 2023).

21. For those appearing at the hearing the following evidence and/or statements were received:

    (a) Mr Dean Kelly, manager of West Coast Fish and Game (dated 27 September 2023);

    (b) Mr Rodger Griffiths, GM for Westpower (dated 16 October 2023);

    (c) Mr Martin Kennedy, planner for Westpower Limited (dated 1 October 2023);

    (d) Ms Nicola Foran, environmental policy manager for Manawa (dated 29 September 2023);

    (e) Ms Stephanie Styles, planner for Manawa (dated 26 September 2023);

    (f) Ms Rebecca Eng, Technical Lead - Policy for Transpower (dated 29 September 2023);

    (g) Ms Pauline Whitney, planner for Transpower (dated 29 September 2023);

    (h) Ms Veronica Baldwin-Smith for Ngāi Tahu (dated 2 October 2023);

    (i) Ms Rachael Pull for Poutini Ngāi Tahu (dated 2 October 2023);

    (j) Mr Heath Milne, CEO for Development West Coast (dated 30 September 2023);

    (k) Ms Amy Young on behalf of the Director General of Conservation (dated 16 October 2023);

    (l) Mr George Brand, Managing Director of TiGa Minerals and Metals Limited (dated 2 October 2023);

    (m) Mr John Ballingall, economist for Birchfield et. al. (dated 2 October 2023);

    (n) Ms Katherine McKenzie, planner for Birchfield et. al. (dated 2 October 2023);

    (o) Mr Thomas Ritchie for Rocky Mining Limited and Papahaua Resources Limited (dated 2 October 2023);

(p) Mr Michael Stewart for WMS Group Limited and WMS Land Co Limited (WMS) dated 2 October 2023);

(q) Mr Duncan Hardie for WMS (dated 2 October 2023);

(r) Mr Raymond Mudgeway for WMs (dated 2 October 2023);

(s) Mr Iain Whyte for Whyte Gold Limited (dated 2 October 2023);

(t) Mr Chris Meates for Phoenix Minerals Limited (dated 2 October 2023);

(u) Mr Mark Birchfield for Birchfield's Ross Mining Limited (dated 2 October 2023);

(v) Mr Phillip McKinnel, CEO for Birchfield Coal Mines Ltd (dated 2 October 2023);

(w) Ms Michelle Grinlinton-Hancock, RMA Team Leader for KiwiRail (dated 2 October 2023);

(x) Ms Catherine Heppelthwaite, planner for KiwiRail (dated 2 October 2023);

(y) Ms Emily Levenson, Environmental Policy Advisor at Horticulture New Zealand (dated 29 September 2023);

(z) Mr Richard Tacon, CEO for Bathurst Resources Limited (dated 29 September 2023);

(aa) Ms Clare Hunter, planner for Bathurst Resources Limited (dated 29 September 2023);

(bb) Mr Vance Boyd for himself (date 31 October 2023);

(cc) Ms Lucy Smith for Terra Firma Mining Limited (date 31 October 2023);

(dd) Ms Josie Vidal, CEO for Straterra (October 2023);

(ee) Ms Frida Inta for herself and Buller Conservation Group

(ff) Ms Sonya Rimene and Ms Ngahuia Huirama for Māori Trustee, Dr Charlotte Severne (dated 31 October 2023);

(gg) Ms Inger Perkins for herself (dated 30 October 2023);

(hh) Ms Inger Perkins for the West Coast Penguin Trust (**WCPT**) (dated 30 October 2023);

(ii) Ms Nicky Snoyink, Regional Conservation Manager for Forest & Bird (dated 31 October 2023);

(jj) Ms Katherine Crick for herself (dated 30 October 2023); and

(kk) Mr Phillip Alridge for himself.

22. The following evidence was tabled without hearing appearances:

- Letter from Mr Chris Horne on behalf of Chorus, Spark and One NZ dated 20 September 2023;

- Letter from Mr Steve Tuck, planner on behalf of Silver Ferms Farms dated 16 October 2023 and a statement (dated 17 October 2023);

- Statement of evidence by Ms Kate Graham, planner for the Ministry of Education dated 11 October 2023;

- Statement of evidence by Ms Fiona Thomson on behalf of West Coast Regional Council dated 16 October 2023; and

- Statement of evidence by Ms Rebecca Davies on behalf of New Zealand Defence Force dated 27th October 2023.

1.6. Overview of information exchanged following the hearing

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

- An initial Right of Reply from Ms Easton (dated 10 November 2023) addressing the breadth of scope provided by the submissions on the Strategic Directions (**"Initial reply evidence"**), which included a legal opinion on the issue of scope from Wynn Williams.

- Further comment from Forest and Bird on the primacy of the SD (**"the Forest and Bird November letter"** date 3 November 2023).

- A supplementary submission from counsel for Bathurst Resources addressing the legal position on the primacy of SD and providing an alternative objective/policy structure for the Mineral Extraction SD (**"the Bathurst November supplementary submission"** dated 24 November 2023).

- A supplementary submission from counsel for the Director-General of Conservation addressing questions posed by the Panel at the hearing (**"the Director General of Conservation November supplementary submission"** dated 10 November 2023).

- Evidence from Ms Rebecca Eng addressing questions posed by the Panel at the hearing (**"Transpower November evidence"** dated 10 November 2023).

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

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

1.7. Procedural Steps and Issues

26. No procedural matters were raised at the hearing.

1.8. Site Visits

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

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

28. Strategic Directions is one section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. As notified, the section includes strategic objectives for seven significant resource management issues identified for the three districts, including Agriculture, Connections and Resilience, Mineral Extraction, Natural Environment, Poutini Ngāi Tahu, Tourism and Urban Form and Development. In the case of Poutini Ngāi Tahu, the SD (as notified) comprises objectives and policies.

29. The section 32 Report outlined the relevant statutory considerations applicable to the TTPP, but not how they specifically informed the SD. The statutory documents included the RMA, NZCPS, NPSET, NPSREG, NPSFM, NPSUD, NPSIB (draft at the time), NPSHPL (draft at the time), the NPS, the WCRPS, the Iwi Management Plans, the Mana Whakahono a Rohe Agreement and the Statutory Acknowledgements. The section 32 Report also listed several other documents, including national environmental standards, statutes and local policies, but again, did not describe their direct relevance to the SD.

30. In considering submissions and making recommendations, the s42A Officer has referred directly to the NZCPS, NPSFM, NPSET, NPSREG, NPSIB, and the WCRPS. The evaluation below will discuss their relevance to the SD.

31. The Panel accepts the NPSIB does not apply to the development, maintenance to the upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities.

32. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

33. With respect to SD, the National Planning Standards (**NPS**) directs that:

    1. *If the following matters are addressed, they must be located under the Strategic direction heading:*
        a. *an outline of the key strategic or significant resource management matters for the district*
        b. *issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level*
        c. *policies that address these matters, unless those policies are better located in other more specific chapters*
        d. *how resource management issues of significance to iwi authorities are addressed in the plan.*
    2. *Rules must not be included under the Strategic direction heading.*
    3. *An Urban form and development chapter must be included under the Strategic direction heading.*
    4. *Each strategic direction matter must be its own chapter and be included alphabetically under the Strategic direction heading.*

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

1.9. General comments

Structure of the Strategic Directions

34. The Panel noted that the purpose of strategic directions is to provide an overarching guidance and framework for the Plan and its development, implementation, and interpretation. SD provide the vision and goals for the combined districts and how they will manage their resources and plan for development in a way that aligns with national and regional priorities moving forward. We noted that there is a need to ensure that subsequent chapters and provisions are consistent with this overall direction that is established.

35. The Panel notes that the NPS requires that if the following matters are addressed, they must be located under the SD heading:

    a. *an outline of the key strategic or significant resource management matters for the district*

    b. *issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level*

    c. *policies that address these matters, unless those policies are better located in other more specific chapters*

    d. *how resource management issues of significance to iwi authorities are addressed in the plan.*[3]

36. At the hearing the Panel raised some concerns about the structure of the notified SD and noted that broadly many of the directions were drafted as policies rather than objectives.

37. Following the SD hearing, counsel for Bathurst provided the Bathurst November supplementary submission which, in part, provided submissions on whether some of the Minerals (**MIN**) SD would sit more appropriately as policies (rather than objectives). Helpfully, they offered a redraft of the provisions.

38. In December 2023, the Panel issued Minute 16 asking Ms Easton to consider whether a redraft of the SD (into objectives and policies) was possible (within scope) or appropriate. In her response (dated 5 April 2023), Ms Easton advised:

> *The strategic directions chapter is the only "cross plan" chapter in the Plan. If the Commissioners consider that some of the strategic objectives are more appropriately included as policies, it is my view that these should be strategic policies within the Strategic Directions chapter.*
>
> *…*
>
> *I have reviewed the submissions that affect the strategic objectives and I consider that there is no scope for substantial amendment (other than the specific wording changes sought by submitters), or converting the objectives to policies for the:*
>
> - *Agriculture Strategic Objectives*

[3] Chapter 7, Mandatory directions, National Planning Standards

- *Poutini Ngāi Tahu Strategic Objectives and Policies*

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

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

39. Helpfully, Ms Easton drafted a suite of provisions formatted as objectives and policies for those SD where she considered there to be scope for such an amendment, and these are discussed below.

40. Following receipt of Ms Easton's response to Minute 16, the Panel issued Minute 22, inviting submitters to also comment on the reformatting of the SD to objectives and policies.

41. Overall, the revised SD (to an objective/policy format) garnered little attention from those submitters who responded to Minute 22. Most of the respondents commented on the specific details of the SD Chapter rather than the format of the SD (with most comments falling on the appropriateness of having a specific Economic Development SD (discussed further below).

Panel Comment

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

Climate change and natural hazards

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

Economic Strategic Direction

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

> *Economic development is undoubtedly a significant strategic issue for the West Coast, and the approach of the TTPP Committee was to identify the main economic sectors on the West Coast (Mining, Agriculture, Tourism) and to have strategic directions for each of these. This reflected the feedback provided by the community and stakeholders through the Plan development process.*
>
> *There have been a series of economic development action plans and strategies in place for the West Coast during the period of development of TTPP. The current West Coast*

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

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

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

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

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

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

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

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

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

[4] Memorandum on behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu, dated 29 April 2024

47. Similarly, Buller District Council (**BDC**) considered '*overarching economic development objectives could potentially result in a dilution of the intent of the current strategic directions, which are considered to target key economic areas'*.

48. In their response to Minute 22, Mr Tuck (for Silver Fern Farms) supports the inclusion of specific Economic SD. Mr Tuck broadly supported the Economic SD suggested (but not supported) by Ms Easton (in her 5 April 2024 response), but considered that amendments to ED-O1 and ED-P5 are required to broaden their application to other activities (not just agriculture, mineral extraction and tourism). Mr Tuck acknowledged that changes to the UFD SD were also appropriate to address the issue of reverse sensitivity.

49. Counsel for Bathurst (in their response to Minute 22) did not oppose the inclusion of Economic SD, but rather promoted arguments that they should not supplant the need for a specific Mineral Extraction SD.

50. Ms Inta provided a response to Minute 22 and noted that:

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

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

Panel Comment

52. The Panel has considered Ms Easton's comments and those of submitters who responded to Minute 22 of the issue of an Economic Development SD. We acknowledge the comments that an Economic Development SD might be seen as taking precedence over other provisions. However, the Panel addresses the issue of primacy of SD below. The Panel concludes that while it has been worthwhile teasing this issue out and that as acknowledged by Ms Easton, there are aspects of the West Coast economy not currently addressed in the strategic directions, we have decided that an Economic Development SD should not be included in the TTPP. The Panel acknowledges there are inherent differences between the three key areas of Mineral Extraction, Agriculture and Tourism and there is a potential danger bringing those elements together under one SD might dilute of the overall intent.

53. In addition to the above, the Panel is conscious that while there might be a broad level of scope available to us, no submitters have specifically sought this particular outcome.

Other matters

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

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

1.10. Primacy of the Strategic Directions

Submissions and Further Submissions

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

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

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

Section 42A Report

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

Hearing and Submitter Evidence

58. Forest and Bird considered that the primacy statement is particularly problematic because *'the strategic directions are worded more like policy direction, they set direction on implementation rather than outcomes and include directive terms that could create conflicts with achieving higher order documents'*[5]. Forest and Bird noted that while their approach to the primacy statement does not differ (i.e. to have it removed), its inclusion in other district plans (i.e. Selwyn and New Plymouth) is less concerning because those strategic objectives are less directive. They considered there was better wording that could be applied that came from Environment Court decisions and had been used in the notified proposed Napier District Plan which was similar to what they had sought through their submission on the pTTPP.

59. Mr Kennedy (for Westpower) supported the retention of the primacy statement (although his evidence addressed it as a matter relating to the first paragraph of the overview).

60. During the hearing the Panel questioned the parties as to whether there was any Environment Court authority addressing whether strategic objectives should be drafted to have primacy over other objectives in a district plan and sought feedback on that matter.

Responses and Reporting Officer Reply Evidence

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

[5] Forest and Bird Hearing Notes, page 2
[6] Memorandum dated 3 November
[7] Supplementary Legal Submissions on behalf of Bathurst Resources Limited and BT Mining Limited, 24 November 2023

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

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

62. Forest and Bird provided a useful analysis on the NPS (and status of SD), concluding that[9]:

> *x. There is nothing in RMA, ss 58B – 58J to suggest that the Standards supplant the Council's functions or obligation to construct its plan in accordance with ss 74, and 75. On the contrary, the purpose of the Standards is to assist with achieving the RMA's purpose and set out the requirements relating to structure, format or content. This means any provisions included in the Proposed Plan using the discretion under the Standards Chapter 7 cl 1. must accord with Part 2, s 31, s 74 and s 75.*
>
> *xi. There is nothing in RMA, s 75 or the Standards to suggest that there is a hierarchy amongst objectives that must or may be included in the proposed plan or that there is a requirement that they be assessed against each other. Standards, Chapter 7, cl 1(b) simply stipulates that objectives that address key strategic matters for the district and guide decision making at a strategic level, must be located under the strategic heading. The Standard does not require the inclusion of strategic objectives and does not suggest that they be any more than for the purpose of guiding decision making at a strategic level.*

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

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

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

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

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

[8] *Darby Planning Limited Partnership v Queenstown Lakes District Council* [2019] NZEnvC 133 – specifically at [71], referring to an Environment Court Minute dated 22 February 2019 at [10]
[9] Response to Panel questions, 3 November 2023
[10] Further comment to s42a reporting officer's response in relation to Minute 16, dated 27 October 2023
[11] Feedback on Minute 22 Strategic Directions, dated 24 May 2024

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

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

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

69. Poutini Ngāi Tahu pointed out that the wording of the Overview section confirms there is no hierarchy between strategic objectives, and they consider that there is nothing in the overview text that suggests that there is a 'hierarchy' between the SD Chapter and the rest of the pTTPP. Poutini Ngāi Tahu did not agree with Ms Easton that the statement needs to be deleted. Nevertheless, they consider if there is uncertainty around this, then clarification that there is no 'hierarchy' between the strategic directions and other parts of the pTTPP would be supported.

70. Mr Boyd did not support the removal of the primacy statement, considering that[13] *'while it was not unreasonable to consider natural hazard (and other) sections in a complementary way it would be sensible for the Strategic Directions chapter to "set the scene" while the detail could be dealt with in the relevant sections'*.

Evaluation

71. Considering the evidence, the Panel accepts that the strategic directions should not have primacy over other objectives and policy. In other words, there should be no hierarchy. We are of the view that the current wording does leave it open to interpretation (and therefore uncertainty) that the strategic directions are given primacy in the TTPP, which is borne out to some extent by the differing views expressed by the various parties on the same wording.

72. The Panel considers it useful to clarify the situation to provide a greater level of certainty rather than to delete the relevant paragraph altogether. However, we do not consider it necessary to have clarifying wording applied after each suite of strategic directions, as is currently the case. Any clarifying wording, in our view, appropriately sits in the Overview section alongside the other guidance within that section.

73. In their submission, Forest and Bird provided alternative wording as follows:

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

[12] Memorandum on behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio And Te Rūnanga O Ngāi Tahu, dated 29 April 2024
[13] Comment on Minute 16 and 22, dated 24 May 2024

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

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

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

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

Recommendation

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

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

1.11. Strategic Directions Overview

Submissions and Further Submissions

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

Section 42A Report

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

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

79. Ms Easton recommended that the Director General's submission (S602.023) to amend the Title Page be rejected as listing resource management issues is no longer a standard practice in second-generation plans.

80. Ms Easton recommended that submissions seeking reference to resource management issues (Director General (S602.023)), sustainable development (Inger Perkins (S462.003)) or the aggregate industry (Aggregate and Quarry Association (S521.015)) be rejected. Further, she recommended that the submission seeking to include reference to '*biodiversity and natural heritage*' (in lieu of '*natural environment*') (Director General (S602.023)) be rejected.

81. Ms Easton recommended rejecting submissions seeking to broaden or narrow the clauses within the Overview (Te Mana Ora (S190.004), Buller Conservation Group (S552.035), Frida Inta (S553.035) and Forest and Bird (S560.433)).

82. Ms Easton recommended that Westpower's (S547.046) amendments to clause (4) should be rejected as it considered this would dilute the RMA's purpose.

83. Ms Easton did not support the submission by Westpower (S547.045 and S547.047 and further submission by Transpower (FS110.008)) to include '*construction…and upgrade*' and '*energy activities and infrastructure*' in clause (6). Ms Easton considered '*operation and maintenance*' to be sufficient.

84. Finally, Ms Easton considered the additional clause sought by Development West Coast (S484.003) associated with enabling thriving communities through a resilient, sustainable and diverse economy and the use and development of resources was covered adequately in clauses (4) and (5).

Hearing and Submitter Evidence

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

Heading

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

Paragraph 1

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

Clause (4)

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

89. Ms Inta, who had sought some changes to the clause, opposed the recommendation to reject the inclusion of '*including those*' (as recommended in her submission). She considered that *'without my amendment this clause could allow unfettered exploitation of any natural value not deemed significant within the district/ region'*. She also opposed the amendment from '*fostering*' to '*enabling*' on the grounds that '*foster*' in more neutral or objective than '*enable*'.

90. With respect to the wording '*protecting the natural values'*, Mr Kennedy (for Westpower) noted that *'in many instances the plan proposes a management rather than prohibition or absolute protection approach in all instances. I note that in at least the cases of s6(a), (b) and (f) such areas are to be protected from inappropriate use and development and not all development'.* Accordingly, Mr Kennedy supported a '*management*' rather than '*protection*' approach.

Clause (6)

91. Mr Kennedy considered that the clause (6) should be amended to refer to '*regionally significant infrastructure'* being a term used and defined in the WCRPS and suitably encompassing key infrastructure (including electricity generation and distribution infrastructure). He also considered that '*construction*' and '*upgrading*' should be added to the clause as the WCRPS[15] enables *'development, operation, maintenance, and upgrading'* of regionally and nationally significant infrastructure.

92. Ms Whitney, for Transpower, also considered that '*construction…and upgrading*' is a critical addition to the clause because these activities are distinct from '*operation and maintenance*' and the NPSET provides for '*construction…and upgrading'* (in respect of the National Grid).

New Clauses

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

Responses and Reporting Officer Reply Evidence

94. The amendments proposed by the Director General to the Title Page were further clarified in a post hearing response from the Director General's counsel[17].

Evaluation

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

[15] Chapter 6, Objective 1
[16] Chapter 4, Objective 1
[17] Response to questions from the Panel, dated 10 November 2023

96. The Panel agrees with Ms Easton's recommended amendment to clause (2) to include *'enhancing'* environmental quality.

97. The Panel agrees with the amendments to clause (4) to replace '*fostering*' with '*enabling*' and introducing '*cultural and heritage*' as part of the values. In terms of the former, while we acknowledge the concerns expressed by submitters regarding the word '*enabling*', we consider it better understood in resource management terms than '*fostering*' and note that it is being used in conjunction with 'whilst protecting' in this context. Finally, on this clause, we agree with Ms Easton that the word '*protecting*', rather than 'management' as sought by Mr Kennedy, is more appropriate in the context of this clause given the reference to matters of national importance in the RMA.

98. Regarding clause (5), the Panel agrees with submitters and Ms Easton that introducing a '*sustainable economy*' is appropriate and counterbalances the '*prosperous economy*' component of the clause. In terms of Ms Easton's introducing '*including agriculture*', we are concerned that this might be seen as picking a winner by singling one industry out. However, on review of the submission in detail and the relief sought, Te Mana Ora (S190.003) are requesting the inclusion of Agriculture in the SD cover page, as they refer to it not included under a heading rather than in clause (5). This is similar to the submission sought by the Director General above. For these reasons, we do not recommend the inclusion of '*including agriculture*' in clause (5) but accept that it should be included on the Strategic Directions cover page.

99. Regarding all other submissions, the Panel agree with Ms Easton's conclusions on each submission and further submission point.

100. There are three consequential amendments to the SD Overview that arise because of other recommendations. The first relates to the reference in clause (6) to '*critical infrastructure*' which because of recommendations in the Energy, Infrastructure and Transport Chapters has been replaced with '*regionally significant infrastructure'*.

101. The second comes because of our recommendations in section 1.13 below, where the Panel considers an additional clause on climate change and natural hazards is appropriate as a consequence in the overview wording. This is appropriate to give effect to s7(h) and s7(i) RMA matters and set strategic direction for two important resource management matters in the Plan.

102. The third amendment stems from the recommendation below to introduce policies into SD other than those within the Poutini Ngāi Tahu section and as a result, the following amendments is recommended to the Strategic Directions Overview:

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

103. Finally, the Panel note that because of our recommendation above regarding the removal of the wording which purportedly gave primacy to strategic objectives, we have included that amendment within the recommendation below for consistency.

Recommendations

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

> **Strategic Direction – Te Pae Tawhiti**
>
> This section of the plan will outline the significant resource management issues for the three districts. It will set the strategic direction for the plan in relation to:
>
> Climate Change **and Resilience**
>
> Mineral Extraction **- Te Tango Kohuke**
>
> ~~Biodiversity and natural heritage management~~ **Natural Environment - Te Taiao**
>
> ~~Natural hazards~~
>
> **Poutini Ngāi Tahu**
>
> **Land Based Primary Production - Te Whakanao Mātāmua i te Whenua**
>
> Tourism **- Te Tāpoi**
>
> Urban form and development **- Te āhua me te whanaketanga o te tāone**[18]

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

> **Strategic Direction Overview**
>
> **Te Tirohanga Whānui ki ngā Ahunga Rautaki**
>
> This chapter sets out the overarching direction for Te Tai o Poutini Plan as expressed through Strategic Directions. Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the relevant ~~zone or overlay~~ **other**[19] objectives and policies when assessing resource consents.
>
> These directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Westland, Grey and Buller Districts.
>
> The Strategic Directions are intended to demonstrate:
>
> 1. Commitment to, and articulation of the Councils' partnership with Poutini Ngāi Tahu;
> 2. Alignment with the communities' aspirations for development while maintaining **and enhancing**[20] environmental quality across the West Coast/Te Tai o Poutini;

[18] Director General of Conservation (S602.023)
[19] Forest and Bird (S560.085)
[20] West Coast Penguin Trust (S275.008) and Suzanne Hills (S5443.007)

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

8. Resilience to climate change and natural hazards.[25]

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

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

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

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

1.12. Agriculture – Te Ahuwhenua

Submissions and Further Submissions

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

[21] Director General (S602.024)
[22] Director General (S602.024)
[23] West Coast Penguin Trust (S275.008)
[24] Consequential plan wide amendment
[25] Consequential amendment from Director General (S602.025)
[26] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)
[27] Consequential amendment, Clause 16

107. Five submissions were received in support of the AG-O1 and four submission points were sought amendments to the AG-O1.

108. Seven submission points were received in support of the AG-O2and four submission points were received seeking amendments to the AG-O2.

109. The Panel adopts the summary of the submission points and further submission points provided in the s42A Report.

Section 42A Report

110. Ms Easton recommended that no changes be made to the AG SD and that submissions seeking amendments be rejected for the following reasons:

- the application of agrichemicals relates to Regional Council functions (Buller Conservation Group (S552.036) and Frida Inta (S553.036));
- they shift the focus of AG-O1 away from the productive value of soil (WMS (S599.017), Federated Farmers (S524.028) and HortNZ (S486.008));
- there is sufficient coverage of sustainable use of soil in AG-O1 (Craig Schwitzer (S96));
- the focus of the chapter is agriculture (Westpower (S547.048));
- the enabling nature of AG-O2 appropriately reflects the community aspirations (Forest and Bird (S560.087)); and
- separating AG-O2 into two objectives is unnecessary (HortNZ (S486.009) and Federated Farmers (S524.028)).

Hearing and Submitter Evidence

111. Ms Inta considered that the RMA directs that district councils do have a function with respect to the application of agrichemicals as directed by s31(1)(b)(e): *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes,* and more generally as directed by s31(1)(a) and (b).

112. Ms Levenson (for HortNZ) stated that that primary objective of HortNZ's submission is to ensure that the NPSHPL is given effect to (to preserve the West Coast's limited highly productive land, specifically areas near Westport, Karamea, Little Wanganui, and in the Grey Valley). To this end, Ms Levenson supports reference to '*highly productive land*' rather than *'versatile soils'* in AG-O1. This amendment was supported in written evidence from the WCRC.

113. Mr Kennedy acknowledged the position of the Reporting Officer to recommend that reference to '*energy activities and infrastructure'* be rejected in AG-O2 provided that suitable provision is made for these activities in other SD.

114. Forest and Bird considered that '*support industries and services*' should not be enabled (in AG-O2) as *'the environmental effects are vague, they should not be enabled carte-blanche'*.

Responses and Reporting Officer Reply Evidence

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

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

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

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

Evaluation

116. The Panel agrees with Ms Levenson and WCRC that AG O1 should refer to '*Highly Productive Land*', as is defined in the Panel's Recommendation Report on the Rural Zones Chapter, rather than versatile soils, noting that this reflects and gives effect to the higher order NPSHPL.

117. In terms of AG O2, the Panel agrees with HortNZ that the term '*agriculture*' is somewhat limiting and that it would be more appropriate to refer to '*land based primary production activities*' to ensure activities such as horticulture are included. For the reasons detailed below, we consider the term '*land based primary production*' more appropriate terminology for this section of SD and have made a number of amendments to reflect this.

118. The Panel has also considered whether AG-O2 should be split in two separate objectives as sought by HortNZ and Federated Farmers. We agree with the submitters that the objective as currently worded appears to be focussed on two different components of the rural (agriculture) sector. We agree with Federated Farmers that the overarching recognition should stand alone as an objective, rather than be included with support industries. We also consider that rural industries are a distinct activity within rural areas. As a consequence, we recommend Objective AG-02 is split into two separate objectives.

119. Finally, because of the Panel recommendation in the Rural chapter to include a definition of Land Based Primary Production in the TTPP in line with the NPS-HPL, which incorporates agriculture alongside pastoral, horticultural and forestry activities, the Panel considers a number of consequential amendments are required to the Agriculture SD to reflect this situation. This includes renaming this section '*Land Based Primary Production*' and revising wording within the section to reflect this, noting that our recommendation on the HortNZ submission above partially achieves this in any event.

Recommendation

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

~~AG Agriculture – Te Ahuwhenua~~ LBPP –Land Based Primary Production - Te Whakanao Mātāmua i te Whenua[28]

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

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

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

~~AG~~**LBPP** - O1

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

~~AG~~**LBPP** - O2

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

LBPP – O3

Enable support industries and services needed to maintain land based primary productions viability within rural areas.[32]

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

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

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

Submissions and Further Submissions

122. Two submission points were received seeking amendments to the introduction of the Connections and Resilience SD.

123. Five submission points were received in support of the Connections and Resilience SD (as a whole).

124. Seven submission points were received in support of CR-O1, and one submission point was received seeking amendments to CR-O1.

125. Twelve submission points were received in support of CR-O2, and three submissions points were received seeking amendments to CR-O2.

126. Seven submission points were received in support of CR-O3, and three submission points were received seeking amendments to CR-O3.

127. Nine submission points were received in support of CR-O4, and one submission was received seeking amendments to CR-O4 and one submission sought to delete it entirely.

[29] HortNZ (S486.008)
[30] Consequential amendment resulting from definition of Land Based Primary Production.
[31] HortNZ (S486.009)
[32] Federated Farmers (S524.028) and HortNZ (S486.009)
[33] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

128. Thirteen submission points seeking new CR provisions (which were largely opposed by further submissions).

129. Seventeen submission points and 11 further submission points sought the inclusion of specific natural hazard and / or climate change SD. These include submissions that have been allocated to other SD provisions but are in essence seeking recognition of natural hazards and / or climate change.

130. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

Section 42A Report

131. A number of submissions (Director General of Conservation (S602.025 and S602.026), Westpower (S547.049, S547.055, S547.056, S547.057 and S547.058) and Manawa Energy (S438.025 and S438.0256)) sought amendments to how the Chapter refers to '*infrastructure*', including seeking reference to '*critical infrastructure'*, '*regionally significant infrastructure'* and *'energy activities and infrastructure'*, as well as deleting reference to '*infrastructure*' to broaden the scope of the Chapter to make it more generic to all development. Ms Easton has generally recommended that all these submissions be rejected, except the submission to amend CR-O1 to include '*critical infrastructure'*. Ms Easton noted that the '*Critical Infrastructure*' definition includes defence facilities, which are not included in the definition of 'infrastructure', but are critical infrastructure in the face of disaster.

132. Ms Easton recommended that submissions by Poutini Ngāi Tahu (S620.061) and NZTA Waka Kotahi (S450.015) be accepted to amend CR-O2 and CR-O3 respectively, to refer to the locational, functional and operational requirements of infrastructure. Ms Easton considered that the influence of natural hazards and climate change on the location of infrastructure is a relevant consideration.

133. Ms Easton recommended that Forest and Bird's submission (S560.089) seeking the deletion of CR-O4 be rejected. She considered that, given the West Coast's vulnerability to natural hazard events and climate change, the backup and self-sufficiency of critical infrastructure is a key issue.

134. Ms Easton recommended that all submissions seeking new Climate Change provisions be rejected. She considered that the existing provisions provided sufficient coverage of the National Grid and transport infrastructure (Transpower (S299.021), Birchfield (S601.014, S601.024), Rocky Mining (S474.028), Papahaua (S500.017), TiGa (S493.015) and WMS (S599.004)); and that additional objectives 'cherry picking' WCRPS provisions are not necessary or appropriate Westpower (S547.050 and S547.051). Lastly, Ms Easton considered that the submissions by Buller Conservation Group (S552.037) and Frida Inta (S553.037) are best addressed by a suite of climate change SD.

135. Ms Easton considered that EQC submission S612.005 had merit, but natural hazards are best addressed elsewhere in the SD (rather than the Tourism SD). Ms Easton recommended that EQC submission S612.006 be rejected as avoiding high hazard areas on the West Coast is unlikely (this submission was made on the UFD SD).

136. In paragraphs 288 – 298 of the s42A report, Ms Easton acknowledged that the notified CR SD do not provide sufficient coverage of climate change, emissions reductions and natural

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

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

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

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

Hearing and Submitter Evidence

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

138. For Westpower, Mr Kennedy reiterated the concerns around the definitions and use of '*infrastructure', 'critical infrastructure'* and '*regionally significant infrastructure'* and that, if the definitions were aligned to the WCRPS, then much of the ambiguity would be resolved. Mr Kennedy supported the introduction of three new strategic policies to the CR SD to recognise the locational, functional and operational requirements of energy infrastructure and activities, the need to offset or compensate for adverse effects caused by energy infrastructure and activities and to provide for energy infrastructure and activities in areas of significance. He considered that using policies is an appropriate way to achieve the strategic objectives.

139. For Manawa, Ms Styles raised concerns with the use of '*critical infrastructure'* in lieu of '*regionally significant infrastructure'*. She considered there is no need to use '*critical infrastructure*' when *'regionally significant infrastructure'* is appropriate and aligns with regional and national policy. Concerning CR-O3, Ms Styles also considered that the functional and operational need to locate in particular locations needed to be explicitly provided for, but she did not support the use of '*ensure*' or '*hazardscape'* and she agreed that using '*locational need*' was unnecessary.

140. Ms Whitney, for Transpower, considered that an additional objective specifically recognising the National Grid is appropriate and is supported by the direction of the NPSET and WCRPS.

141. Ms McKenzie, for Birchfield *et al*., noted that the definition of '*critical infrastructure'* currently does not include ports (despite the WCRPS including ports as regionally significant infrastructure). She considered that if the definition is not amended to include ports, then CR-O2 should be amended to include ports. Ms McKenzie also considered that a new CR objective is required to recognise the importance of the strategic road network within the region.

142. Ms Frida Inta considered that recognition of the role that intact ecosystems play in supporting resilience is needed through a new objective.

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

143. Ms Inger Perkins (for WCPT) requested an additional climate change objective, specifically: *To achieve a transition to a low carbon emissions economy aligned with national Emissions Reduction Plans by enabling and supporting emissions reductions through existing activities and new technologies and activities.* She considered that the overall approach to climate change needed to be much stronger.

144. Forest and Bird submitted that a clear SD is needed to respond to the National Emissions Reduction Plan and National Adaptation Plan and recognise the role that nature-based solutions play in climate change response. They noted that threatened and at-risk native species are supported by provisioning inland migration and habitat requirements, as part of any climate response. Specific wording for both issues was proposed.

145. Mr Boyd considered there should be reference to Natural hazards within SD, while Ms Hill considered reference could be made to the National Adaption Plan.

Responses and Reporting Officer Reply Evidence

146. The DOC November letter was provided following the hearing. It provided insight on whether the Panel should have regard to the National Adaptation Plan and DOC's Adaptation Plan, whether there are gaps in the WCRPS in relation to natural hazards and climate change, and what options open to the Panel's if they consider there is conflict between the WCRPS and National Direction or the RMA. The letter concluded that the Panel was required to have regard to the National Adaptation Plan (and Emissions Reduction Plan) pursuant to s74(2)(e) of the RMA (and s5ZI of the Climate Change Response Act 2002); also, that it was the Director General's position that the WCRPS is inconsistent with the RMA; and lastly that recourse to higher order documents is provided for in case law and is open to the Panel if they determine that the WCRPS provides insufficient coverage of natural hazards and climate change and seek guidance from national policy and / or the RMA accordingly.

147. In reply, Ms Easton confirmed that the submissions on the pTTPP provided sufficient scope to include SD for natural hazards and climate change. While she considered both would be useful, in terms of the issue of natural hazards she said this could be addressed through that topic chapter. In terms of climate change, Ms Easton considered that to minimise duplication with the Connections and Resilience SD that climate change provisions be combined with this.

148. Ms Easton also noted that if a specific amendment is needed to address emissions reductions, consequential changes will likely be needed to the Energy, Mineral Extraction, and Transport Chapters (which there is some scope for). Lastly, Ms Easton advised that national and regional planning is in progress to address natural hazards and that there may be merit in waiting to respond to this direction.

149. In her review paper, Ms Easton provided a revised set of SD, '*Climate Change and Resilience*' (replacing '*Connections and Resilience'*), which included two objectives and six policies.

Responses to Minute 22

150. In their response to Minute 22, WDC advised:

- *Agree that a climate change consideration should be included within the connections and resilience objectives.*
- *Agree that Natural Hazards should be included in the strategic direction chapter to provide overarching objectives in regard to managing existing development and the*

location and appropriateness of new development within areas of know natural hazards.

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

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

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

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

Evaluation

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

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

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

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

point to consider Natural Hazards within the context of the current legislative environment and national guidance.

158. Turning to more specific issues, the Panel notes, as already referred to, that references to '*critical infrastructure*' are recommended to be replaced with '*regionally significant infrastructure*' as a result of the Panel's Recommendation Report on the Energy, Infrastructure and Transport Chapters. The Panel considers this change addresses matters raised, in particular by Westpower, Manawa, and Birchfield et al. We also agree that within proposed Policy CCR-P2 it is appropriate for '*functional or operational need*' to be used in the context of RSI.

159. In terms of proposed Policy CCR-P4, the Panel notes that the WCRC suggest that reference to managed retreat is inconsistent with a statement by the Reporting Officer that this matter is largely dealt with outside the plan, and that this should be clarified. We note that the National Adaption Plan (2022), which Ms Hill referred us to, refers to passing legislation to support managed retreat as one of its nine critical actions to support councils, communities, businesses and individuals to consider adaptation options available for their area; and acknowledge that a NPS on National Hazards may eventuate at some point.

160. In addition to the above, the Panel consider the Policy CCR-P4 would give effect to the natural hazard provisions in Chapter 11 of the WCRPS, particularly Policy 4. In our view, elements of issues relating to relocation will inevitably involve aspects of land use planning associated with the districts rather than the region. For that reason, we consider reference to managed retreat in proposed Policy CCR-P4 is appropriate. We also note that WDC supports reference to managed retreat in the policy at the strategic directions level, given that it is referred to elsewhere in the Plan.

161. Notwithstanding the above, the Panel considers the reference to *'zoning*' in proposed Policy CCR-P4 is inappropriate and recommend deleting that wording.

162. Regarding proposed Policy CCR-P6, the Panel accepts Transpower's comments regarding the need to recognise the associated electricity transmission with renewable electricity generation and has recommended the inclusion of '*associated infrastructure'* in the policy.

163. In terms of a specific National Grid strategic objective, the Panel agrees with Ms Easton's conclusions in her s42 Report, that the National Grid is specifically included in the definition of '*Regionally Significant Infrastructure*' which is referred to in the revised provisions and that there is a specific Energy Chapter which a strong focus on supporting this activity. Similarly, in relation the submissions seeking reference to land transport infrastructure, we note that the state highway and special purpose road networks are included within the definition of '*Regionally Significant Infrastructure'*. We therefore agree with Ms Easton that land transport infrastructure is sufficiently cover in the proposed provisions and within the Transport Chapter itself.

164. Finally, the Panel agrees with Buller Conservation Group and Frida Inta that there is a gap in recognising the role of the natural environment and nature-based solutions in providing resilience to climate change in this particular SD topic. The Panel does not agree it is necessary to refer to ecosystem services and climate stability. The Panel recommends this can be simplified by introducing a new objective as shown below and consider this gives effect to higher order documents including the NZCPS and NPSIB and has regard to the National Adaption Plan.

165. The Panel agrees that Westpower's additional provisions, which effectively paraphrase policies from the WCRPS, are unnecessary.

166. Due to the significance of the changes proposed and the fact that they did not all evolve directly from the s42A Report, the Panel has considered the amendments below in terms of section 32AA of the RMA. (We note that Ms Easton has already addressed the issue of climate change within the provisions in this regard.)

167. We consider the change to an objective and policy framework will improve the effectiveness of the plan by aiding plan interpretation and administration. The benefits of the change are improved direction and ease of interpretation, and there are no costs. The risk of not acting is that there would be misalignment of provisions and a lack of clarity. There are no risks from acting. The Panel is satisfied the policies as recommended are the most appropriate way to achieve the objectives.

Recommendation

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

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

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

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

~~Connections and Resilience Strategic Objectives~~

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

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

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

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

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

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

Climate Change and Resilience Strategic Objectives

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

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

Climate Change and Resilience Strategic Policies

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

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

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

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

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

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

CCR – P7 Recognise the role of the natural environment and nature-based solutions in resilience to climate change.[36]

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

1.14. Mineral Extraction – Te Tango Kohuke

Submissions and Further Submissions

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

[36] Frida Inta (S553.037) and Buller Conservation Group (S552.037)

[37] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

169. Eleven submission points and one further submission point were received in support of the Mineral Extraction SD (as a whole). One further submission point was received in opposition.

170. Twelve submission points were received in support of the MIN-O1, two in opposition (including one seeking deletion), and one submission point sought an amendment to the Objective. Six further submissions were received.

171. Fourteen submission points were received in support of MIN-O2, two in opposition (including one seeking deletion), and two submission points were received seeking amendments to the Objective. Seven further submission points were received.

172. Twelve submission points were received in support of the MIN-O3, and four were received seeking amendments.

173. Four submission points were received in support of MIN-O4, two in opposition, and 10 sought amendments. Nine further submission points were received.

174. Five submission points were received in support of the MIN-O5.

175. Eleven submission points were received in support of the MIN-O6, two in opposition, and 16 sought amendments. Five further submission points were received.

176. Two submission points were received seeking new MIN objectives. One submission point sought the deletion of any reference to further coal extraction.

177. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

Section 42A Report

178. In relation to MIN-O1, Ms Easton considered that the purpose of the Objective is appropriate (noting the submissions in support and the community in general for the mining sector), but that an amendment to specify that effects should be avoided, remedied or mitigated was appropriate (Te Mana Ora (S190.011)). Ms Easton considered it appropriate that the Objective makes reference to minimising consenting complexity and recommended that Suzanne Hills' submission (S443.009) be rejected.

179. Ms Easton recommended that the amendment to MIN-O2 suggested by the Director General (S602.027) to acknowledge the need to manage effects be accepted. She considered that this amendment would also address other submissions (NZTA Waka Kotahi (S450.018), Suzanne Hills (S443.010) and Forest and Bird (S560.092)). Ms Easton acknowledged that the substantive decision on the appropriateness of combining the Buller Coalfield Zone (**BCZ**) and Mineral Extraction Zone (**MINZ**) is considered as part of the Mineral Extraction Chapter, but that any consequential changes can be made to the MIN SD should a change occur.

180. Ms Easton recommended that submissions on MIN-O3 seeking recognition of the social and economic benefits of mining (Forest and Bird (S560.093)) and the effects management hierarchy (Karen Lippiatt (S439.005), Terra Firma Mining Limited (S537.005), Forest and Bird (S560.093)) be accepted. She did not support amendments seeking to avoid competing land uses (Aggregate and Quarry Association (S521.016)), to acknowledge unique geology and indigenous biodiversity (Karen Lippiatt (S439.005)) or to require public notification (Karen Lippiatt (S439.005)).

181. With respect to MIN-O4, Ms Easton did not consider that amendments were needed and recommended that all the submissions be rejected (Celine Stokowski and Anthony Thrupp (S522.001), Clare Backes (S444.016), WMS Group (S599.024), TiGa (S493.020), Birchfield (S601.019), BRM (S603.016), Birchfield (S604.016), Phoenix (S606.016), Whyte Gold (S607.016), Terra Firma (S537.006), Forest and Bird (S560.094) and Waka Kotahi (S450.020)). Specifically, Ms Easton considered that references to '*reverse sensitivity*' and '*existing*' should be retained.

182. In recognition of the five supporting submissions (and none opposing), Ms Easton recommended that MIN-O5 be retained as notified.

183. Submissions on MIN-O6 are, are related to the effects of management hierarchy and, more specifically, the role of offsetting and compensation. Ms Easton recommended that amendments to the Objective are appropriate to acknowledge critical infrastructure (Waka Kotahi (S450.021)); correctly reference significant habitats and cultural values (Poutini Ngāi Tahu (S620.063)); and the use of the offsetting and compensation to address residual effects (Bathurst (S491.008), Buller Conservation Group (S552.039), Frida Inta (S552.039), Te Mana Ora (S190.016), Director General (S602.028), Karen Lippiatt (S439.004) and WCPT (S275.010)).

184. Ms Easton considered that submissions seeking additional new objectives or clarification are not warranted as the proposed package of SD sufficiently covers the issues relating to Mineral Extraction. She therefore recommended that these submissions be rejected (Suzanne Hills (S443.005), Terra Firma (S537.008), Straterra (S536.002) and Inger Perkins (S462.024)).

Hearing and Submitter Evidence

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

186. Ms Booker (for Birchfield *et. al*.) provided legal submissions covering a range of matters including the relevance of the NBEA (now repealed); the direction provided by the NPS; the relevant RMA statutory tests for a district plan change; the hierarchy of planning documents (noting that the pTTPP must give effect to the NZCPS, NPSFM, NPSIB and the WCRPS); managing conflicting objectives and policies (with reference to *Port Otago Ltd v Environmental Defence Society Incorporated [2023] NZSC 112*); the consistency of the pTTPP with the WCRPS (which has given effect to the NZCPS, and to a limited extent that of the NPSFM, but has not given effect to the NPSIB); the consenting pathway for mineral and aggregate extraction activities through the NPSIB and NPSFM (with reference to the EMH); appropriate use of the EMH (for significant effects on indigenous biodiversity); and lastly, the need for planning documents to be clear and concise and avoid repetition. In response to questions Ms Booker agreed that if there was a conflict with the more specific provisions reference should be made to SD.

187. The various mining operators reiterated the employment opportunities available through mining throughout the districts and their involvement in supporting the community. They emphasised the uncertainties encounter in the RMA process and noted that modern mining recognises its role and responsibilities.

188. Ms McKenzie (for Birchfield *et. al.*) emphasised the importance of mining to the West Coast and considered that MIN-O1, MIN-O2, MIN-O3 and MIN-O6 should be retained as notified. She considered that the additional references to '*managing effects*' and the EMH in MIN-O1,

MIN-O2 and MIN-O3 would duplicate what is already set out in MIN-O6. Further, she noted that it is incorrect to reference the EMH (in MIN-O3 and MIN-O6) where all types of effects are to be considered because, under the NPSIB and NPSFW, the EMH is limited to residual effects that are more than minor.

189. Ms Vidal for Straterra said it was important to have a consenting pathway for mining and noted that the boom in mining was partly driven by Greentech industries. She also pointed to the innovative rehabilitation of mining sites that can occur, giving the Globe example at Reefton. Similarly, Mr Maitland said it was important to have an overarching framework for mineral extraction.

190. Ms Katherine Crick commented on the MIN SD and opposed the MINZ at Barrytown. She did not want the MIN SD to be overarching. This is considered as part of the Mineral Extraction recommendation report.

191. Ms Snoyink, for Forest and Bird, noted that the organisation was not opposed to the inclusion of a strategic direction for this activity, but that any SD should be consistent with national policy and should avoid being worded as policy. She noted Forest and Bird disagree with the Reporting Officer that MIN-O1, MIN-O2 and MIN-O6 should be retained (even as amended). She highlighted the amendment sought to MIN-O3 was to '*appropriately avoid, remedy or mitigate'* effects, not to refer the EMH because this has limited application. Ms Snoyink advised Forest and Bird opposed reference to mineral extraction 'in a range of locations' on the basis that this reduces plan certainty. Lastly, she noted that Forest and Bird consider MIN-O4 should refer to '*lawfully established*' (rather than '*existing*'), as this terminology is consistent with other parts of the pTTPP and the definition of 'reverse sensitivity'.

192. In response to questions Ms Snoyink considered a number of the objectives were actually policies.

193. Ms Smith (for Terra Firma) generally opposed the changes recommended by the Reporting Officer to the MIN SD. Ms Smith considered there was no need for MIN-O1 or MIN-O2 to refer to '*effects management*'; that MIN-O3 should refer only to '*effects management*'; a new SD objective should be included to refer to social and economic benefits; and that MIN-O6 should be retained as notified.

194. Ms Inta considered that MIN-O1 and MIN-O6 should be amended to refer to the EMH and that MIN-O2 should be deleted. With respect to MIN-O6, she considered that all values should be protected (not just those that are significant) and that some context is required to offsetting and compensation.

195. Mr Leckie presented legal submissions on behalf of Bathurst. In respect of the MIN-O6, he noted that providing for offsetting and compensation (as well as avoiding, remedying or mitigating) gives effect to the WCRPS and ensures consistency with s104(1)(ab) of the RMA.

196. Ms Hill disagreed that that mineral extraction should be a SD. She considered it provided a strong bias towards such activity and noted there was no reference to cumulative effects. She questioned the meaning of wording within the MIN provisions. Ms Lippiatt provided similar comments.

197. Mr Milne from Development West Coast emphasised the importance of mineral extraction to the West Coast. In supporting this he said that the West Coast economy was different to

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

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

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

    a. *<u>To the extent that is practicable,</u> avoid, remedy or mitigate adverse effects of mineral extraction activities on the West Coat/ Te Tai o Poutini's significant natural and cultural features…*

    b. *<u>Where it is not practicable due to the functional or operational needs of the mineral extraction activity to avoid, remedy or mitigate all adverse effects, ensure such effects can be offset or compensated for.</u>*

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

<u>Responses and Reporting Officer Reply Evidence</u>

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

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

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

[38] Evidence of Ms Clare Hunter, paragraph 35
[39] Evidence of Ms Clare Hunter, paragraph 39

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

202. Ms Easton considered that there was broad scope to change the mineral extraction strategic objectives provided by the relief sought by submitters, outlining a number of these in the reply. She noted that there were submissions seeking the deletion of several of the mineral extraction strategic objectives, which provided scope for amendments that range from deletion of these objectives to amendments to the text that fit on the continuum between deletion and the text as notified.

203. The Bathurst November supplementary submissions from Mr Leckie, in response to questions from the Panel, provided additional information setting out the higher order policy support for (1) a consenting pathway for mineral extraction in the pTTPP and (2) recognition of the functional and operational needs for mineral extraction. Bathurst consider that mineral extraction is provided for by the RMA (as it supports the wellbeing of the West Coast people and communities); the WCRPS (which enables mining, its effects and its functional needs, and the need to protect it from reverse sensitivity); and the NPSIB and NPSFM (which recognise the functional needs of mining). It submitted that if the TTPP departs from the objective and policy framework of the WCRPS that directs the recognition of the importance of mineral extraction to the West Coast, the TTPP will not give effect to the WCRPS.

204. The supplementary submissions stated Bathurst's relief and also sought clarification that the full EMH is available to manage the potential adverse effects of mining on biodiversity (consistent with the approach applied in the NPS-IB). However, the Panel note this appears to be different from the view expressed by Ms Hunter, who did not think it was appropriate to refer to an EMH, as this had not been suitably defined in the context of the TTPP.

205. In addressing the Panels question as to whether some of the Mineral Extraction strategic objectives would be more appropriate as strategic policies, Mr Leckie agreed with that observation; and as part of their supplementary submission Bathurst provided a redrafting of the Mineral Extraction strategic objectives. This consisted of an overall Objective which recognises the important role mineral extraction has for the economic, social and cultural wellbeing of the West Coast, and reframed the notified version of the remaining Objectives as policies directing the actions that are necessary to achieve and implement the Objective

Responses to Minute 22

206. Bathurst indicated that they continued to support the inclusion of Strategic Objective MIN-O1 as redrafted in the Bathurst November supplementary submissions, which they said provided an enabling overall objective that recognises the critically important role of minerals to the West Coast.

207. Terra Firma considered MIN-O1 necessary to provide the appropriate recognition and considered the mineral extraction provisions should remain in a separate Strategic Direction. They supported the original wording of MIN-O1 but were happy with the amendments suggested in the Bathurst November supplementary submissions.

Evaluation

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

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

209. The Panel has considered the issues raised in submissions, including those supporting the provisions. As we signalled at the hearing, and as acknowledged by Mr Leckie for Bathurst, we also consider some of the objectives of the Mineral Extraction SD are framed as policies rather than objectives. We accept Ms Easton's analysis in her 10 November reply that there is a broad scope within the submissions for change in the mineral extraction strategic objectives.

210. The Panel has considered the revised sets of provisions drafted by both Ms Easton and Bathurst. In general terms, the Panel agree that an objective and policy framework is better suited to the Mineral Extraction provisions and that there is no need for further provisions. We have addressed these in turn below.

211. In terms of MIN-O1, the Panel considers it is appropriate acknowledge the mineral resources of the West Coast and signal their use and development. However, we also agree with Te Mana Ora, as also acknowledged by Ms Easton, that addressing adverse effects on the environment are not well captured in the strategic objectives for mineral extraction overall. In our view, both these aspects need to be captured at the objective level to give effect to Part 2 of the RMA; and therefore, we do not accept the revised Bathurst version, which has only one objective, which is solely focused on the provision for the use and development of, and importance of, mineral resources.

212. The Panel has considered Ms Easton's recommended change to MIN-O1 which combines the provision for the use and development of mineral resources with avoiding duplication of regulation and avoiding, remedying or mitigating adverse effects. The Panel's view is that this general approach (aside from the issue of duplication of regulation, which is discussed below) is more balanced and, apart from not recognising the important role that mineral extraction plays, which we consider is a policy matter, addresses the key issues and reflects the way other objectives, notably TRM-O1 regarding Tourism, have been drafted. We consider using the term 'environment', which is defined in the RMA, rather than 'natural environment and local communities' is more encompassing and points to all aspects of the environment.

213. The Panel has also considered whether two separate objectives might be more appropriate, however, we do not think there are any major gains in clarity or effectiveness in doing so.

214. Like Forest and Bird, Te Mana Ora and Ms Hill, the Panel is unclear as to the necessity of referring to 'avoiding duplication of regulation across agencies' as this could apply to multiple sections of the plan rather than just Mineral Extraction. We note that Bathurst has not pursued that wording within their revised version of the provisions. In our opinion, this is not a matter that needs to be addressed within the framework of SD unless there is a specific issue that has been identified. We also note that the Mineral Extraction Chapter has a policy addressing the coordination of consents, and we consider that it is appropriate in that context. The Panel is alert to avoiding duplication and recognising the different district and regional council functions, while seeking integration.

215. Overall, the Panel disagrees that MIN-O1 should be deleted, as sought by some submitters. However, we accept that it needs to be amended for the reasons given above. We therefore recommend that MIN-O1 is revised as follows:

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

216. In line with the Panel's recommendation below, MIN-O1 becomes the sole objective under the Mineral Extraction SD. Therefore, while we acknowledge the concerns expressed by Ms Hunter and Ms McKenzie regarding Ms Easton's revised MIN-O1 and its duplication with MIN-O6, we consider the context in which their conclusions were reached is now different.

217. The Panel recommends that MIN-O2 – MIN-O6 should be revised as policies with similar wording to the notified wording of the objectives.

218. The Panel acknowledge the submissions on MIN-O2 from the Director General and NZTA Waka Kotahi and Ms Easton's recommended amendment to introduce the management of adverse effects, which was supported by Ms Young. However, we agree with Ms Hunter and Ms McKenzie that the management of the effects arising from the activities of mineral extraction is adequately addressed through other mineral extraction SD provisions, notably MIN-O6. The Panel considers there is no need to replicate these in enabling provisions, given all provisions must be considered together (alongside all the other strategic direction objectives in the TTPP).

219. The Panel disagrees with Forest and Bird that the objective (now to be policy) should be deleted. While we acknowledge the expressed concern about enabling extraction within zones that have significant natural values without any consideration of overlays or other significant values, we agree with Ms Easton that the District-Wide Chapters will still apply, particularly in relation to overlays and significant natural areas.

220. The Panel does however consider there is a distinction to be made within this objective (now to be policy) between the provision for mineral extraction by way of special purpose zones and providing for it in more generic zone. In the case of the former the provision of a specific zone can be seen as enabling of mineral extraction, whereas in the latter it is more of a case of providing for some extraction where this is deemed to be acceptable. In our view this provision should be setting the framework for having mineral extraction zones and providing a framework for some extraction in the other zones where this is deemed to be acceptable i.e. to be determined by more detailed policies and rules in the specific zones themselves. The Panel does not consider mineral extraction should simply be enabled across the Rural and Open Spaces Zones. We consider there is scope provided by the Forest and Bird submission to amend this provision to reflect our concerns.

221. The Panel recommends that MIN-O2 be changed to MIN-P1 and that the policy wording be amended as follows:

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

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

223. Ms Easton considered there was merit in referring to the provision of economic and social benefits provided adverse effects can be appropriately managed in accordance with the effects management hierarchy as sought by Terra Firma, Ms Lippiatt and Forest and Bird. Ms McKenzie again considered amendments to address effects in this objective was inappropriate and unnecessary because the requirement to manage adverse effects was already provided in MIN-O6. She also considered the addition of the effects management hierarchy term inappropriate in the context of this objective.

224. The Panel agrees in part with the amendments proposed by Ms Easton to MIN-O3, as we consider the nature of this provision is somewhat different in context to MIN-P1, in recognising the fixed nature of the mineral resource outside of specified zones. We also note that MIN-O3 already contains reference to managing adverse effects which Ms McKenzie's clients supported, therefore the scope to remove it based on other submissions is limited. Where we agree with Ms McKenzie, is in terms of the reference to the effects management hierarchy, which we discuss in more detail in relation to MIN-O6 below. We also consider the reference to economic and social benefits, as sought by Forest and Bird, is appropriate in the context of this provision.

225. The Panel recommends that MIN-O3 be changed to MIN-P2, and that the policy wording be amended as follows:

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

226. MIN-O4 is a reverse sensitivity provision, and the Panel agrees that such a provision is appropriate in the context of mineral extraction, where the impact on existing sensitive activities can be adverse, in particularly close proximity. The Panel does not agree that such a provision should be deleted, nor does it accept that by addressing reverse sensitivity, the TTPP is in some way prioritising mineral extraction. Indeed, issues of reverse sensitivity are generally associated with sensitive activities locating in proximity to established activities which are generating effects.

227. The Panel does not agree with the removal of the '*existing*' sought by the mining industry and agrees with Ms Easton that where new mines are proposed, they should be assessed against the effects that they will have on the community and environment at the time of the application. However, the Panel does consider the words '*lawfully established*' are necessary in this instance and we note that Ms Easton conceded this in response to questions at the hearing. We also note that a definition of '*lawfully established*' is addressed in the Mineral Extraction Recommendation Report.

228. The Panel recommends that MIN-O4 be changed to MIN-P3, and that the policy wording be amended as follows:

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

229. In terms of MIN-O5, there are no submissions in opposition, so the only amendment is a consequential one relabel MIN-O5 as MIN-P4 and delete the word '*To*' at the beginning, as shown in the recommendation box below.

230. MIN-O6 is the provision primarily addressing adverse effects and there were a variety of submissions ranging from seeking its retention to its removal, thus providing a wide range of scope. In a broad sense, the Panel considers this provision is important in the context of the Mineral Extraction SD to give effect to Part 2 of the RMA and we recommend it is retained to the extent that it addresses adverse effects.

231. Several submissions were concerned with the biodiversity offsetting and environmental compensation components of the objective and sought its deletion or amendment, including introducing reference to the EMH. In contrast, Bathurst sought that offsetting and compensation be included as part of an acceptable response to managing adverse effects in clause (a). As a result of submissions Ms Easton recommended that the EMH be introduced into clause (a) of the objective and that clause (b) refer to the mitigation hierarchy to allow residual adverse effects to be addressed by alternative mitigation measures such as offsetting and compensation. However, the Panel notes this later change removed the specific references to <u>biodiversity</u> offsetting and <u>environmental</u> compensation.

232. Having considered the key issues around the use of the EMH, the Panel agrees with Ms Hunter and Ms McKenzie that its use in national level documents specifically relates to indigenous biodiversity and freshwater to address ecological effects and that the process of assessment under the EMH requires a sequence of steps beginning with avoid. We therefore have concerns about transferring application of the EMH in the specific context of ecological effects and using it in relation to all effects such as noise or traffic amongst others. In our view, no national direction directly supports this approach outside of the matters covered in the NPSFM and NPSIB.

233. The Panel notes the WCRPS specifically excludes the consideration of offsets and compensation in relation to effects on indigenous biodiversity from RSI (Chapter 6, Policy 5) and prescribes the offsetting and compensation steps in Chapter 7, Policies 2-5. However, the Panel is mindful that the WCRPS provisions do not give effect to the NPSFM or the NPSIB.

234. Based on the above, the Panel recommend that the EMH is not included explicitly in MIN-O6 (to be MIN-P5) given that the provision would apply to a range of matters and is not in any way limited to indigenous biodiversity or freshwater values. That is not to say, however, that the EMH may not be utilise in situations where ecological effects are relevant when considering assessments in terms of the NPSFM and NPSIB.

235. For reasons that will become apparent the Panel has not adopted Ms Easton's minor wording amendments to the sub-clauses under clause (a) or Ms Hunter's or the Director General's revised versions of clause (b). We do however note that we have given consideration to the appropriate use of the terms '*functional need or operational need'* in light of the higher order statutory direction. We consider '*operational needs*' should only be used where this is consistent with the national direction given this is a much lower threshold. This is addressed in more detail in other recommendations.

236. Having considered the various submissions on MIN-O6, the Panel considers the sub-clauses under clause a. are unnecessary and simply complicate the provision. There is an inherent danger with such provisions that the matters identified under 'including' become the only matters considered and, in this situation and given the issue, we consider it would be more

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

237. Finally, we agree that a reference to public notification as sought be Ms Inta and Buller Conservation Group is inappropriate within a strategic objective (or policy).

238. The Panel recommends that MIN-O6 be relabelled as MIN-P5 and that the policy wording be amended as follows:

~~*To:*~~

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

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

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

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

~~*iv. Waterways and waterbodies; and*~~

~~*v. The coastal environment;*~~

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

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

Recommendation

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

Mineral Extraction – Te Tango Kohuke

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

Mineral Extraction Strategic Objectives

MIN-O1 ~~To ensure provision for t~~ **T**he use and development of the West Coast/Te Tai o Poutini's mineral resources while ~~also avoiding duplication of regulation across agencies.~~ **managing adverse effects on the environment.**[40]

Mineral Extraction Strategic Policies

[40] Te Mana Ora (S190.011), Forest and Bird (S560.091)

MIN-~~O2~~**P1** ~~To e~~ **E**nable mineral extraction and ancillary activities which support it, ~~including~~ specifically **through a** ~~within the~~ Buller Coalfield Zone~~,~~ **and** Mineral Extraction Zone, and **provide for these activities in appropriate locations within the** Rural Zones and Open Space Zones.[41]

MIN-~~O3~~**P2** ~~To r~~ **R**ecognise that mineral resources are widespread ~~and~~ **but** fixed in location throughout the West Coast/Te Tai o Poutini and that **extraction of them in a range of locations outside specified zones may be appropriate and provide economic and social benefits to the region and nationally,** provided adverse effects **can be appropriately** ~~are~~ managed ~~mineral extraction activities can be appropriate in a range of locations outside specified zones and precincts~~.[42]

MIN-~~O4~~**P3** ~~To e~~ **E**nsure that new subdivision, use and development does not compromise existing **lawfully established**[43] mineral extraction activities, including through reverse sensitivity ~~to~~ effects, such as dust, noise and traffic generation.

MIN-~~O5~~**P4** ~~To s~~ **S**upport Poutini Ngāi Tahu to manage their pounamu and aotea stone resources through the use of Pounamu and Aotea Management Area Overlays.

MIN-~~O6~~**P5** ~~To:~~

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

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

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

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

iv. ~~Waterways and waterbodies; and~~

v. ~~The coastal environment;~~

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

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

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

1.15. Natural Environment – Te Taiao

Submissions and Further Submissions

[41] Forest and Bird (S560.092)
[42] Forest and Bird (S560.093)
[43] Forest and Bird (S560.094)
[44] Forest and Bird (S560.096), Brian Anderson (S576.016), Katherine Crick (S101.016), Trevor Hayes (S377.008), Karen Lippiatt (S439.006) & (S439.004), West Coast Penguin Trust (S275.010), Celine Stokowski and Anthony Thrupp (S522.003)
[45] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

240. Two submission points were received in support of the Natural Environment SD (as a whole).

241. Five submission points were received in support of the NENV-O1, and 10 submission points were received seeking amendments to the NENV-O1. Twelve further submission points were received.

242. Three submission points were received in support of the NENV-O2, and four submission points were received seeking amendments to the NENV-O2. One further submission point was received.

243. Seven submission points were received in support of the NENV-O3, one submission point sought the objective be deleted, and 18 submission points sought amendments to the NENV-O3. Eleven further submission points were received on this objective.

244. Four submission points were received in support of the NENV-O4, while 14 sought amendments to the NENV-O4. Ten further submission points were received on this objective.

245. One submission point sought further recognition of Outstanding Natural Landscapes (**ONL**) and Significant Natural Areas (**SNA**) in the NENV SD.

246. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

Section 42A Report

247. Ms Easton considered that the NENV-O1 should be amended to reflect s6 of the RMA (Manawa (S438.028)), but not to the extent sort by other submitters, which sought to 'parrot' the Act (New Zealand Agricultural Aviation Association (S166.003), HortNZ (S486.010) and Federated Farmers (S524.030)). Ms Easton also considered reference to '*enhancing*' natural environment values was appropriate (Director General (S602.029)). However, she did not support amendments to the objectives that would remove reference to '*cultural and spiritual values*' (Frida Inta (S553.040) and Buller Conservation Group (S552.040)); replace '*protection*' of natural environment values with 'management' (Westpower (S547.059)); or providing more detail of the specific areas to be protected (Silver Fern Farms (S441.009)).

248. In relation to NENV-O2, Ms Easton agreed that deletion of '*areas and features*' was appropriate (Forest and Bird (S560.099)) and that the '*connection*' of Poutini Ngāi Tahu to the environment should also be recognised (Poutini Ngāi Tahu (S620.065)). However, Ms Easton disagreed that the objective should be deleted (Frida Inta (S553.040) and Buller Conservation Group (S552.040)) because it was consistent with Te Tiriti o Waitangi.

249. Forest and Bird (S560.100) sought that NENV-O3 be deleted. Ms Easton did not consider this to be an appropriate outcome; more specifically, she considered that *'…while not all types of landscapes, features and ecosystems are contained within the PCL, it shapes the natural environment context on the West Coast. PCL has many natural and cultural values as well as being important for tourism, recreation and the identify of being a West Coaster. It also provides some of the core habitats for mobile species such as birds that extend their range out into private land and more inhabited areas. This strategic objective also provides important direction for the Open Space Zones…'*. [PCL – Public Conservation Land]

250. The submissions relating to specific development and activities (in NENV-O3) sought removal of infrastructure (Buller Conservation Group (S552.041) and Frida Inta (S553.041));

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

251. With respect to NENV-O4(a), Ms Easton did not support the amended wording sought by Birchfield et al (WMS (S599.027), TiGa (S493.023), Birchfield (S601.022), BRM (S603.019), Birchfield (S604.019), Phoenix (S606.020) and Whyte Gold (S607.019)), as she considered that the wording was inconsistent with sections 6(a), (b), (c), (f) and (g) of the RMA. However, Ms Easton supported the alternative wording suggested by Westpower (S547.061) to replace '*unique and important*' with '*significant and/or outstanding'* and including reference to '*inappropriate subdivision, use or development*'. In recommending these changes be accepted, Ms Easton considered that she has addressed several other submissions (Terra Firma (S537.009), Director General (S602.031), Forest and Bird (S560.101 and S560.436) and Te Tumu Paeroa).

252. In relation to NENV-O4(b), Ms Easton considered that reference to EMH should be included (Te Mana Ora (S190.020)), but she did not consider the changes sought by Forest and Bird (S560.101) to refer to '*appropriate activities*' and '*activities with appropriate conditions*' were necessary.

253. Lastly, Ms Easton considered that further policies to specifically protect Outstanding Natural Landscapes and Significant Natural Areas were not necessary (Clare Backes (S444.002)) because the topic focussed objectives and policies in Part 3 of the pTTPP are appropriate and adequate.

Hearing and Submitter Evidence

254. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the reporting officer).

255. Forest and Bird did not support the changes recommended by the Reporting Officer to NENV-O1, NENV-O3 or NENV-O4.

256. Specifically, Forest and Bird considered that NENV-O1 was not clear in its relationship to s6 of the RMA, noting that *'F&B's reading of the notified wording is that the objective is about recognising and protecting what contributes to the West Coast's character and identity is not necessarily the same as protection for matters of national importance under s6 so does not need to be limited to "outstanding" or "significant"'*. Furthermore, the use of 'significant' and 'outstanding' *'would potentially exclude aspects of Policies 11, 13 and 15 of the NZCPS'*. Lastly, Forest and Bird considered that the use of 'restore' in NENV-O1 is a more appropriate term compared to 'enhance'.

257. With respect to NENV-O3, Forest and Bird maintained that the objective should be deleted as it is unclear and reads like a policy. Furthermore, Forest and Bird did not consider that the recognition of existing lawfully established (farming activities) in significant areas is appropriate for the natural environment.

258. In relation to NENV-O4(a), Forest and Bird expressed similar concerns to those held for NENV-O1. They considered that if the intention is to align the objective with s6 of the RMA, it should align itself with s6(a) of the RMA and the NZCPS (which refers to 'natural character'). Furthermore, they considered to include 'significant' and 'outstanding' and 'inappropriate subdivision, use and development' would be inconsistent with s6(c) of the RMA (*'the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:'*). Lastly, Forest and Bird considered that the use of the EMH in NENV-O4(b) was inconsistent with the framework for that effects management concept.

259. In relation to NENV-O1, Ms Inta noted that all natural indigenous biodiversity and natural areas need protecting, not just those that are outstanding or significant. She considered that NENV-O3 should be deleted, or at least not limited to public conservation land. She also considered that NENV-O4 should retain reference to '*unique and outstanding'* which is *'more elastic, not so encased by static borders'*.

260. Ms Levenson (for HortNZ) noted opposition for adding '*enhance*' to NENV-O1, as this is not consistent with the NPSIB, which only recognised restoration and enhancement where maintenance of indigenous biodiversity is sought. Ms Levenson promoted the phrase '*restore where degraded'* in lieu of '*enhance*'.

261. Mr Kennedy (for Westpower) considered that the blanket protection promoted by NENV-O1 was a higher threshold than required by the RMA, the various NPS' and the WCRPS. In relation to NENV-O3, Mr Kennedy considered that the amendment to '*functional and operational need'* should instead be '*technical and locational need*', which was consistent with the WCRPS.

262. Ms McKenzie (for Birchfield et al) considered that to include '*enhance*' in NENV-O1 is inconsistent with s6 of the RMA, the NZCPS (which promotes restoration, or otherwise enhance as an option), the NPSIB (which only requires enhancement 'where necessary' and only with respect to indigenous biodiversity, not natural character, landscapes and features) and the WCRPS (which encourages enhancement, i.e. it does not mandate it). Ms McKenzie considered that higher order documents '*encourage and promote'* enhancement, but do not direct it. In relation to NENV-O3, Ms McKenzie considered that mineral extraction activities should also be recognised as having a functional or operational need to location in significant areas because this is provided for by the NPSIB and, less generally, by the WCRPS.

263. In a similar vein to Ms McKenzie, Ms Hunter (for Bathurst) considered that NENV-O3 needed to refer to mineral extraction activities (as well as infrastructure), as they too are functionally and locationally constrained and may need to locate within significant natural areas. Ms Hunter also referred to the NPSIB (Clause 3.11 specifically) as providing a pathway for mineral extraction activities in significant areas and also advised that mining is critical to support infrastructure and housing development.

264. Ms Whitney (for Transpower) generally supported the alterations to NENV-O3 but expressed concerns that the reference to '*functional need and operational need'* should not be a conjunctive reference, rather it should read '*functional need <u>or</u> operational need*' as there may well be instances where both needs are not met. She noted that the Reporting Officer

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

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

Responses and Reporting Officer Reply Evidence

266. In her right of reply (10 November 2023), Ms Easton noted that the NENV SD arose from consideration of the following:
- *WCRPS -Indigenous Biological Diversity – Objective 1, Objective 3, Policy 3, Regionally Significant Infrastructure Policy 3*
- *Ke Whanaketanga Tai Poutini West Coast Strategy - Mission Two*

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

Responses to Minute 22

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

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

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

Evaluation

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

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

272. In relation to NENV-O1, the Panel generally considers it is appropriate to clarify its intent. However, we acknowledge the introduction of the word '*enhance*' is not supported by a number of submitters with suggestions that it is inconsistent with s6 of the RMA. Some submitters, including Forest and Bird and HortNZ, prefer the word '*restore*'.

273. The difficulty here is that the objective is dealing with three distinct areas, natural character, landscapes and features and ecosystems and indigenous biodiversity, where the wording used in high order documents for each can be different. For example, the words '*restore*' and '*restoration*' prominent in the NPSIB, within which '*enhancement*' is part of the definition of '*restoration*'. '*Restoration*' is also used more prominently used in the NPSFM than '*enhancement*', whereas the NZCPS encourages '*restoration*' of the coastal environment and promotes restoration or rehabilitation of the natural character of the coastal environment. Enhancement in the NZCPS is generally confined to open space and walkways.

274. The Panel acknowledge Ms McKenzie's reference to the NPSIB requiring enhancement (and restoration) '*where necessary'* and only with respect to indigenous biodiversity; and note that NPSIB Objective to maintain indigenous biodiversity is to be achieved by amongst other things '*protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity'*. The NPSFM uses '*promoted*' as its qualifier.

275. Based on the above, the Panel considers '*restore*' the more appropriate word stemming from the higher-level documents than '*enhance*' in this instance. We also consider a qualifier such as '*where degraded*' appropriate in these circumstances.

276. The Panel agrees with the additional wording proposed by Manawa and recommended by Ms Easton, although we consider that '*outstanding*' needs to relate to natural landscapes and features alone as per s6(b) of the RMA.

277. The Panel agrees with Ms Easton that the intent at a strategic level is to '*protect*' the highest value natural environment features rather than simply '*managing*' adverse effects as sought by Westpower. We also agree that '*Poutini Ngāi Tahu's cultural and spiritual values'* should be retained in the objective.

278. Finally, the Panel agrees with Ms Easton that strategic objectives do not need to parrot the RMA, and we consider the following amendments will make the objective clearer:

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

279. In terms of NENV-O2, the Panel agrees with the amendments recommended by Ms Easton to refer to the natural environment generally rather than areas and features; and to recognise the connection of Poutini Ngāi Tahu to the natural environment. However, this is one of the provisions we consider reads as a policy, and therefore, we have recommended the wording of Ms Easton's amended objective in her 'review paper' below.

280. The Panel agrees with Ms Easton's reasoning that the objective should not be deleted, as Ms Inta and Buller Conservation Group sought.

281. The Panel's recommended wording on NENV-O2 is as follows:

NENV–O2 ~~To ensure that t~~ **T**he rights, interest, ~~and~~ values **and connection** of Poutini Ngāi Tahu to **the** natural environment ~~areas and features~~ are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.

282. NENV-O3 attracted several submissions, ranging from requests to delete it to various amendments. Again, the Panel considers this provision to read as policy and would be better reframed as such.

283. The Panel agrees with Ms Easton's reasoning, particularly associated with public conservation land, recommend the provision is retained and not deleted as sought by Forest and Bird.

284. The Panel acknowledges that infrastructure is, and may continue to be, located in areas such as an Outstanding Natural Landscape and a continued reference to infrastructure in some form is necessary. We note that as a result of recommendations in the Energy, Infrastructure and Transport Chapter '*infrastructure*' in this context would be replaced with '*Regionally Significant Infrastructure*' which would satisfy part of the Westpower submission.

285. We agree with the Director General that introducing '*functional and operational needs'* of RSI into clause (b) will assist in the interpretation of this objective and we consider this is case where '*operational need*' is appropriate to give effect to the NPSREG, NPSET and RPS. Notwithstanding, we agree with Ms Whitney that this does not need to be a conjunctive test, and the word 'or' should replace 'and' which would be consistent with other recommendations.

286. While the Panel acknowledges Mr Kennedy's preference is to use '*technical and locational need'* to be consistent with the WCRPS, we consider '*functional and operational need'* more appropriate, given they are defined and more widely use in the higher-order NPS's.

287. The mining companies have sought that clause b. be expanded to include mineral extraction on the basis such activity is also in terms of its locational, functional and operational requirements, with Ms Hunter noting that the NPSIB provides a pathway for such. We have given this some consideration, however, we agree with the conclusions of Ms Easton on this matter and note that we have addressed it in the Mineral Extraction SD provisions to some extent.

288. The Panel agrees with the other amendment sought by the Director General to remove the reference to '*protecting significant areas, habitats and features*' in clause a. as it seems to somewhat duplicate what is already in the clause. We note that these amendments address the concerns of other submitters.

289. The Panel agrees that the introduction of a lawfully established clause sought by Federated Farmers is appropriate and may address some of the mining industry's concerns above. We also agree that a reference to weed and pest control, as sought by the NZ Agricultural Aviation Association, is appropriate in this context.

290. The Panel recommends that NENV-O3 be changed to NENV-P2 and that the policy wording be amended along the lines of Ms Easton's amended objective in her 'review paper' shown below. We also note Ms Whitney comment on introducing the word '*natural*' into subclause (b), however we consider this would narrow the clause substantially. As we see it '*significant areas*' was designed to encompass the broad range of environmental features. We consider

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

NENV–P2 ~~To~~ In relation to the natural environment recognise:

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

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

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

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

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

291. In terms of NENV-O4, this is a further provision the Panel considers reads as a policy and would be better framed as such.

292. The mining industry have sought to change the emphasis of the provision from identifying areas that "*must be protected*" to areas "*which require a greater degree of protection*". The Panel agrees with Ms Easton that s6 of the RMA clearly specifies "*protection*" for the likes of outstanding natural landscapes, natural character and significant biodiversity values. Further, it was unclear to us what "*a greater degree of protection*" was to be measured against, and in our view, such wording would create a high level of uncertainty.

293. In terms of the introduction of the EMH, the Panel considers that under the Ecosystems and Indigenous Biodiversity Chapter is a place for it to be referenced, given the requirements of the higher order documents in this regard. We agree with Ms Easton that it helps provide direction on how to manage adverse effects of activities within these high natural environments. We are, however, cautious that the EMH may not be appropriate in all circumstances and therefore consider its introduction needs to be accompanied by a qualifier. We are also mindful that it is specific to the NPSIB and its use relates to activities within identified SNA, which yet to be completed under the NPSIB.

294. With regard to the other rewording sought by submitters, the Panel agrees with Ms Easton that the objective could be better worded and better aligned with the RMA requirements. In that context, we agree with the reference to "*significant and/or outstanding*" sought by Westpower in replace of "*unique and important*" and the introduction of "*inappropriate subdivision, use and development*', as sought by the Director General.

295. The Panel does not support the revised wording of clause (b), proposed by Forest and Bird, nor the need to define "*important natural environment areas and features*".

296. The Panel recommends that NENV-O3 be changed to NENV-P1 and that the policy wording be amended along the lines of Ms Easton's amended objective in her 'review paper' shown below:

~~*NENV-O4 To clearly identify:*~~

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

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

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

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

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

Recommendation

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

Natural Environment – Te Taiao

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

Natural Environment Strategic Objectives

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

NENV–O2 ~~To ensure that t~~ **T**he rights, interest**s**, ~~and~~ values **and connections**[48] of Poutini Ngāi Tahu to **the** natural environment ~~areas and features~~[49] are protected and provided for and ~~that~~[50] the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.

~~NENV-O4 To clearly identify:~~

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

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

[46] Director General of Conservation (S602.029)
[47] Manawa S438.028
[48] Ngāī Tahu (S620.065)
[49] Forest and Bird (S560.099)
[50] Clause 16(2) First Schedule of the RMA

Natural Environment Strategic Policies

NENV-P1 Within significant and/or outstanding natural environment areas and features:[51]

a. identify areas which must be protected from inappropriate subdivision use and development; and[52]

b. identify areas where subdivision, use and development can be sustainably managed, using, where appropriate, the effects management hierarchy, to enable community, economic, cultural and social wellbeing.[53]

NENV-~~O2~~**P2** ~~To~~ In relation to the natural environment recognise:

a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land ~~in protecting significant areas, habitats and features;~~[54]

b. The **functional or operational**[55] need for **regionally significant** infrastructure to sometimes be located in significant **and/or outstanding natural environment** areas **and features**;[56] ~~and~~

c. The need to support the ethic of stewardship **on private and public lands** ~~and to consider the positive effects of the conservation estate in achieving the requirements of the RMA~~;[57]

d. There are lawfully established activities located in significant natural environment areas; and[58]

e. The need for weed and pest control to protect, maintain and enhance natural environment values.[59]

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

1.16. Poutini Ngāi Tahu

Submissions and Further Submissions

298. Four submission points were received in support of the Poutini Ngāi Tahu SD (as a whole).

299. Three submission points were received in support of the POU-O1, one of which sought a new definition to support the SD.

[51] Westpower (S547.061)
[52] Director General of Conservation (S602.031)
[53] Te Mana Ora (S190.020)
[54] Director General of Conservation (S602.030)
[55] Director General of Conservation (S602.030) TiGa Minerals and Metals Limited (S493.022) Birchfield et al (S601.021), (S599.026), (S603.018), (S604.018), (S606.019), (S607.018), Bathurst (S491.009)
[56] Clause 16(2) of the RMA
[57] Director General of Conservation (S602.030)
[58] Federated Farmers (S524.031)
[59] New Zealand Agricultural Aviation Association (S166.004)
[60] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

300. Two submission points were received in support of the POU-O2, one neutral submission was received, and one was received seeking amendments to the POU-O2 (which was opposed in a further submission). One further submission was received in opposition.

301. Two submission points were received in support of the POU-O3.

302. Two submission points were received in support of the POU-O4.

303. Twenty-one submission points were received in support of the various POU policies, while 15 submission points were received seeking amendments to the POU-P3, POU-P4, POU-P5, POU-P6, POU-P9 and POU-P10. Thirteen further submission points were received largely opposing amendments sought.

304. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

Section 42A Report

305. Ms Easton acknowledged support for the Poutini Ngāi Tahu SD as a whole, for POU-O1, POU-O3 and POU-O4. With respect to Te Tumu Paeroa submission (S440.008) on POU-O1 seeking a new definition, Ms Easton advised that this issue would be considered as part of Special Purpose Zones topic.

306. With respect to POU-O2, Ms Easton did not support the submission by Te Tumu Paeroa (S440.009), which sought to limit the cultural rights and interests by including '*where appropriate*' in the objective. Ms Easton advised that this would be inconsistent with the Ngāi Tahu Claims Settlement Act and Te Rūnanga o Ngāi Tahu Act, which identify that Te Rūnanga o Ngāi Tahu is the iwi authority for the West Coast who hold mana whenua. Ms Easton also advised that the submission by Birchfield (S604.109) would be considered as part of the Sites and Areas of Significance to Māori topic.

307. Submissions were received seeking amendments to the POU-P3, POU-P4, POU-P5, POU-P6, POU-P9 and POU-P10.

308. Ms Easton did not support the amendment to POU-P3 (sought by Westpower (S547.062)) to provide for the management of cultural landscapes (rather than protection). Ms Easton considered that cultural landscapes are provided for pursuant to s6(e) and warrant protection, rather than management.

309. Ms Easton supported the change to POU-P4 sought by Poutini Ngāi Tahu (S620.075) to amend '*Māori cultural activities'* to '*Māori purpose activities*', as this improved consistency and readability.

310. With respect to POU-P5, Ms Easton did not support the amendment sought by Buller Conservation Group and Frida Inta (S552.042 and S553.042) that only '*recognised*' mahinga kai sites are guaranteed access. Ms Easton advised that mahinga kai was traditionally gathered throughout the region. Lastly, Ms Easton confirmed that the submission by Te Tumu Paeroa (S440.010) would also be addressed as part of the Sites and Areas of Significance to Māori topic.

311. Ms Easton did not support the deletion of the Ngāi Tahu (Pounamu Vesting) Act 1997 in POU-P6, as sought by Birchfield (S604.110), and noted that cross referencing other legislation was not out of place.

312. Ms Easton did not support the amendment sought by Te Tumu Paeroa (S440.011) to recognise Māori landowners (as well as Poutini Ngāi Tahu) as specialists in tikanga. Ms Easton advised that only Poutini Ngāi Tahu are recognised as mana whenua and are therefore the experts on tikanga on the West Coast.

313. Birchfield *et. al.* and Federated Farmers sought to amend the protection requirement of POU-P10 to a management / recognition requirement (WMS Group (S599.028), TiGa (S493.024), BRM Developments (S603.020), Birchfield (S604.020), Phoenix Minerals (S606.021), Whyte Gold (S607.020) and Federated Farmers (S524.032)). Ms Easton did not support this amendment because it was not consistent with s6(e) of the RMA. Further, Ms Easton did not support the minor wording change sought by Frida Inta (S552.042) and Buller Conservation Group (S552.042) becasue the notified wording was intentional.

Hearing and Submitter Evidence

314. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the reporting officer).

315. With respect to POU-P3, Mr Kennedy (for Westpower) noted the following: *'It* [the submission] *proposes consistency between what is ultimately sought through the related objective POU-O3 (identify and manage) and later provisions in the plan regarding SASM's for a management approach through direct consultation requirements. In my opinion the change sought is appropriate, consistent with, and will directly assist the outcome sought in POU-03 as there may be instances, depending on the circumstances, where it is accepted that total protection is not required to achieve Poutini Ngai Tahu outcomes'*.

316. Ms Inta (for herself and the Buller Conservation Group) noted that it is appropriate that access for Māori purpose activities is subject to some limits to ensure that access does not compromise other important values in the region.

317. Ms Rimene and Ms Huirama (for Te Tumu Paeroa) presented information outlining the position of the Māori Trustee that the provisions of the TTPP should provide a pathway for Māori who whakapapa to the region (but are not registered to Poutini Ngāi Tahu) to develop their lands (in particular papakāinga). Specifically noting that, where a pathway is not provided, *'The Māori Trustee considers that placing this additional requirement on Māori who whakapapa to Māori freehold land is unprincipled and inconsistent with the Māori Land Act - Te Ture Whenua Māori Act 1993 and the Resource Management Act 1991'*.

Responses and Reporting Officer Reply Evidence

318. A letter was provided by Dr Charlotte Severne (the Māori Trustee) on 20 November 2023, in response to questions by the Panel. This letter assisted the Panel to understand better the role and responsibility of the Māori Trustee, the status and values of Māori Freehold Land and the barriers to the development of Māori Freehold Land. Notably, the letter records that - *'Te Ture Whenua Māori Act 1993 recognises that Māori land is a taonga tuku iho of special significance to Māori passed on from generation to generation. An interest in Māori freehold land is also considered a whakapapa link for owners to their tūpuna, whānau, hapū and iwi, whether they reside on the whenua or not*'.

319. A Joint Statement prepared by representatives of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu and the Māori Trustee was provided to the Panel on 14 August 2024. With respect to the Poutini Ngāi Tahu SD, this Joint Statement confirmed

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

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

320. In her Right of Reply (10 November 2023), Ms Easton noted that the POU SD arose from consideration of the following:
- *WCRPS – Poutini Ngāi Tahu Chapter*
- *Mana Whakahono a Rohe Agreement*
- *Westland National Park Draft Management Plan*
- *Paparoa National Park Management Plan*
- *Lake Mahinapua Iwi Management Plan*

Hearing Panel's Evaluation

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

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

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

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

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

326. In terms of POU-P9, the Panel notes the letter from Te Tumu Paeroa dated 22 August 2024 formally withdrawing their submission point to include "*Māori landowners*" within the policy.

327. Birchfield *et. al*. have sought that POU-P10 be amended to replace "*protect*" with "*manage adverse effects on*" while Federated Farmers have sought that that "*protect*" be replaced with "*recognise*". Ms Easton did not consider that the words "*manage adverse effects on*" or "*recognise*" reflected the protective intent of s6 of the RMA. The Panel agrees with that position, and we consider that "*protect*" is the appropriate word to use in this policy.

328. Finally, the Panel agrees with Ms Easton that the words "*while ensuring*" in POU-P10 should be retained rather than "*and ensure*" as sought by Frida Inta and Buller Conservation Group. We note Ms Easton's comment that the use of "*while ensuring*" was deliberate – to imply that Poutini Ngāi Tahu's role around decision making is integral to the protection of sites.

329. No changes are therefore recommended to POU-P10.

Recommendation

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

POU-P4	Provide for papakāinga, marae and Māori ~~cultural~~ **purpose** activities to be established **on Poutini Ngāi Tahu land and** throughout the West Coast/Te Tai o Poutini ~~settlements and on Poutini Ngāi Tahu land~~.[61] ~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~[62]

1.17. Tourism – Te Tāpoi

Submissions and Further Submissions

331. Three submission points were received in support of the TRM-O1, while eight submission points were received seeking amendments to the TRM-O1.

332. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

Section 42A Report

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

[61] Ngāi Tahu (S620.075)
[62] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

334. Ms Easton also supported the minor amendments sought by Poutini Ngāi Tahu (S620.082) to achieve consistency across the pTTPP.

335. Ms Easton supported any consequential redrafting of TRM-O1(3) and TRM-O1(4) arising from amendments to the definition of infrastructure dealt with in the Energy, Infrastructure and Transport Chapters hearing (Westpower, S547.063).

336. Ms Easton did not consider that further amendments to the Tourism SD were needed to address the natural environment (Forest and Bird, S560.104), natural hazards (EQC, S612.005) or reformatting (Karen Lippiatt, S439.011). Ms Easton advised that other SD would address the natural environment and natural hazards and that reformatting of the objective does not assist with its understanding or readability.

Hearing and Submitter Evidence

337. The evidence summarised below refers only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the Reporting Officer).

338. Mr Luxon for Scenic Hotels Group said they were seeking to grow new opportunities in tourism and looking to the TTPP to encourage that. He noted that the provision of staff accommodation was a problematic area which the Plan might address. Mr Milne from Development West Coast also considered accommodation one of the biggest issues.

339. Mr Kennedy (for Westpower) acknowledged the merits of waiting to see how infrastructure definitions are resolved through other hearing streams before confirming the wording of TRM-O1(3) and TRM-O1(4).

Responses and Reporting Officer Reply Evidence

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

Evaluation

341. In considering the objective, the Panel is of a view that, as currently framed, it is somewhat of a confusion of statements, objective and policies, with words like supporting, providing, ensuring and managing all being used in the provision in the same context. We concur with the submission of Karen Lippiatt that the clauses need to be refined and consider doing so will provide greater clarity in what is sought to be achieved.

342. The Panel agrees that the townships of Punakaiki, Fox Glacier, and Franz Josef should be recognised in the Tourism SD given that they are the most visited tourism locations on the West Coast and that all three have Scenic Visitor Zone (a Special Purpose Zone) identifications over some of their commercial areas, which recognise the townships' importance to the tourism industry.

343. The Panel also accepts the minor wording changes to ensure consistency sought by Poutini Ngāi Tahu. We acknowledge the changes to the wording '*infrastructure*' sought by Westpower and note the recommended amendments stemming from the EIT Chapters.

344. The Panel agrees with Ms Easton that tourism activity within Public Conservation Land is subject to the Conservation Act and Conservation General Policy, which DOC administers. We do not see the need for the objective to reflect this.

345. The Panel also agrees that the matters raised by Forest and Bird are already addressed in the Natural Environment SD.

346. For the reasons outlined above TRM-O1 have been amended as follows:

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

TRM-P1 Support:

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

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

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

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

Recommendation

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

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

Tourism Strategic Policies

TRM-P1 Support:[63]

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

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

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

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

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

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

Submissions and Further Submissions

348. Eleven submission points were received in support of the UFD-O1, while 12 submission points were received seeking amendments to the UFD-O1. Ten further submission points were received.

349. The Panel adopts the summary of the submissions and further submission points provided in the s42A Report.

Section 42A Report

[63] Karen Lippiatt (S439.011) – in relation to the introduction of policies
[64] Ngāi Tahu (S620.082)
[65] Jane Whyte & Jeff Page (S467.001)
[66] Ngāi Tahu (S620.082)
[67] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

350. In response to submissions, Ms Easton supported amendments to the UFD SD to provide for heritage resources (Pouhere Taonga (S140.009)), Poutini Ngāi Tahu values (Ngāi Tahu (S620.083)) and reverse sensitivity effects on critical infrastructure (KiwiRail Holdings Limited (S442.019)); to specify that new urban development is location away from identified hazards and to promote low impact environment practices (Forest and Bird (S560.106)).

351. Ms Easton did not consider that further amendments are required to the UFD SD to provide for the health and wellbeing of communities and people (Te Mana Ora (S190.036)); to specify additional transport modes (Karen Lippiatt (S439.012)); to promote integrated management of land and water resources (Westpower Limited (S547.065)); to address reverse sensitivity effects on business and industrial land (Silver Fern Farms (S441.010)); to specifically recognise education facilities (Ministry of Education (S456.005)); and to remove reference to special character and amenity values (HortNZ (S486.012))

352. Ms Easton noted that the definitions for '*infrastructure*', '*critical infrastructure*' and '*regionally significant infrastructure'* are outstanding issues and, once resolved, it may be appropriate to amend the UFD SD further to ensure alignment (Westpower Limited (S547.064) and Manawa Energy (S438.030)).

Hearing and Submitter Evidence

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

354. Ms Styles (for Manawa) noted that, for consistency with the WCRPS, the term '*critical infrastructure'* should be replaced with '*regionally significant infrastructure'*. Ms Styles recommended that any decisions on the UFD SD be delayed until decisions are made on the Energy, Infrastructure and Transport Chapters.

355. Similar to Ms Styles, Mr Kennedy (for Westpower) considered that the terminology used in the UFD SD should reflect the decisions made on key definitions as part of the Energy, Infrastructure and Transport Chapters.

356. Mr Tuck (for Silver Fern Farms) did not consider that the UFD SD sufficiently addressed the potential conflicts between zones, which he considered is a key function of district plans, particularly when considering rezoning proposals. Mr Tuck considered that a new subclause was needed, specifically: …*Avoids or manages potential conflict (including reverse sensitivity effects) between incompatible activities and zones.*

Responses and Reporting Officer Reply Evidence

357. As part of her "review report" Ms Easton proposed an objective and policy for the Urban Form and Development SD.

358. Ms Inta concurred with the change to the objective and policy but considered that there should be protection from reverse sensitivity to the urban environment.

359. Transpower supported the revised objective but noted it did not appear to reflect the notified objective. They expressed concerns with the policy in that clause (1) of the notified objective which refers to '*environments and built form that are attractive'* now forms the chapeau for the suggested policy and forms the basis for the other policy considerations. Confining the policy consideration to '*attractiveness*' Transpower considers is inappropriate given it is the sole policy for Urban Form and Development, and the very confined nature of

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

360. Transpower also expressed concern with clause (g), which is specific to infrastructure, stating that the chapeau means the clause is very limiting in achieving safe, efficient and effective infrastructure. They also had concerns that the reference to reverse sensitivity effects did not recognise there may be other effects which can compromise regionally significant infrastructure. Transpower continued to support the provision of a specific National Grid specific strategic objective.

361. Silver Fern Farms had considered there was a policy gap at the strategic level of the pTTPP, which was potentially inconsistent with the RMA s75(3)(c) requirement to give effect to the WCRPS, which includes clear directions about reverse sensitivity issues at Chapter 5, Objective 2 and Policy 2. They considered that this gap appeared to be recognised in paragraphs 13-14 of Ms Easton's review, but that this had not been addressed in proposed UFD-P1 apart from in relation to significant infrastructure. Silver Fern Farms considered critical need within SD to manage reverse sensitivity effects on other important economic activities in addition to mineral extraction.

Evaluation

362. The hearing Panel again consider the objective as currently framed it is somewhat of a confusing mixture of statements, objective and policies. We note that HortNZ has sought that point 4-10 of UFD-O1 be amended to policies and that the objective itself be revised. Others have also sought the objective be revised. Therefore, we consider there is scope for a change to include objectives and policies to provide greater clarity and direction.

363. The Panel notes submitters (Manawa, Radio NZ and Westpower) seek changes to the term critical infrastructure and/or reference energy activities. We acknowledge this has primarily been addressed in the Energy, Infrastructure and Transport Chapters and that it is appropriate to reflect that outcome in these provisions.

364. The Panel agrees with Pouhere Taonga that heritage resources should be referenced under the Urban Form and Development SD. We consider that a reference to the health and well-being of residents, workers, and visitors in the objective, as sought by Te Mana Ora, is not necessary and note that this would not be confined to urban form and development in any event.

365. Toka Tū Ake EQC and Forest and Bird seek to avoid intensification in higher hazard areas, and to identify that urban development should be located away from identified hazardous locations respectively. The Panel notes that clause (4) requires recognition of the risk of natural hazards and requires new development is located in less hazardous locations. In our view, this necessitates consideration of the issue of natural hazards in relation to all development and is sufficient to appropriately address the issues raised by Toka Tū Ake EQC in different ways without requiring avoidance. The Panel recommend including the amendments sought by Forest and Bird.

366. KiwiRail and Silver Fern Farms raise the need for reverse sensitivity effects to be addressed within the Urban Form and Development SD. Ms Easton considers that this is already addressed within the zone provisions and it is therefore unnecessary to include this in the strategic direction for urban form. While noting that the protection of critical infrastructure is referenced in the objective, the Panel has some sympathy for the submitter's concerns.

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

367. The Panel agrees with Ms Easton that the NPSFM specifically requires district plans to include provisions to promote positive effects and address adverse effects on the health and well-being of waterbodies, freshwater ecosystems, and receiving environments (in relation to Westpower's submission to restrict the consideration of the well-being of waterbodies and freshwater ecosystems to plan changes).

368. The Panel generally agrees with Silver Fern Farms that reference business and industrial activity is appropriate within the urban form and development SD, given that they are predominantly within and form a major part of urban environments and support their economic viability. We are not, however, convinced that reference to operational or functional needs to be in a particular location is necessary at this level.

369. The Panel agrees with Ms Easton, in response to the Ministry of Education's submission that, while educational facilities are very important, they are not a significant driver for urban form and development. In many respects, their location and function are already set. Nevertheless, we do consider reference to educational facilities, in terms of access, is necessary and recommend amending the provisions accordingly.

370. Ms Easton supports reference to guidelines around low impact design in response to Forest and Birds submission; and the Panel agrees with that inclusion.

371. Finally, the Panel agrees with the inclusion of recognising Poutini Ngāi Tahu values as part of the urban environment as sought by Ngāi Tahu.

372. Turning to the revision of the Objective, we agree with Transpower that Ms Easton's review report change to UFD-O1 does not entirely reflect the previous version and may therefore create a scope issue. As a result, we have amended the Objective in line with submissions and the original version. The Panel also agrees with Transpower that the use of the wording *'attractive'* at the front of the proposed policy in the review paper is problematic and would essentially requires all subsequent provisions to address the attractive requirement, which seems unnecessary and in places unachievable.

373. For the reasons outlined above UFD-O1 have been amended as follows:

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

UFD–P1 Promote urban environments and built form through:

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation

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

UFD–O1 ~~To have u~~ **U**rban environments and built form **are attractive to residents, businesses and visitors and support economic viability and function** on the West Coast Te Tai o Poutini.[68]

Urban Form and Development Strategic Policies

UFD–P1 Promote urban environments and built form through:[69]

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

a. **identifying and maintaining the values of areas of special character and amenity in urban areas and settlements;**[70]

[68] HortNZ (S486.012)
[69] HortNZ (S486.012)
[70] HortNZ (S486.012)

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

b. support**ing** the economic viability and function of **commercial, including** town centres**, and industrial areas and protect them from potential reverse sensitivity effects between incompatible activities**;[71]

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

d. supporting low environmental impact practices, materials and design during urban development;[72]

e. improv**ing**~~e~~ overall accessibility and connectivity for people, transport (including walking and cycling), **education facilities**[73] and services;

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

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

UFD-P2 Recognise the risk of natural hazards ~~whereby~~ **to** new development **and where possible** located ~~d~~ **it away from identified** hazardous locations.[75]

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

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

UFD-P5 Recognising Poutini Ngāi Tahu values as part of the urban environment.[77]

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

1.19. Miscellaneous

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

[71] Silver Fern Farms (S441.010)
[72] Forest and Bird (S560.106)
[73] Ministry of Education (S456.005)
[74] Pouhere Taonga (S140.009)
[75] KiwiRail Holdings Limited (S442.019), Westpower (S547.064)
[76] Forest & Bird (S560.106)
[77] Ngāi Tahu (S620.083)
[78] Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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

376. Ms Easton commented that, while the objective and policies proposed are laudable sentiments, she did not consider it necessary to repeat direction that is already covered in the RMA and WCRPS. The Panel agrees with Ms Easton's assessment.

377. Suzanne Hills (S443.014) sought an objective on the development and implementation of a regional renewable energy strategy. Ms Easton did not consider it to be a matter that should be addressed in a district plan. She said a regional renewable energy strategy should be set at the regional level and driven by the West Coast Regional Council or Development West Coast. The Panel agrees that waste management planning is generally undertaken at a regional level and that it is not necessary to include it in SD.

378. Finally, the Panel notes that in order to align with the requirements of the NPS, the strategic direction matters must be included alphabetically under the Strategic Direction heading[79]. As a result of the changes to the titles recommended above the strategic direction matters will need to be reordered alphabetically.



Dean Chrystal

Hearings Panel Chair



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member



Sharon McGarry

Hearings Panel Member



Anton Becker

Hearings Panel Member

Date: 5 September 2025

[79] Chapter 7, Mandatory directions, National Planning Standards

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Plan Text Amendments

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

Strategic Directions Title Page

Strategic Direction – Te Pae Tawhiti

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

Climate Change **and Resilience**

Mineral Extraction **- Te Tango Kohuke**

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

~~Natural hazards~~

Poutini Ngāi Tahu

Land Based Primary Production - Te Whakanao Mātāmua i te Whenua

Tourism **- Te Tāpoi**

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

Strategic Directions Overview

Te Tirohanga Whānui ki ngā Ahunga Rautaki

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

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

The Strategic Directions are intended to demonstrate:

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

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

8. Resilience to climate change and natural hazards.

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

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

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

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

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

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

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

~~AG~~**LBPP** - O1

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

~~AG~~**LBPP** - O2

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

LBPP – O3

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

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

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

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

~~Connections and Resilience Strategic Objectives~~

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

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

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

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

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

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

Climate Change and Resilience Strategic Objectives

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

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

Climate Change and Resilience Strategic Policies

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

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

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

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

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

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

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

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

Mineral Extraction – Te Tango Kohuke

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

Mineral Extraction Strategic Objectives

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

Mineral Extraction Strategic Policies

MIN-~~O2~~**P1** ~~To e~~ **E**nable mineral extraction and ancillary activities which support it, ~~including~~ specifically **through a** ~~within the~~ Buller Coalfield Zone~~,~~ **and** Mineral Extraction Zone, and **provide for these activities in appropriate locations within the** Rural Zones and Open Space Zones.

MIN-~~O3~~**P2** ~~To r~~ **R**ecognise that mineral resources are widespread ~~and~~ **but** fixed in location throughout the West Coast/Te Tai o Poutini and that **extraction of them in a range of locations outside specified zones may be appropriate and provide economic and social benefits to the region and nationally,** provided adverse effects **can be appropriately** ~~are~~ managed ~~mineral extraction activities can be appropriate in a range of locations outside specified zones and precincts~~.

MIN-~~O4~~**P3** ~~To e~~ **E**nsure that new subdivision, use and development does not compromise existing **lawfully established** mineral extraction activities, including through reverse sensitivity ~~to~~ effects, such as dust, noise and traffic generation.

MIN-~~O5~~**P4** ~~To s~~ **S**upport Poutini Ngāi Tahu to manage their pounamu and aotea stone resources through the use of Pounamu and Aotea Management Area Overlays.

MIN-~~O6~~**P5** ~~To:~~

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

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

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

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

iv. ~~Waterways and waterbodies; and~~

v. ~~The coastal environment;~~

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

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

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

Natural Environment – Te Taiao

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

Natural Environment Strategic Objectives

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

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

~~NENV-O4 To clearly identify:~~

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

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

Natural Environment Strategic Policies

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

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

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

NENV-~~O2~~**P2** ~~To~~ In relation to the natural environment recognise:

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

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

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

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

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

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

Poutini Ngāi Tahu

….

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

….

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

Tourism – Te Tāpoi

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

Tourism Strategic Objectives

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

Tourism Strategic Policies

TRM-P1 Support:

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

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

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

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

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

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

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

Urban Form and Development Strategic Objective

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

Urban Form and Development Strategic Policies

UFD–P1 Promote urban environments and built form through:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic 5

Contaminated Land - Ngā Whenua Tāhawahawa

Hazardous Substances - Ngā Matū Mōrearea

Hearing Date: 6 December 2023

HEARING PANEL

Paul Rogers (Chair)

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with my appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Contaminated Land - Ngā Whenua Tāhawahawa ('**CL**') and Hazardous Substances - Ngā Matū Mōrearea ('**HS**') chapters of the Hazards and Risks section in Part 2 – District-Wide Matters of pTTPP.

3. This Recommendation Report contains my evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the CL and HS chapters.

4. The Section 32 Report[1] on Hazard Substances and Contaminated Land ('**s32 Report**') provided an evaluation of the options relating to managing hazardous substances and contaminated land through the pTTPP, including the regulatory framework key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The evaluation concluded that, compared to the status quo, the pTTPP CL and HS provisions represent the most appropriate means of achieving the hazardous substances and contaminated land objectives of the pTTPP.

5. A total of 106 submission points and 28 additional submission points were received for the CL and HS chapters, as well as relevant definitions.

6. The Section 42A Officer's Report[2] ('**s42A Report**'), authored by Ms. Lois Easton, a principal planner with Kererū Consultants acting as the Reporting Officer, was circulated to the hearing. The s42A Report summarised the submissions and further submissions received, and relief sought. It analysed the submissions on the CL and HS provisions, and detailed recommendations (summarised in **Appendix 1** of the s42A Report). It also indicated whether individual submission points and further submission points were recommended to be accepted/accepted in part/rejected (see **Appendix 2** of the s42A Report).

7. The matters raised by submitters and further submitters were grouped in the s42A Report in relation to each of the following key issues:

   (a) CL chapter as a whole;

   (b) CL objectives;

   (c) CL policies and definitions;

   (d) HS chapter as a whole and definitions;

   (e) HS objectives; and

[1] Section 32 Evaluation, Report Three – Hazards and Risks Ngā Pūmate me ngā Mōrea, Part Two Hazardous Substances – Ngā Matū Mōrearea Contaminated Land – Ngā Whenua Tāhawahawa
[2] Section 42A Officer's Report Hazardous Substances and Contaminated Land

(f) HS policies.

8. A s32AA evaluation for all recommended amendments was provided at the end of the s42A Report.

9. After the hearing, Ms. Easton provided a Right of Reply ('**Reply**') dated 6 December 2023.

10. This Recommendation Report follows the same structure of the s42A Report. It provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, the submitter's statement or evidence and the Reply, before providing my evaluation and recommendation.

11. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified pTTPP provisions (attached as **Appendix 1** to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision and records all my recommended amendments (additions and deletions) to the notified pTTPP provisions. The tracked change version of the PTTPP shows my recommended changes to the notified provisions in bold and underlining, indicating additions and strikethroughs, indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the pTTPP, the tracked change version of the pTTPP shown in **Appendix 1** of this Report must prevail.

12. This Recommendation Report contains the reasons for my recommendations. These comprise either the adoption of the reasoning and recommendations of the original s42A Reports or the Reply, or a specific rationale.

13. Where I recommend the pTTPP provisions should remain as notified, it is because:

    (a) I have adopted the reasoning and recommendation of the s42A Report or the Reply to retain the provision as notified; or

    (b) I have recommended to retain the provision as notified for reasons set out in this Recommendation Report.

14. Where there is a recommended change to a notified provision of the pTTPP, it is because:

    (a) I have recommended an amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) I have adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

    (c) I have adopted the reasoning and recommendation as recommended in the Reply; or

    (d) A consequential change has been necessary, following on from a decision in either (a), (b) or (c).

15. Where there may be a different recommendation between the s42A Report and the Reply (i.e., the Reporting Officer's recommendation has changed as a result of hearing the statement or evidence of submitters), unless the recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply has been adopted and it must be taken to prevail.

16. If there are circumstances where I consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, NPS and/or RPS, but are still within the scope of the relief sought, the relevant recommendation sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

17. If any changes are recommended to the provisions (since the s32A Report was completed), a further evaluation, if required, has been undertaken pursuant to s32AA of the RMA. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate that a further evaluation was undertaken.

18. Clause 16(2) of Schedule 1 of the RMA enables me to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. Any such minor amendments are recorded in the recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (**Appendix 1** of this Report).

1.2. Terminology in this Report

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

Birchfields	Birchfield Ross Mining Limited and Birchfield Coal Mines Ltd
BCG	Buller Conservation Group
BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DoC	Department of Conservation
EPA	Environmental Protection Authority
EQC	Natural Hazards Commission Toka Tū Ake
FENZ	Fire and Emergency New Zealand
FFNZ	Federated Farmers of New Zealand
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
Fuel Companies	Fuel Companies New Zealand
GDC	Grey District Council
Guidance Note	Guidance Note: Managing Hazardous Substances under the Resource Management Act
HAIL	Hazardous Activities and Industries List

HNZ	Horticultural New Zealand
HSNO	Hazardous Substances and New Organisms Act 1996
HSWA	Health and Safety at Work Act 2015
Manawa Energy	Manawa Energy Limited
MfE	Ministry for the Environment
NES-CS	Resource Management (National Standard for Assessing Contaminants in Soil to Protect Human Health) Regulations 2011.
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
PRL	Papahaua Resources Limited
NPS	National Policy Statements
NZCPS	New Zealand Coastal Policy Statement 2010
RMA or the Act	Resource Management Act 1991
RML	Rocky Mining Limited
RPS	West Coast Regional Policy Statement
SFFL	Silver Fern Farms Limited
SLUS	Selected Land Use Sites
Te Mana Ora	Te Mana Ora (Community and Public Health) of Te Whatu Ora (Health New Zealand)
TiGa	TiGa Minerals and Metals Limited
WCRC	West Coast Regional Council
WCRP	West Coast Regional Plan
WDC	Westland District Council
Westpower	Westpower Limited
Worksafe	Worksafe New Zealand

1.3. Hearing Arrangements

20. The hearing was held via Audiovisual on 6 December 2023. Some submitters appeared by internet connection.

1.4. Appearances

21. The following submitters appeared at the hearing:

Ms. Frida Inta (S553 and FS223) for herself and on behalf of the BCG (S552 and FS224);

Mr. Martin Kennedy, planner of West Coast Planning Limited, on behalf of Westpower (S547 and FS222); and

Ms. Lois Easton as reporting officer.

1.5. Overview of submitter evidence received

22. Evidence from Manawa Energy (S438) dated 8 November 2023 and Westpower (S547 and FS222) dated 6 November 2023 was circulated before the hearing and tabled at the hearing.

23. For those appearing at the hearing, the following evidence and/or statements were received:

(a) Statement of evidence by Ms. Easton (undated); and

(b) Ms. Inta on behalf of BCG and herself (dated 6 December 2023).

1.6. Right of Reply

24. Ms. Easton provided a Reply responding to questions raised at the hearing and proposing further amendments beyond those recommended in the s42A Report.

1.7. Submitter correspondence

25. On 7 March 2024, the TTPP panel received a letter from Mitchell Daysh, dated 7 November 2023, on behalf of SFFL advising that:

(a) SFFL would not file evidence, nor appear at the hearing, in relation to their submission on the CL and HS chapters.

(b) SFFL supported Ms. Easton's recommendations, as detailed in her s42A Report.

(c) A further submission[3] on HS-O1 was incorrectly attributed to SFFL.

1.8. Procedural Steps and Issues

26. No procedural matters were raised at the hearing.

1.9. Site Visits

27. I undertook site visits throughout the pTTPP process, including those relevant to this hearing.

[3] Appendix Two details SFFL made a further submission (FS101.009) on the Fuel Companies submission (S613.002) on HS – O1. However, this is not the case. This may be mistaken for SFFL's further submission on the HNZ submission (S486.023) on HS – O1, or another entity's or person's further submission on S613.002

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

28. The CL and HS chapters are two of three subsections in the Hazards and Risks - Ngā Pūmate me ngā Mōrea section of Part 2 – District Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. Each chapter includes objectives and policies: the CL chapter manages contaminated land, while the HS chapter focuses on activities that involve hazardous substances.

29. Neither chapter includes rules. In terms of HS, The Hazardous Substances and New Organisms Act 1996 (HSNO), and related regulations are the principal regulations controlling the introduction, manufacture, use, storage and disposal of hazardous substances. The district councils have limited powers and responsibilities under HSNO, which is administered by other agencies, particularly in terms of the use and application of hazardous substances in working situations.

30. In terms of pTTPP, the approach taken to hazardous substances focused the provisions on major hazardous facilities. An example of major hazardous facilities on the West Coast is Westland Milk Products. The TTPP includes objectives and policies only for hazardous substances. Because there are no rules, these objectives and policies are principally used where a resource consent is triggered for another reason. This might, for example, concern natural hazards, and the natural hazards chapter includes provisions related to hazardous substances.

31. Turning to Contaminated Land, the situation is similar. Land can become contaminated when hazardous substances are not used, stored, or disposed of in a manner that is appropriate and safe. Contaminated land is commonly associated with past activities, such as the manufacture and use of pesticides, timber treatment, sheep dipping, and the disposal of waste in landfills.

32. District councils have significant functions regarding contaminated land; however, the rules governing this are already prescribed in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011(NESCS). The NESCS is a nationally consistent set of planning controls that a District council must enforce under s44A Clause 8 of the RMA. It was developed to achieve a consistent, nationwide approach to managing issues related to the legacy of past chemical use, which has resulted in soil contamination and the disposal of hazardous waste.

33. The NESCS provides the rule framework for managing contaminated land to avoid impacts on human health, so only the objective and policy framework is required to assist in the assessment of resource consents.

34. The s32 Report[4] outlined the relevant statutory considerations for contaminated land and hazardous substances, noting changes to s30 and s31 of the RMA that removed councils' explicit duty to manage hazardous substances. However, it[5] emphasised that councils can still regulate hazardous substances under their broader role of achieving integrated management, especially if the HSNO or HSWA regulations are insufficient to manage environmental effects. The s32 Report[6] also highlighted matters from sections 6, 7 and 8 of the RMA, NES-CS, NPS, WCRPS, iwi management plans, HSNO, HSWA, and the MfE's Guidance Note relevant to the CL and HS chapters, and broadly discussed these considerations as well.

[4] Above n 1, section 6.2.1
[5] Above n 4
[6] Above n 1, sections 6.2.2 to 6.2.6

35. The s32 Report[7] indicated that there are three iwi management plans, i.e., Te Rūnanga o Makaawhio Pounamu Management Plan, Ngāti Waewae Pounamu Management Plan, and Lake Māhinapua Management Plan. It[8] noted that while these documents focus on specific issues, they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources, and Poutini Ngāi Tahu values.

36. Clause 10 of Schedule 1 of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation. References to relevant submissions are made in the footers.

37. The Planning Standards mandatory direction 7.9 requires provisions to manage contaminated land to be located in a Contaminated Land chapter of the pTTPP. Mandatory direction 7.12 requires provisions relating to hazardous substances be in a Hazardous Substances chapter under the Hazards and Risks heading of the pTTPP. Lastly, mandatory direction 7.13 requires provisions relating to: managing the land use aspects of hazardous substances; the use, storage and disposal of hazardous substances on land that presents a specific risk to human or ecological health, safety and property; and manage land use near major hazard facilities to manage risk and reverse sensitivity issues be in a Hazardous Substances chapter of the pTTPP. I am satisfied the pTTPP structure is consistent with these national directions.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. CONTAMINATED LAND

2.1. Whole Chapter

Submissions and Further Submissions

38. Seven submission points and one further submission point relating to the **CL chapter (as a whole)** were summarised in a Table on page 7 of the s42A Report. Five submissions supported the retention of the CL chapter as notified, and one other submission supported reference to the NES-CS rules. One submission sought an amendment to the entire chapter, which was opposed by a further submission.

39. I adopt the summary of these submissions detailed in the s42A Report, and I have considered all the relevant submissions.

Section 42A Report

40. Ms. Easton acknowledged submissions[9] supporting the retention of the CL chapter as notified. These submissions were recommended to be accepted.

41. She noted the submission[10] supporting a reference to the NES-CS provisions in the chapter.

[7] Above n 1, section 6.2.5
[8] Above n 7
[9] WDC (S181.004), BCG (S552.045), Ms. Frida Inta (S553.045), Ms. Margaret Montgomery (S446.008), and Mr. David Ellerm (S581.0130)
[10] Te Mana Ora (S190.147)

42. Ms. Easton recommended rejecting the submission[11] from Forest & Bird, reasoning that since the CL objectives and policies already include "*environment*" (defined to include "*ecosystems and the constituent parts*"), native species and their habitat are inherently addressed as a subset of these ecosystems.

43. Given paragraph [42] above, Ms. Easton recommended accepting the further submission[12] opposing Forest & Bird's submission.

Hearing and Submitter Evidence

44. Mr. Kennedy[13] advised at the hearing that he generally supported Ms. Easton's recommendations to accept Westpower's further submission point opposing Forest & Birds' submission on the CL chapter (which is detailed in paragraph [43] above).

Reporting Officer Reply Evidence

45. The Reply does not address the CL chapter as a whole.

Hearing Panel's Evaluation

46. I agree with Ms Easton's recommendations, which support the retention of the CL chapter as notified. I accept her reasoning, that since the CL objectives and policies already include "*environment*" (defined to include "*ecosystems and the constituent parts*"), native species and their habitat are inherently addressed as a subset of these ecosystems, leading to the rejection of the Forest & Bird submission.

Recommendation

47. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the **Contaminated Land chapter as a whole** be retained in the pTTPP.

2.2. Contaminated Land Objectives

Submissions and Further Submissions

48. 11 submission points relating to **CL–O1** were summarised in a Table on pages 8 and 9 of the s42A Report. Eight submissions supported the retention of the CL objectives as notified. One submission[14] sought amendment to the CL objective, yet requested it be retained. Two submission points sought an amendment to the objective.

49. I adopt the summary of these submissions detailed in the s42A Report, and I have considered all the relevant submissions.

Section 42A Report

Objectives (General)

[11] Forest & Bird (S560.184) – incorrectly recorded as S560.104 in the s42A Report
[12] Westpower (FS222.0248)
[13] Mr. Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 7.2
[14] Ms. Catherine Smart – Simpson (S564.009)

50. Ms. Easton acknowledged submissions[15] supporting the retention of the CL objectives as notified.

Objective 1

51. Ms. Easton noted the submission[16] supporting the retention of CL–O1 as notified.

52. Ms. Easton recommended rejecting the Fuel Companies' submission[17], arguing it was inappropriate to focus CL–O1 solely on human health while excluding the wider environmental impacts of contaminated land, as councils must manage those effects. She emphasised that all persons must avoid, remedy, or mitigate any adverse effects on the environment under s17 of the RMA.

53. Additionally, Ms. Easton preferred "*avoid or mitigate*" over "*managing to an acceptable level*" for contaminated land, noting this aligns with community expectations (evidenced by numerous submissions). She emphasised that the Councils have a function to prevent or mitigate any adverse effects of the development, subdivision, or use of contaminated land under s31 of the RMA.

54. Ms. Easton recommended accepting SFFL's submission[18], supporting the inclusion of "*remedies*" in the objective, as managing contaminated land often requires remedial actions beyond mitigation, such as the removal of contaminated soil and its proper disposal. She recommended the following amendment.

CL - O1 - To ensure that contaminated land is used, subdivided, developed or managed in a way that avoids, **remedies** or mitigates adverse effects on the environment and manages the risk to human health to a level that is appropriate for the intended use.

Pre-Hearing Statement

55. SFFL's pre-hearing statement supported Ms. Easton's recommendations on the CL objective.

Hearing and Submitter Evidence

56. Those present at the hearing did not raise any points relating to the CL objective.

Reporting Officer Reply Evidence

57. The Reply does not address the CL objective.

Hearing Panel's Evaluation

58. I note the support from submitters for Ms Easton's recommended amendments to Objective CL-O1, and I accept that these amendments are appropriate for the reasons given in the s42A Report.

Hearing Panel's Recommendation

[15] Mr. Geoff Voickman (S563.006), BDC (S538.089, 538.091), Te Mana Ora (S190.143), Koiterangi Lime Co LTD (S577.009), Ms. Catherine Smart-Simpson (S564.009), Mr. William McLaughlin (S567.090), Mr. Chris and Ms. Jan Coll (S558.733), Chris J Coll Surveying Limited (S566.773), and Ms. Laura Coll McLaughlin (S574.733)
[16] Te Mana Ora (S190.256)
[17] Fuel Companies (S613.007)
[18] SFFL (S441.011) – incorrected recorded as S441.001

59. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Contaminated Land Objectives**:

Contaminated Land Objective	
CL – O1	To ensure that contaminated land is used, subdivided, developed,[19] or managed in a way that avoids,[20] **remedies**[21],[22] or mitigates adverse effects on the environment and human health.

2.3. Contaminated Land Policies and Definitions

Submissions and Further Submissions

60. Nine submission points and one further submission point relating to the **CL policies** (as a whole) were summarised in a Table on pages 10 and 11 of the s42A Report. Eight submissions supported the retention of the CL policies as notified. The further submission opposed Ms. Smart-Simpson's support to retain the CL policies as notified. One submission sought an amendment to the CL policies by inserting a third CL policy.

61. Two submission points and one further submission point relating to **CL–P1** were summarised in a Table on page 10 of the s42A Report. However, one submission point and one further submission point recorded against CL–P1 relate to CL–P2. The correct count is one submission point. The submission supported the retention of the policy as notified.

62. Two submission points and one further submission point relating to **CL–P2** were summarised in a Table on page 10 of the s42A Report. However, as noted in [61] above, there is a third submission point and a second further submission which were incorrectly categorised. One submission supported the retention of the policy as notified. Lastly, two submissions sought an amendment to the policy, both submissions were opposed by the further submissions.

63. Two submission points relating to **Contaminated Land definition** were summarised in a Table on page 11 of the s42A Report. Both submissions supported the retention of the definition as notified.

64. I have considered all the relevant submissions and further submissions, and I adopt the summaries in the s42A Report.

Section 42A Report

Policies (General)

65. Ms. Easton acknowledged submissions[23] supporting the retention of the CL policies as notified.

Policy 1

[19] Clause 16(2) of Schedule 2 RMA
[20] Clause 16(2) of Schedule 2 RMA
[21] SFFL (S441.011)
[22] Clause 16(2) of Schedule 2 RMA
[23] Koiterangi Lime Co LTD (S577.010), Ms. Catherine Smart-Simpson (S564.010), Mr. William McLaughlin (S567.091), Mr. Geoff Volckman (S563.007), Mr. Chris and Ms. Jan Coll (S558.734), Chris J Coll Surveying Limited (S566.734), Ms. Laura Coll McLaughlin (S574.734), and BDC (S538.090)

66. Ms. Easton noted the submission[24] supporting the retention of CL–P1 as notified.

Policy 2

67. Ms. Easton noted the submission[25] supporting the retention of CL–P2 as notified.

68. Ms. Easton recommended rejecting submissions[26] from HNZ and the Fuel Companies, and the further submission[27] from SFFL.

69. She was unsupportive of the Fuel Companies' request to remove "*avoids or mitigates adverse effects on the environment and"* which would limit the policy's focus to human health for the same reasons as detailed in [52] above.

70. Given [68] and [69] above, Ms. Easton recommended accepting the further submission[28] from the Director General.

71. Ms. Easton was also unsupportive of HNZ's request to limit identification to only when required by the NES-CS, noting that while NES-CS rules manage soil contamination for human health protection, activities on contaminated land may require resource consent under other pTTPP rules, making assessment against CL objectives and policies appropriate.

New CL policy

72. Ms. Easton recommended accepting Te Mana Ora's[29] submission as she supported their proposed new CL policy, citing recent experiences where severe weather events adversely affected closed landfills, and recognising the environmental and human health risks posed by activities on or near used or closed landfills. She recommended the following policy.

CL-P3 - Protect the environment and population health from adverse effects of contaminated land, particularly used and closed landfills by:

1. **Taking a precautionary approach to subdivision, development, or activities within the margins of a used or closed landfill;**

2. **Ensuring that new and future landfill sites are developed in areas that have lower risk of being impacted by natural hazards, including flooding.**

Contaminated Land definition

73. Ms. Easton acknowledged submissions[30] supporting the retention of the Contaminated Land definition as notified.

Pre-Hearing Statement

74. SFFL's pre-hearing statement supported Ms. Easton's recommendations on the CL policies.

Hearing and Submitter Evidence

[24] Te Mana Ora (S190.145)
[25] Te Mana Ora (S190.146)
[26] HNZ (S486.022) and Fuel Companies (S613.008)
[27] Silver Ferm Farms Limited (FS101.003)
[28] Director General (FS122.014)
[29] Te Mana Ora (S190.144)
[30] Fire and Emergency New Zealand (S573.002) and Transpower New Zealand Limited (S299.001)

75. Those present at the hearing did not raise any points relating to the CL policies or the Contaminated Land definition.

Reporting Officer Reply Evidence

76. In response to my hearing queries, Ms. Easton[31] advised the following:

(a) The pTTPP does not specify how to identify contaminated land, nor if the NES-CS applies to a site.

(b) It would be helpful if the pTTPP advised readers that the WCRC holds information about whether a site is contaminated. This advice, along with an electronic link to the WCRC website information on the HAIL and the SLUS register, could be included in the CL chapter Overview section as a minor amendment.

77. She recommended the following amendment.

Contaminated Land

Overview

…

Role of West Coast Regional Council

Information on the locations of known Contaminated Land on the West Coast is held by the West Coast Regional Council. In some instances activities in or on Contaminated Land may also require a resource consent from the West Coast Regional Council.

The West Coast Regional Council also holds the information on whether a site is on the Hazardous Activities and Industries List – known as HAIL. The West Coast Regional Council has an electronic register – the Selected Land Use Sites (SLUS) register. Sites that are included on this register may be affected by the rules in NESCS and also the policies that apply in this chapter. An electronic link to the West Coast Regional Council webpage and how to access the SLUS register can be found here: [insert link]

Hearing Panel's Evaluation

78. I agree with Ms Easton's recommendations on the notified policies, including her rejection of submissions seeking amendments for the reasons she provides in her s42A.

79. I also agree with her recommendation to include a new policy addressing closed landfills, CL-P3, for the reasons she details. I have made a minor amendment to aid the readability of the new policy.

80. Additionally, I support the inclusion of information within the overview advising plan users where they can find and access additional relevant information related to contaminated land. I have made minor changes to that information to aid readability.

Hearing Panel's Recommendation

[31] Lois Easton, s42A Author Right of Reply Contaminated Land and Hazardous Substances, dated 6 December 2023, page 1 and 2, points 3 to 5

81. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Contaminated Land Role of West Coast Regional Council section** and the inclusion of a new policy to the **Contaminated Land Policies**:

Contaminated Land - Ngā Whenua Tāhawahawa
Role of West Coast Regional Council ~~Information on the locations of known Contaminated Land on the West Coast is held by the West Coast Regional Council~~**The West Coast Regional Council holds information on the locations of known Contaminated Land on the West Coast**[32]. In some instances,[33] activities in or on Contaminated Land may also require a resource consent from the West Coast Regional Council. **The West Coast Regional Council also holds the information on whether a site is on the Hazardous Activities and Industries List – known as HAIL. The West Coast Regional Council has an electronic register – the Selected Land Use Sites (SLUS) register. Sites that are included on this register may be affected by the rules in NESCS and also the policies that apply in this chapter. An electronic link to the West Coast Regional Council webpage and how to access the SLUS register can be found here: [insert link]**[34]

Contaminated Land Policies	
CL – P3	**Protect the environment and population health from adverse effects of contaminated land, particularly used and closed landfills by:** **1. Taking a precautionary approach to subdivision, development, or activities within the margins of a used or closed landfill; and**[35] 2. **Ensuring that new and future landfill sites are developed in areas that have lower risk of being impacted by natural hazards, including flooding.**[36]

3. HAZARDOUS SUBSTANCES

3.1. Whole Chapter and Definitions

Submissions and Further Submissions

82. A Table on pages 12 to 14 of the s42A Report records four submission points and one further submission point relating to the **HS chapter (as a whole)** but includes two errors. The submissions[37] from RML and PRL relate to the whole HS chapter, not only HS–P3. The correct count is six submission points and one further submission. Two submissions supported the chapter as notified. Four submissions sought the chapter be amended, with Forest & Bird's proposed amendment opposed by a further submission.

[32] Clause 16(2) of Schedule 2 RMA
[33] Clause 16(2) of Schedule 2 RMA
[34] Consequential change from HNZ (S486.022)
[35] Clause 16(2) of Schedule 2 RMA
[36] Te Mana Ora (S190.144)
[37] RML (S474.029) and PRL (S500.018)

83. A Table on page 13 of the s42A Report records one submission point supporting the **HS Overview** section, yet that submission[38] sought an amendment.

84. A Table on pages 12 to 14 of the s42A Report records seven submission points and two further submission points related to HS **definitions**. Six submissions sought a new "*major hazard facility*" term included in the pTTPP, with the submission from Manawa Energy and the Fuel Companies each supported by one of the further submissions. One submission sought to amend the definition of "*hazardous substances."*

85. I adopt the summary of these submissions detailed in the s42A Report, and I have considered all the relevant submissions.

Section 42A Report

86. Ms. Easton acknowledged submissions[39] supporting the retention of the HS chapter as notified.

87. She recommended rejecting the submissions[40] from Ms. Montgomery and Forest & Bird. She was unsupportive of including risks to native species and their habitats in the HS objectives and policies, as sought by Forest & Bird, for the same reasons detailed in [42]. She was also unsupportive of Ms. Montgomery's proposed HSNO insertion in the HS provisions, noting it is already referred to in the HS Overview section and covers various activities.

88. Given [87] above, Ms. Easton recommended accepting the further submission[41] opposing Forest & Bird's submission.

89. Ms. Easton recommended rejecting the submission[42] from Forest & Bird, reasoning that since the CL objectives and policies already include "*environment*" (defined to include "*ecosystems and the constituent parts*"), native species and their habitat are inherently addressed as a subset of these ecosystems.

90. Ms. Easton recommended accepting FENZ's submission[43], supporting the inclusion of the Planning Standards "*hazardous substance*" definition in the pTTPP. She recommended inserting the following definition into the pTTPP.

Hazardous Substances: has the same meaning as in section 2 of the RMA (as set out below):

includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—

(a) with 1 or more of the following intrinsic properties:

i. explosiveness:

ii. (ii) flammability:

[38] Manawa Energy (S438.059)
[39] Mr. David Ellerm (S581.013) and SFFL (S441.012)
[40] Ms. Margaret Montgomery (S446.009) and Forest & Bird (S560.185)
[41] Westpower (S222.0249)
[42] Forest & Bird (S560.184) – incorrectly recorded as S560.104 in the s42A Report
[43] FENZ (S573.004)

iii. (iii) a capacity to oxidise:

iv. (iv) corrosiveness:

v. (v) toxicity (including chronic toxicity):

vi. (vi) ecotoxicity, with or without bioaccumulation; or

(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)

91. Ms. Easton recommended accepting or accepting in part submissions[44] from Manawa Energy, Fuel Companies, Whyte Gold Limited, Birchfields, SFFL, HNZ, and FFNZ, and further submissions[45] from Westpower and GDC. She agreed that including a "*major hazard facility*" definition would improve clarity of the pTTPP, and she preferred the wording from FFNZ and HNZ for its greater clarity over other submissions. Ms. Easton recommended inserting the following definition into the pTTPP.

Major Hazard Facility: means any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016.

92. She also recommended accepting the second submission[46] from Manawa Energy to provide a cross-reference to the new "*major hazard facility*" definition in the HS chapter Overview section.

93. Ms. Easton's recommendations on the submissions from RML and PRL are detailed in paragraph [129] of this report.

Pre-Hearing Statement

94. SFFL's pre-hearing statement supported Ms. Easton's recommendations on the HS chapter.

Hearing and Submitter Evidence

95. Mr. Kennedy[47] advised at the hearing that he generally supported Ms. Easton's recommendations to accept Westpower's further submission points on the HS chapter.

96. Manawa Energy[48] indicated that they supported Ms. Easton's recommendation to include a definition for "*major hazard facility*" in the pTTPP and inserting a cross-reference to this definition in the HS chapter Overview section.

Reporting Officer Reply Evidence

97. The Right of Reply did not address the submissions on the HS chapter (as a whole).

Hearing Panel's Evaluation

[44] Manawa Energy (438.021), Fuel Companies (S613.003), Whyte Gold Limited (S607.093), Birchfield Ross Mining Limited (S604.111), Birchfield Coal Mines Ltd (S601.119), SFFL (S441.007), HNZ (S486.024) and FFNZ (S524.040)
[45] Westpower (S222.0173) and GDC (FS1.216)
[46] Manawa Energy (438.059)
[47] Mr. Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 7.2
[48] Ms. Nicola Foran (08 November 2023), Statement of Evidence on behalf of Manawa Energy Limited in the matter of pTTPP Topic 6: Contaminated Land and Hazardous Substances, paras. 4-7

98. I accept Ms Eason's recommendations relating to HS whole chapter, and the inclusion in the pTTPP of both the Planning Standards "*hazardous substance*" definition, and a "*major hazard facility*" definition, (using the wording from FFNZ and HNZ), as well as a cross reference to the new "*major hazard facility*" definition in the HS chapter Overview section, for all of the reasons contained in her s42A.

99. I have amended "*Major Hazardous facility* "to read *Major Hazard Facility* for readability reasons, and where this text appears in the Overview, I have used the word facilities for the same reason.

Recommendation

100. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Definitions chapter** and the **Hazardous Substances chapter**.

Term	Definition
Hazardous Substances	**has the same meaning as in section 2 of the RMA (as set out below):** **includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—** **(a) with 1 or more of the following intrinsic properties:** **i) explosiveness:** **ii) flammability:** **iii) a capacity to oxidise:** **iv) corrosiveness:** **v) toxicity (including chronic toxicity):** **vi) ecotoxicity, with or without bioaccumulation; or** **(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)**[49]
Major Hazard Facility	**means any facility deemed a Major Hazard Facility under the Health and Safety at Work (Major Hazardous Facilities) Regulations 2016.**[50]

[49] FENZ (S573.004)
[50] Manawa Energy (438.059 and S438.021), Fuel Companies (S613.003), Whyte Gold Limited (S607.093), BRML (S604.111), BCML (S601.119), SFFL (S441.007), Horticulture New Zealand (S486.024) and FFNZ (S524.040)

Hazardous Substances - Ngā Matū Mōrearea

Overview

Hazardous substances are used for many agricultural, industrial and some domestic activities. Hazardous substances of various kinds are in widespread use on the West Coast/Te Tai o Poutini and for some activities are an essential part of everyday life. By their nature, hazardous substances carry an inherent risk of adverse effects on people and the environment, should an accident occur**, with the risk greater at major hazard facilities.**[51]

The Hazardous Substances and New Organisms Act 1996 (HSNO) and related regulations are the principal legislation controlling the introduction, manufacture, use, storage and disposal of hazardous substances. The District Councils have limited powers and responsibilities under HSNO, which is administered by other agencies, including the West Coast Regional Council particularly in terms of the use and application of hazardous substances in working situations.

The chapter contains an objective and policies, which will be referenced when resource consents are applied for activities that involve hazardous substances (for example in relation to natural hazards).

3.2. Hazardous Substances Objectives

Submissions and Further Submissions

101. 15 submission points and six further submission points relating to **HS–O1** were summarised in a Table on pages 15 and 16 of the s42A Report. 12 submissions supported the retention of the objective as notified, with HNZ's submission supported by one further submission. Three submissions sought an amendment to the objective. The amendment sought by BCG and Ms. Inta was opposed by two separate further submissions. The amendment sought by the Fuel Companies was supported by one further submission but opposed by two further submissions.

102. Two submission points and three further submission points relating to a **new HS policy (HS–O2)** were summarised in a Table on pages 16 and 17 of the s42A Report. The two submissions proposed the same policy, with BCG's submission opposed by two further submissions and Ms. Inta's submission opposed by the third further submission.

103. I adopt the summary of these submissions and further submissions detailed in the s42A Report, and I have considered all the relevant submissions and further submissions.

Section 42A Report

Objective 1

104. Ms. Easton acknowledged a submission[52] supporting the retention of HS–O1 as notified.

[51] Manawa Energy (S438.059)
[52] Mr. Geoff Volckman (S563,008), BDC (S538.092), Te Mana Ora (S190.149), Mr. Peter Langford (S615.025), Karamea Lime Company (S614.025), Ms. Catherine Smart Simpson (S564.011), Mr. William McLaughlin (S567.092), Mr. Chris and Ms. Jan Coll (S558.735), Chris J Coll Surveying Limited (S566.735), Ms. Laura Coll McLaughlin (S574.735), HNZ (S486.023) and FFNZ (S524.039)

105. She recommended rejecting submissions[53] from BCG and Ms. Inta to amend the objective, arguing that the phrase "*or any other*" activities would inappropriately broaden the objective to include activities not suitable for pTTPP regulation (i.e., refuelling a lawn mower with petrol).

106. Ms. Easton recommended rejecting the Fuel Companies' submission[54], arguing it is inappropriate to remove environmental references from the objective and limit focus to major hazard facilities. She noted hazardous substances have environmental effects and councils must help manage those effects. While the HS chapter does not contain rules (relying primarily on HSNO), she highlighted activities involving hazardous substances may require resource consent under other pTTPP sections, making consideration of the HS objectives and policies appropriate in those circumstances.

107. Given [105] and [106] above, Ms. Easton recommended accepting the further submissions[55] opposing the amendments proposed to the objective proposed by Ms. Inta, BCG, and the Fuel Companies.

108. No recommendation was detailed in the s42A Report regarding the further submissions[56] on the Fuel Companies' submission to amend the objective.

New HS objective

109. Ms. Easton recommended rejecting submissions[57] from BCG and Ms. Inta seeking a **new HS objective**, noting that hazardous substance handling and disposal are already managed under the HSNO and WCRP, largely falling outside the pTTPP remit.

110. Given [109] above, Ms. Easton recommended accepting the further submissions[58] opposing the new HS objective proposed by BCG and Ms. Inta.

Hearing and Submitter Evidence

111. Ms. Inta[59] acknowledged hazardous substances are regulated elsewhere, but argued Ms. Easton's rejection of the new HS objective (proposed by herself and BCG) was flawed. She contended that hazardous substances affect well-being, a focus of both the HS chapter and RMA. Given the widespread use of hazardous substances throughout West Coast, Ms. Inta maintained that the pTTPP should address safe and efficient handling and disposal of hazardous substances. She requested that either include the proposed new objective "To encourage and promote the safe and efficient handling and disposal of hazardous substances throughout the district" or amend HS-O1 to cover "any other activities".

112. Mr. Kennedy[60] advised at the hearing that he generally supported Ms. Easton's recommendations to accept Westpower's further submission points on the HS objectives.

Reporting Officer Reply Evidence

[53] Ms. Frida Inta (S553.046) and Fuel Companies (S613.002)
[54] Fuel Companies (S613.002)
[55] Westpower (FS222.0123, FS222.012 and FS222.013), SFFL (FS101.005 and FS101.009), Ms. Frida Inta (FS223.021) and BCG (FS224.021)
[56] Ms. Frida Inta (S223.021) and BCG (FS224.021)
[57] BCG (S552.047) and Ms. Frida Inta (S553.047)
[58] SFFL (FS101.005) and Westpower (FS222.012 and FS222.0124)
[59] Ms. Frida Inta (06 December 2023), Notes for Hearing Contaminated Land, Hazardous Substances, Notable Trees, pp. 1-2
[60] Mr. Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 7.2

113. In paragraphs [6] to [11] of the Reply, Ms. Easton explained the following.

(a) Hazardous substances are not extensively covered in the pTTPP because they are primarily regulated under the HSNO (administered by the EPA) and the HSWA (administered by WorkSafe), which govern their life cycle and workplace management. MfE's Guidance Note advises councils not to duplicate the HSNO and HSWA regulations, and any additional local controls must be justified under s32 of the RMA.

(b) Accordingly, the pTTPP focuses on local matters such as the siting of major hazard facilities near sensitive activities and zoning. Ms. Easton viewed the new HS objective proposed by Ms. Inta and BCG as a duplication of function and inappropriate under the MfE's Guidance Note.

114. For clarification, paragraph [10] of the Reply incorrectly stated that a policy from the operative Buller District Plan was proposed for inclusion, when it was an objective Ms. Inta and BCG sought to replicate in the pTTPP.

Hearing Panel's Evaluation

115. I agree with Ms Easton's reasons for recommending rejection of submissions seeking amendments to HS-O1 and her reasons for accepting further submissions that opposed original submissions for the reasons given in the s42A Report.

116. I agree with her rejection of the submission from BCG and Ms. Inta seeking a **new HS objective**, noting that hazardous substance handling and disposal are already managed under the HSNO and WCRP, largely falling outside the pTTPP remit. I also support and agree with the explanation included within the Reply

Hearing Panel's Recommendation

117. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the **Hazardous Substances objective** be retained as notified.

3.3. Hazardous Substances Policies

Submissions and Further Submissions

118. A Table on pages 17 and 18 of the s42A Report records 10 submission points and two further submission points relating to the **HS policies (as a whole)**. Seven submissions supported the HS policies (as a whole) as notified. Three submissions proposed a new HS policy, with BCG's submission opposed by two further submissions.

119. Six submission points and two further submission points relating to **HS–P1** were summarised in a Table on pages 18 and 19 of the s42A Report. Three submissions supported the policy as notified. Three submissions proposed amendments to the policy, with the submissions from BCG and Ms. Inta both opposed by separate further submissions.

120. Seven submission points relating to **HS–P2** were summarised in a Table on page 19 of the s42A Report. Five submissions supported the policy as notified, and two submissions proposed amendments to the policy.

121. A Table on pages 19 and 20 of the s42A Report records 12 submission points and five further submission points relating to **HS–P3** but includes two errors. The submissions[61] from RML and PRL related to the entire HS chapter, not specifically HS–P3. The correct count is 10 submission points and five further submissions. Five submissions supported the policy as notified, although one sought an amendment. One submission supported in part the policy, seeking an amendment. Four submissions sought an amendment to the policy, with TiGa's proposed amendment opposed by five further submissions.

122. Seven submission points relating to **HS–P4** were summarised in a Table on page 21 of the s42A Report. Six submissions supported the policy as notified, and one submission sought an amendment to the policy.

123. I have considered all the relevant submissions and further submissions, and I adopt the summaries in the s42A Report.

Section 42A Report

Policies (General)

124. Ms. Easton acknowledged submissions[62] supporting the retention of the HS policies as notified.

Policy 1

125. Ms. Easton noted the submission[63] supporting the retention of HS–P1 as notified.

126. She recommended rejecting the submissions[64] from BCG and Ms. Inta on HS–P1, arguing it is inappropriate to require avoiding residual risk since such risk cannot be completely avoided in most circumstances.

127. Ms. Easton also recommended rejecting the Fuel Companies' submission[65], arguing it is inappropriate to focus the policy only on major hazard facilities as hazardous substances have environmental effects that councils must manage. She opposed replacing "*minimising*" with "*managing*" residual risk, noting "*manage*" lacks a standard to measure against and provides less certainty of outcome than "*minimising*," which better meets community expectations.

Policy 2

128. Ms. Easton noted the submission[66] supporting the retention of HS–P2 as notified.

129. She recommended accepting EQC's submission[67], supporting the policy applying to all hazardous facilities, which Ms. Easton believes should be located away from significant natural hazards. She also endorsed clarifying the term "*significant natural hazard*" by referencing natural hazard overlays instead.

[61] RML (S474.029) and PRL (S500.018)
[62] Ms. Catherine Smart-Simpson (S564.012), Mr. William McLaughlin (S567.093), Mr. Geoff Volckman (S563.009), Mr. Chris and Ms. Jan Coll (S558.736), Chris J Coll Surveying Limited (S566.736), Ms. Laura Coll McLaughlin (S574.736), and BDC (S538.093)
[63] Mr. Peter Langford (S615), Karamea Lime Company (S614), and Te Mana Ora (S190.150)
[64] BCG (S552.049) and Ms. Frida Inta (S553.049)
[65] Fuel Companies (S613.004, S613.015, and S613.016)
[66] Fuel Companies (S613.005), Heritage New Zealand Pouhere Taonga (S140.013), Te Mana Ora (S190.151), Mr. Peter Langford (S615.027) and Karamea Lime Company (S614.027)
[67] EQC (S612.020)

130. Ms. Easton recommended accepting in part Ngāi Tahu's submission[68], supporting the location of new or expanded major hazard facilities away from surface water due to the specific risks hazardous substances pose to waterbodies and wetlands.

131. She recommended the following amendment.

HS–P2 - Ensure that new or expanded major hazard facilities are located away from natural, historic, ~~and~~ cultural overlay areas**, surface waterbodies and wetlands and, that where practicable, all hazard facilities are located outside of natural hazard overlays** ~~away from locations that are subject to significant natural hazards, where practicable,~~ taking into account the operational and functional needs of activities to locate in these areas.

Policy 3

132. Ms. Easton acknowledged submissions[69] supporting the retention of HS–P3 as notified.

133. She recommended accepting submissions[70] from WMS Group, TiGa, Birchfield Coal Mines Ltd, Straterra, RML, and PRL, supporting the recognition of hazardous substance facilities located at mining operations. Ms. Easton indicated that inserting the Mineral Extraction Zone and Buller Coalfield Zone in the policy would correct the mistaken omission.

134. Ms. Easton recommended accepting SFFL's submission[71] to limit reverse sensitivity effects from sensitive activities to only those that exist, aligning with the pTTPP's broader approach to protect important employment and economic activities from reverse sensitivity effects. She recommended the following amendment.

HS – P3 - Provide for the establishment and expansion of major hazard facilities within the Industrial, Port, **Mineral Extraction, Buller Coalfield** and General Rural Zones, where adequate separation distances are maintained from **existing** sensitive activities and valued natural, cultural and historic heritage features.

Policy 4

135. Ms. Easton acknowledged submissions[72] supporting the retention of HS–P4 as notified.

136. She recommended rejecting Straterra's submission[73], opposing the replacement of "*avoided*" with "*remediated, mitigated or offset*" in the policy. She found it entirely inappropriate for residential or visitor accommodation activities to be located near major hazard facilities, as the policy aims to protect these facilities from reverse sensitivity effects.

New HS policy

137. Ms. Easton recommended rejecting the submissions[74] from Ms. Inta, and BCG, and the Fuel Companies.

[68] Ngāi Tahu (S620.097)
[69] Fuel Companies (S613.005), Heritage New Zealand Pouhere Taonga (S140.014), Te Mana Ora (S190.152), Mr. Peter Langford (S615.028) and Karamea Lime Company (S614.028)
[70] WMS Group (S599.035), TiGa (S493.031), Birchfield Coal Mines Ltd (S601.029), Straterra (S536.065), RML (S474.029) and PRL (S500.018)
[71] SFFL (S441.013)
[72] Fuel Companies (S613.005), Te Mana Ora (S190.153), Mr. Peter Langford (S615.029), Karamea Lime Company (S614.029), SFFL (S441.014) and Ministry of Education (S456.014)
[73] Straterra (S536.066)
[74] Ms. Friday Inta (S553.048), BCG (552.048), and the Fuel Companies (S613.006)

138. Ms. Easton acknowledged that while following approved codes and national guidelines for using, storing, and transporting hazardous substances (as proposed by Ms. Inta and BCG) is desirable, this is not a pTTPP matter. She noted that no implementation method was proposed, the Councils lack hazardous substance expertise for implementation or compliance management, and that Worksafe has the appropriate expertise with HSNO regulations being the suitable framework for this issue.

139. Ms. Easton was unsupportive of the Fuel Companies' proposed policy, noting that the HSNO does not cover all environmental matters and the HSWA and regulations are not focused on environmental effects.

140. Also, she considered the Fuel Companies' proposed policy unnecessary as the Councils have already minimised regulatory duplication by limiting HS provisions, have avoided overlapping with WCRC functions, and only apply the HS objectives and policies when resource consent is required by other pTTPP sections.

Pre-Hearing Statement

141. SFFL's pre-hearing statement supported Ms. Easton's recommendations on the HS policies.

Hearing and Submitter Evidence

142. Ms. Inta[75] opposed Ms. Easton's rejection of the new HS policy (proposed by herself and BCG) requiring compliance with approved codes, guidelines, and standards for hazardous substance activities. She argued this policy directly supports HS–O1, and such compliance would minimise environmental and health risks from subdivision, use, and development involving hazardous substances, making the proposed policy appropriate.

143. Ms. Inta[76] objected to Ms. Easton's recommended amendment to HS–P2, arguing that "*significant natural hazards*" encompasses natural hazard overlays, but the overlays may not account for all natural hazards, which can be dynamic. She also noted a grammatical error. She proposed further amendments to Ms. Easton's recommended policy wording as detailed below.

HS–P2 - Ensure that new or expanded major hazard facilities are located away from natural, historic and cultural overlay, surface waterbodies and wetlands and~~,~~ that**,** where practicable, all hazard facilities are located ~~outside of natural hazard overlays~~ away from locations that are subject to significant natural hazards~~, where practicable,~~, taking into account the operational and functional needs of activities to locate in these areas

Reporting Officer Reply Evidence

144. Ms. Easton's Reply does not directly address the proposed HS policy from Ms. Inta and BCG, as paragraph [10] refers to their proposed HS objective. However, Ms. Easton's conclusions are summarised in paragraphs [(a)] and [(b)] of that report, also apply to the proposed HS policy.

145. Additionally, Ms. Easton noted that Worksafe:

[75] Ms. Frida Inta (06 December 2023), Notes for Hearing Contaminated Land, Hazardous Substances, Notable Trees, p. 2
[76] Ms. Frida Inta (06 December 2023), Notes for Hearing Contaminated Land, Hazardous Substances, Notable Trees, p. 3

(a) Provides guidance, certification regime, and detailed, technical rules for some hazardous substances;

(b) Enforces the ecotoxic and disposal requirements in the workplace, which are set out in the HSNO; and

(c) Help businesses meet their obligations.

146. Ms. Easton considered that the inclusion of the proposed HS policy would also be a duplication of function and inappropriate under the MfE's Guidance Note.

Hearing Panel's Evaluation

147. For the reasons detailed within Ms Easton's s42A and Reply reports I agree no amendments are required for HS-P1.

148. I agree with her recommendations for amendments to HS-P2 and HS-P3, as detailed in her s42A and reply reports.

149. I agree with Ms Easton's reasons for why a new policy is not required.

Hearing Panel's Recommendation

150. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Hazardous Substances Policies**:

Hazardous Substances Policies	
HS - P2	Ensure that new or expanded major hazard facilities are located away from natural, historic, and cultural overlay areas**, as well as surface waterbodies and wetlands**[77] **and, that where practicable, all major hazard facilities are located outside of natural hazard overlays**[78],[79] ~~away from locations that are subject to significant natural hazards, where practicable,~~[80] taking into account the operational and functional needs of activities to locate in these areas.
HS - P3	Provide for the establishment and expansion of major hazard facilities within the Industrial, Port, **Mineral Extraction, Buller Coalfield**[81] and General Rural Zones, where adequate separation distances are maintained from **existing** [82]sensitive activities and valued natural, cultural and historic heritage features.

[77] Ngāi Tahu (S620.097)
[78] EQC (S612.020)
[79] Clause 16(2) of Schedule 2 RMA
[80] EQC (S612.020)
[81] WMS (S599.035), TiGa (S493.031), BCML (S601.029), Straterra (S536.065), RML (S474.029) and PRL (S500.018)
[82] SFFL (S441.013)

Paul Rogers



Hearings Panel - Chair

Date: 26/06/2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Term	Definition
Hazardous Substances	**has the same meaning as in section 2 of the RMA (as set out below):** **includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—** **(c) with 1 or more of the following intrinsic properties:** **vii) explosiveness:** **viii) flammability:** **ix) a capacity to oxidise:** **x) corrosiveness:** **xi) toxicity (including chronic toxicity):** **xii) ecotoxicity, with or without bioaccumulation; or** **(d) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)**[83]
Major Hazard Facility	**means any facility deemed a Major Hazard Facility under the Health and Safety at Work (Major Hazardous Facilities) Regulations 2016.**[84]

Contaminated Land - Ngā Whenua Tāhawahawa
Overview Contaminated land is land that has a hazardous substance in or on it that could have an adverse effect on human health or the environment. Land can become contaminated when hazardous substances are not used, stored or disposed of in an appropriate way. Contaminated land is commonly associated with past activities such as the manufacture and use of pesticides, timber treatment, sheep dipping sites and the disposal of wastes in landfills. While industrial activities are the predominant users of hazardous substances, and therefore lead to greater likelihood of contamination, certain commercial, agriculture/forestry or mining activities can cause contamination.

[83] FENZ (S573.004)
[84] Manawa Energy (438.059 and S438.021), Fuel Companies (S613.003), Whyte Gold Limited (S607.093), BRML (S604.111), BCML (S601.119), SFFL (S441.007), Horticulture New Zealand (S486.024) and FFNZ (S524.040)

People can be exposed to contaminated land by direct contact with contaminated soil, swallowing food or water from contaminated environments and breathing vapours or contaminated dust. As well as endangering health, contamination can limit the use of land or cause corrosion that may threaten buildings and property.

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) provides a rule framework for managing certain activities on land affected or potentially affected by soil contaminants and references the Hazardous Activities and Industries List (HAIL). The HAIL is a compilation of activities and industries that are considered likely to cause land contamination resulting from hazardous substance use, storage or disposal. The HAIL is intended to identify most situations in New Zealand where hazardous substances could cause, and in many cases have caused, land contamination

The District Councils are responsible for administering the NESCS. Any proposal to subdivide, use or develop contaminated or potentially contaminated land may require consent under the NESCS.

This chapter provides an objective and policy direction for the assessment of any resource consent application made under the NESCS.

Role of West Coast Regional Council

~~Information on the locations of known Contaminated Land on the West Coast is held by the West Coast Regional Council~~**The West Coast Regional Council holds information on the locations of known Contaminated Land on the West Coast**[85]. In some instances,[86] activities in or on Contaminated Land may also require a resource consent from the West Coast Regional Council.

The West Coast Regional Council also holds the information on whether a site is on the Hazardous Activities and Industries List – known as HAIL. The West Coast Regional Council has an electronic register – the Selected Land Use Sites (SLUS) register. Sites that are included on this register may be affected by the rules in NESCS and also the policies that apply in this chapter. An electronic link to the West Coast Regional Council webpage and how to access the SLUS register can be found here: [insert link][87]

Contaminated Land Objective	
CL–O1	To ensure that contaminated land is used, subdivided, developed,[88] or managed in a way that avoids,[89] **remedies**[90],[91] or mitigates adverse effects on the environment and human health.
Contaminated Land Policies	
CL-P1	At the time of subdivision, change of use or development, identify sites that may be subject to potential contamination as a result of historical land use and activities and investigate the risks to human health and the environment.

[85] Clause 16(2) of Schedule 2 RMA
[86] Clause 16(2) of Schedule 2 RMA
[87] Consequential change from HNZ (S486.022)
[88] Clause 16(2) of Schedule 2 RMA
[89] Clause 16(2) of Schedule 2 RMA
[90] SFFL (S441.011)
[91] Clause 16(2) of Schedule 2 RMA

CL-P2	Ensure that when contaminated land is used, subdivided and/or developed, the land is managed or remediated in a way that avoids or mitigates adverse effects on the environment and manages the risk to human health to a level that is appropriate for the intended use.
CL–P3	**Protect the environment and population health from adverse effects of contaminated land, particularly used and closed landfills by:** **1. Taking a precautionary approach to subdivision, development, or activities within the margins of a used or closed landfill; and**[92] 2. **Ensuring that new and future landfill sites are developed in areas that have lower risk of being impacted by natural hazards, including flooding.**[93]
Contaminated Land Rules	
Refer to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	

Hazardous Substances - Ngā Matū Mōrearea	
Overview Hazardous substances are used for many agricultural, industrial and some domestic activities. Hazardous substances of various kinds are in widespread use on the West Coast/Te Tai o Poutini and for some activities are an essential part of everyday life. By their nature, hazardous substances carry an inherent risk of adverse effects on people and the environment, should an accident occur**, with the risk greater at major hazard facilities.**[94] The Hazardous Substances and New Organisms Act 1996 (HSNO) and related regulations are the principal legislation controlling the introduction, manufacture, use, storage and disposal of hazardous substances. The District Councils have limited powers and responsibilities under HSNO, which is administered by other agencies, including the West Coast Regional Council particularly in terms of the use and application of hazardous substances in working situations. The chapter contains an objective and policies, which will be referenced when resource consents are applied for activities that involve hazardous substances (for example in relation to natural hazards).	
Hazardous Substances Objective	
HS–O1	The benefits associated with the use of hazardous substances are recognised while ensuring that risks to the environment and human health arising from subdivision use and development activities involving hazardous substances are minimised.

[92] Clause 16(2) of Schedule 2 RMA
[93] Te Mana Ora (S190.144)
[94] Manawa Energy (S438.059)

Hazardous Substances Policies	
HS-P1	Activities and facilities involving the use and storage of hazardous substances shall be designed, located, constructed and operated so as to minimise residual risk to people and the environment.
HS-P2	Ensure that new or expanded major hazard facilities are located away from natural, historic, and cultural overlay areas**, as well as surface waterbodies and wetlands**[95] **and, that where practicable, all major hazard facilities are located outside of natural hazard overlays**[96],[97] ~~away from locations that are subject to significant natural hazards, where practicable,~~[98] taking into account the operational and functional needs of activities to locate in these areas.
HS-P3	Provide for the establishment and expansion of major hazard facilities within the Industrial, Port, **Mineral Extraction, Buller Coalfield**[99] and General Rural Zones, where adequate separation distances are maintained from **existing** [100]sensitive activities and valued natural, cultural and historic heritage features.
HS-P4	Avoid locating sensitive activities adjacent to major hazard facilities unless it can be demonstrated that any reverse sensitivity effects and residual risks are avoided.

[95] Ngāi Tahu (S620.097)
[96] EQC (S612.020)
[97] Clause 16(2) of Schedule 2 RMA
[98] EQC (S612.020)
[99] WMS (S599.035), TiGa (S493.031), BCML (S601.029), Straterra (S536.065), RML (S474.029) and PRL (S500.018)
[100] SFFL (S441.013)

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendations Report

Part 2- District Wide Matters - Ngā Kaupapa ā-Rohe Whānui

Energy - Te Pūngao

Infrastructure - Te Tūāhanga

Transport - Te Tūnuku

Hearing Dates: 27, 28 November 2023 and 15 February 2024 (via Internet)

HEARING PANEL

Dean Chrystal (Chair)

Sharon McGarry

Maria Bartlett

Paul Rogers

Anton Becker

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on all chapters of the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the three chapters: Energy - Te Pūngao (**ENG**), Infrastructure - Te Tūāhanga (**INF**), and Transport - Te Tūnuku (**TRN**) in the Energy, Infrastructure, and Transport section in Part 2 - District Wide Matters - Te Wāhanga 2 - Ngā Kaupapa ā-Rohe Whānui of the pTTPP. The TRN Chapter is to be read in conjunction with Appendix One: Transport and Performance Standards of the pTTPP.

3. This Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the ENG, INF and TRN Chapters of Part 2 of the Plan.

4. The Section 32 Report[1] provided an evaluation of the options for the management of ENG, INF, and TRN through the pTTPP, including the regulatory framework, key resource management issues, the evidence base (research and basis for the pTTPP provisions, consultation, information and analysis undertaken) and evaluation of the options.

5. The Section 42A Report[2]('s42A Report') was prepared and co-authored by Ms Grace Forno and Ms Melissa McGrath, Planners with Barkers & Associates, acting as the Reporting Officers. The s42A Report was circulated before the hearing. It analysed submissions and further submissions received and recommended changes to the notified plan provisions, with Appendix 1 showing the notified plan provisions with recommended deletions shown as ~~strikethrough~~ and additions shown in **bold and underlined** text. Appendix 2 provided a summary of the decision requested and the Reporting Officers' recommendation to accept/accept in part/reject each individual submission point and further submission point.

6. The s42A Report stated that responding to every submission point was inefficient due to the large number of submissions received. Therefore, a 'thematic response' had been taken by grouping submission points and providing responses and recommendations on key issues. It provided an analysis of the requested relief sought and made recommendations on changes sought in relation to key issues. It also included recommendations on definitions in the pTTPP relating to the ENG, INF and TRN Chapters.

7. The s42A Report did not provide summaries of all submission points and further submission points received in a table, or record the number received. The recommended changes to the

1 Te Tai o Poutini Plan – Section 32 Evaluation Report Two Energy, Infrastructure and Transport Te Pūngao, Te Te Tūāhanga, me Te Tūnuku Report 2

2 13 October 2023

notified provisions in Appendix 1 were not footnoted to the submission point or further submission points accepted.

8. Following the circulation of the original s42A Report, the Reporting Officers received instructions to undertake prehearing meetings with submitters to resolve outstanding matters early. A s42A Addendum Report (dated 23 November 2023) was circulated following these prehearing meetings, providing details of further recommended amendments in response to matters raised in evidence, including pre-hearing meeting notes (as Attachment 1) and recommended amendments to the Plan provisions (as Attachment 2). Attachment 2 included the original recommended s42A Report amendments, and additional amendments in response to the pre-hearing and submitter evidence shown in purple underlined text. Recommended corrections to the s42A Report recommendations were also shown in green text.

9. During the hearing, the Panel requested annotation of the original s42A Report to cross-reference updated positions, including changes to recommendations on Plan provisions. This Annotated s42A Report (dated 28 November 2023) also included an updated version of the notified plan provisions of the ENG Chapter, with the original s42A Report recommendations shown as tracked changes, further text changes resulting from prehearing conferencing (shown in purple) and corrected errors (shown in green).

10. Following adjournment of the hearing, the Panel directed expert witness conferencing (**EWC**) between the parties' planning experts, which occurred on 19 December 2023 and 18 January 2024. Following this, a Joint Witness Statement (**JWS**) dated 26 January 2024 was issued, and the Reporting Officers subsequently circulated a Position Statement dated 8 February 2024. Attachment 2 of the Position Statement showed all recommended changes to the notified provisions, including the original s42A Report, Annotated s42A Report and additional changes since EWC shown in yellow highlight with underlining and deletions in yellow highlight and strikethrough.

11. Ms Pull for Ngai Tahu circulated a position statement paper on 2 February 2024, and the reporting officers met online with her on Friday, 26 January 2024. The officer's position statement addressed both the position paper and the online meeting.

12. The Panel reconvened the hearing by internet connection on 15 February 2024, before which we circulated written questions.

13. The Reporting Officers' Right of Reply Report (dated 8 March 2024) responded to the Panel's questions and outstanding matters relating to submissions and evidence presented at the hearing, including at the JWS. The Reply Report included the Reporting Officers' final recommendations for amendments to the Plan provisions in a tracked change version as Attachment 1, and a clean version for the recommended provisions as Attachment 2. Attachment 1 utilised bold and underlined text for additions and strikethrough for deletions. No coloured text was used to assist in identifying the origins of the change. The Reporting Officers' recommended amendments to the Plan provisions were not footnoted to identify the submission points relied on for the amendment.

14. The complete list of s42A Reports and their sequence is as follows:

(a) Section 42A Report Part 2- District Wide Matters - ENG, INF, TRN dated 13 October 2023 - Grace Forno and Melissa McGrath (Reporting Officers);

(b) Section 42A Addendum Report dated 23 November 2023 - Reporting Officers. ('Addendum Report');

(c) Section 42A Annotated Report dated 28 November 2023 - Reporting Officer, (Annotated Report);

(d) Section 42A '*Position Statement*' Section 42A Report dated 8 February 2024 - Reporting Officers; and

(e) Section 42A Right of Reply Report dated 8 March 2024 – Reporting Officers ('Reply Report').

15. The Panel collectively refers to the above reports as 'the s42A Reports'.

16. At the hearing, the Reporting Officers presented a Planning Summary Statement noting that after considering all written evidence, some recommended wording amendments to the Plan provisions had changed. The Reporting Officers advised that these recommended changes were detailed in the s42A Addendum Report, and unless otherwise stated, the Reporting Officers' recommendations in the s42A still stood.

17. The matters raised by submitters were grouped in the s42A Report for each of the three Chapters ENG, INF and TRN as follows:

(a) General/Whole Section;

(b) Definitions;

(c) Section Overview;

(d) Objective;

(e) Policies;

(f) Standards/Rules: and for TRN;

(g) Appendix One: Transport Performance Standards; and

(h) Associated Planning Maps.

18. However, before addressing submissions on the three chapters, the s42A Report provided an overview of submissions received broadly on all three chapters and identified three key issues - general issues, the definition of '*Critical Infrastructure'*, and subdivision Rule SUB-R8.

19. This Recommendation Report follows the same structure as the s42A Report. It summarises the issues raised in submissions and further submissions; the s42A Report, Annotated Report, Addendum Report and Position Statement analyses and recommendations; submitter statements and evidence (including the JWS); and the Reporting Officers' right of reply

evidence before providing the Panel's evaluation and recommendations. The Panel's recommendations address each of the three chapters separately.

20. This Recommendation Report should be read with the s42A Reports listed in paragraph 14 above and the recommended tracked change version of the notified Plan provisions attached as Appendix 1 to this Report.

21. Appendix 1 of this Recommendation Report records the Panel's recommended amendments to the notified pTTPP provisions as tracked changes, with additions in **bold and underlining** and deletions shown with a ~~strikethrough~~. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan shown in Appendix 1 of this Report, the tracked change version of the Plan shown in Appendix 1 of this Report prevails.

22. This Recommendation Report contains the reasons for the Panel's recommendations. These are comprised of either adopting the Reporting Officers' reasoning and recommendation or the specific reasoning and recommendation of the Panel in response to a submission point or a further submission point.

23. Where the Panel recommends the pTTPP provisions should remain as notified, it is because:

    (a) The Panel adopts the reasoning and recommendation of the Reporting Officers to retain the provision as notified in the Reports listed in paragraph 14 above; or

    (b) The Panel recommends retaining the provision as notified for reasons set out in this Recommendation Report.

24. Where there is a recommended change to a notified provision in the pTTPP, it is because:

    (a) The Panel adopts the reasoning and recommendation of the Reporting Officers to change the notified provisions; or

    (b) The Panel recommends a change to a provision for reasons set out in this Recommendation Report in response to a submission point or further submission point; or

    (c) A consequential change has been necessary following on from a decision in either (a) or (b).

25. Where there may be a different recommendation between the s42A Reports set out in paragraph 14 above (i.e., the recommendation of the Reporting Officers has changed in response to the evidence/statements of submitters), unless the Panel's recommendation specifically adopts the reasoning and recommendation of the s42A Report or later reports, the reasoning and recommendation in the Reply Report has been adopted and it must be taken to prevail.

26. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submission points and further submission points to give effect to the RMA, NZCPS, National Policy Statements and/or RPS, but are still within the scope of the relief sought, this Recommendation Report records the Panel's reasoning and recommendation.

27. If any changes are recommended to the provisions (since the Section 32A Report or any Reporting Officers' section 32AA evaluation was completed), a further evaluation, if required, under section 32AA of the RMA, has been undertaken by the Panel. This Recommendation Report refers to any such circumstances in sufficient detail to demonstrate that further evaluation was undertaken.

28. Where the Panel recommends accepting the Reporting Officers' recommendation or a submission point and/or further submission point to change a notified pTTPP provision, the Panel also accepts the Reporting Officers' and/or submitters' accompanying s32 and/or s32AA evaluation, included with the evidence/statement, without repeating the evaluation.

29. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations and the tracked changes to the notified Plan provisions (Appendix 1 of this Report), record any such minor amendments.

30. Appendix 1 records each change with a footnote to a submission point or further submission point, or Clause 16 of the First Schedule of the RMA.

1.2. Terminology in this Report

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

BDC	Buller District Council
BEL	Buller Electricity Limited
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
ENG	Energy Chapter
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
HNZPT	Heritage New Zealand Pouhere Taonga
INF	Infrastructure Chapter
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone

NZ Energy	New Zealand Energy Limited
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESSHDW	National Environment Standards for Sources of Human Drinking Water 2007
NESCF	National Environmental Standard for Commercial Forestry
NESTF	National Environmental Standards for Telecommunications Facilities 2016
NFL	Natural Features and Landscapes
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSHPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSUD	National Policy Statement on Urban Development 2020
NZECP 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
NZDF	New Zealand Defence Force
NZCPS	New Zealand Coastal Policy Statement
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape

Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai o Poutini Plan
RLTP	Regional Land Transport Plan 2021 – 2031
Planning standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement 2020
RTC	West Coast Regional Transport Committee
SNA	Significant Natural Area
SASM	Sites and Areas of Significance to Māori
Transpower	Transpower New Zealand Limited
TRN	Transport Chapter
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited

1.3. Hearing Arrangements

32. The hearings into the submissions and further submissions received on the ENG, INF and TRN Chapters were held on 27 and 28 November 2023 at the West Coast Regional Council's offices in Paroa, and remotely by internet connection on 15 February 2024.

1.4. Procedural Steps and Issues

33. There were no procedural issues.

1.5. Appearances

Section 42A the Reporting Officers

- Ms Melissa McGrath, Planner with Barkers & Associates
- Ms Grace Forno, Planner with Barkers & Associates

Manawa Energy Limited

- Ms Nicola Foran, Environmental Policy Manager
- Ms Stephine Styles, Planner with Boffa Miskell Limited

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

- Mr Joshua Leckie, Counsel

Ms Frida Inta for herself and the **Buller Conservation Group** (BCG)

Mr Paul Finlay

Mr Peter Langford (via internet connection)

Mr Martin Kennedy

Ms Kair Lippiatt

Buller Electricity Limited (BEL) – Mr Mark Lile, Planner with Landmark Lile Ltd (via internet connection)

Westpower Limited

- Mr Roger Griffiths, General Manager - Generation and Technology with Westpower
- Ms Sylvia, Technical Administrator with Westpower
- Mr Martin Kennedy, Planner

Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited and Forty South ('the Telecommunications Companies')

- Mr Chris Horne, Resource Management Consultant with Incite Limited
- Mr Graeme McCarrison, Environment and Planning Manager with Spark
- Mr Colin Clune, Resource Management Manager with Forty South
- Mr Andrew Kantor, Environmental Planning and Engagement Manager with Chorus

New Zealand Transport Agency Waka Kotahi (NZTA Waka Kotahi)

- Mr Stuart Pearson, Senior Planner with NZTA Waka Kotahi
- Mr Robert Swears, Technical Principal – Road Safety and Traffic Engineering with WSP New Zealand Ltd (via internet connection)

New Zealand Energy Limited (NZEL)

- Mr David Inch
- Mr Peter Mulvihill

Transpower New Zealand Limited

- Ms Pauline Whittney, Planner with Boffa Miskell Ltd
- Ms Rebecca Eng, Technical Lead – Policy with Transpower
- Mr Jordan Shortland-Witehira, Engineer with Transpower

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu')
- Ms Katherine Viskovic, Counsel
- Ms Rachael Pull, Senior Environmental Advisor with Te Rūnanga o Ngāi Tahu

Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) – Ms Nicky Snoyink for (via internet connection)

Ms Inger Perkins for Herenga ā Nuku, the Outdoor Access Commission (via internet connection)

KiwiRail Holdings Limited – Ms Michelle Grinlinton-Hancock, RMA Team Leader with KiwiRail

1.6. Overview of submitter evidence and statements received

34. Legal submissions were received from:

    (a) Mr Joshua Leckie for Bathurst Resource Limited and BT Mining Limited ('*Bathurst'*) (dated 13 November 2023);

    (b) Ms Alex Booker for Birchfield Mines Limited, Papahaua Resources Limited, and Rocky Mining Limited. Tiga Minerals and Metals Limited, WMS Group (HQ) Limited, and WMS Land Company Limited (dated 13 November 2023); and

    (c) Ms Sarah Scott for Poutini Ngai Tahu.

35. Before the hearing, we received a tabled statement or evidence from:

    (a) West Coast Regional Council (**WCRC**) dated 30 October 2023;

    (b) KiwiRail Holdings Limited (**'KiwiRail'**) dated 3 November 2023;

    (c) The New Zealand Defence Force (**NZDF**) dated 24 November 2023; and

    (d) **Forest & Bird** dated 28 November 2023.

36. The Reporting Officers tabled a Planning Summary Statement at the commencement of the hearing on 27 November 2023.

37. For those appearing at the hearing, the following evidence and statements were received:

    (a) Ms Nicola Foran, Environmental Policy Manager for Manawa (dated 30 October 2023);

    (b) Ms Stephine Styles, Planner for Manawa (dated 30 October 2023);

    (c) Ms Frida Inta for BCG and herself (dated 27 November 2023);

    (d) Mr Paul Findlay for himself (27 November 2023);

(e) Mr Martin Kennedy, Planner for Westpower (dated 29 October 2023);

(f) Mr Mark Lile, Planner for BEL (dated 30 October 2023);

(g) Mr Chris Horne, Planner for the Telecommunication Companies (dated 27 October 2023);

(h) Mr Graeme McCarrison, Mr Andrew Kantor Chorus and Mr Colin Clune – Joint Statement of Evidence (dated 27 October 2023);

(i) Mr Stuart Pearson, Senior Planner for NZTA Waka Kotahi (dated 3 November 2023);

(j) Mr Robert Swears, Technical Principal – Road Safety and Traffic Engineering for NZTA Waka Kotahi (dated 3 November 2023);

(k) Ms Pauline Whitney, Planner for Transpower (dated 30 October 2023);

(l) Ms Rebecca Eng, Technical Lead – Policy for Transpower (dated 30 October 2023);

(m) Mr Jordan Shortland-Witehira, Engineer for Transpower (dated 30 October 2023);

(n) Ms Rachael Pull, Senior Environmental Advisor for Poutini Ngāi Tahu (dated 30 October 2023);

(o) Ms Inger Perkins for Herenga ā Nuku Aotearoa the Outdoor Access Commission (dated 28 November 2023);

(p) Ms Michelle Grinlinton-Hancock, RMA Team Lead for KiwiRail (dated 3 November 2023); and

(q) Ms Nicky Snoyink for Forest & Bird (dated 28 November 2023).

1.7. Site Visit

38. The Panel undertook site visits throughout the pTTPP process, including those relevant to this hearing.

1.8. Objective and Policy Language

39. Throughout the hearings, the Panel discussed with Reporting Officers, submitters and witnesses the appropriateness of language within the objectives and policies in all three chapters. The Panel examined the use of '*minimise*' throughout the ENG, INF, and TRN objectives and policies, and whether '*manage*' or '*avoid, remedy and mitigate'* would be more appropriate and provide greater flexibility. The Panel also considered using the words '*incompatible'* and when to use '*enable'* and *'provide'* throughout the hearing. To maintain some order in our recommendations, the Panel discusses using such terms below, considering the specific objectives and policies affected. For completeness, the Panel notes that the Reporting Officers' Reply Report at section 3.0 (pages 3-6), provides their final recommendations relating to the use of such terms.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

2. RMA STATUTORY REQUIREMENTS AND DOCUMENTS TO BE CONSIDERED

40. Energy, Infrastructure, and Transport are one of seven sections located in Part 2—District-Wide Matters—Te Wāhanga 2—Ngā Kaupapa ā-Rohe Whānui. The section contains three chapters with objectives, policies, and rules for ENG, INF, and TRN that apply across the districts.

41. The Section 32 Report outlined the relevant statutory considerations applicable to Energy, Infrastructure, and Transport Activities and the relationships between the sections of the RMA and higher-order documents that the Panel must give effect to in making our recommendations. It also provided a section 32 evaluation of the pTTPP provisions for the three chapters.

42. The s42A Report highlighted relevant sections 6, 7 and 8 matters of the RMA, and provided details on the following higher-order statutory documents and relevant documents:

- National Policy Statement for Renewable Energy Generation 2011 (**NPSREG**);
- National Policy Statement for Electricity Transmission 2008 (**NPSET**);
- New Zealand Coastal Policy Statement 2010 (**NZCPS**);
- National Policy Statement for Freshwater Management 2020 (**NPSFM**);
- National Policy Statement for Highly Productive Land 2022 (**NPSHPL**);
- National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
- National Policy Statement for Urban Development 2020 (**NPSUD**);
- Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (**NESETA**);
- Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2016 (**NESTF**);
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NESCS**);
- Iwi Management Plans, Mana Whakahono a Rohe; and
- West Coast Regional Policy Statement 2020 (**RPS**).

43. The Reporting Officers referred the Panel to the Regional Land Transport Plan 2021-2031 (**RLTP**), a plan in which local and regional authorities, the Department of Conservation (**DOC**),

and NZTA Waka Kotahi work together to identify and prioritise investment in the land transport network; and Te Whanaketanga Te Tai Poutini West Coast 2050 Strategy. Te Whanaketanga is a collaborative document developed by Development West Coast, the West Coast Councils and Poutini Ngāi Tahu. It sets out key strategic directions for the West Coast around economic development, regional identity and stronger communities.

44. Clause 10 of the First Schedule of the RMA, states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

45. The New Zealand Planning Standards mandatory direction 7.5 requires provisions relating to ENG, INF and TRN that are not specific to the '*Special Purpose zones*' chapter or sections must be located in one or more chapters under the heading '*Energy, Infrastructure and transport'*; and may include statements about the status of transport corridors, noise related metrics and noise measurement methods, and the management of reverse sensitivity effects. Mandatory direction 7.6 requires that the ENG, INF and TRN chapters include cross-references to any energy, infrastructure and transport provisions in a Special Purpose Zones chapter or sections. Mandatory direction 7.7 requires that zone chapters include cross-references to relevant provisions under the energy, infrastructure and transport heading. Mandatory direction 7.8 requires that all chapters must be included alphabetically. The Panel is satisfied that the pTTPP structure is consistent with this National Direction.

46. In written legal submissions dated 13 October 2023, Ms de Latour (Wynn Williams) addressed the general approach to considering changes to district plans. The Panel agrees with those submissions and applies the approach outlined concerning the ENG, INF and TRN chapter provisions.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

3. DEFINITIONS - CRITICAL INFRASTRUCTURE

47. The pTTPP Strategic Direction Chapter objectives for Connections and Resilience recognise the strategic importance of energy, infrastructure, and transport resources to the West Coast.

48. The Strategic Direction in Part 2, combined with objectives within the relevant topic chapters, ensures that they provide a coherent, overarching strategic direction and state the intended outcomes for the West Coast districts. With these strategic directions and objectives in place, the articulation of location-specific and activity-specific objectives and policies is enabled in other pTTPP chapters consistent with the strategic objectives.

49. The Connections and Resilience section of the pTTPP Strategic Direction Chapter contained four objectives, three of which reference critical infrastructure. '*Critical infrastructure'* is defined in the pTTPP as follows –

> *the rail network, state highways, special-purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.*

50. Section 2.2 of the Strategic Direction of the s42A Report discussed use of the term '*critical infrastructure'* and submissions received regarding the appropriateness of the term '*critical infrastructure'* concerning the Strategic Direction Chapter. It noted that any proposed amendments to this definition would result in consequential amendments throughout the pTTPP.

51. The Strategic Direction s42A Report recommended using the term '*critical infrastructure'* in all objectives in the Connections and Resilience section. However, it stated -

> *I am aware that there are a range of submissions on the definition of Infrastructure and Energy Activities to be dealt with in the Energy Infrastructure and Transport Chapter. If this results in Energy Activities being excluded from the definition of Infrastructure, I would support this addition as a consequential amendment.*

Submissions and Further Submissions

52. The s42A Report identified six submission points and one further submission point[3] supporting the definition of '*Critical Infrastructure'* as notified.

53. Manawa (S438.003, S430.007, and S438.024) sought to replace the 'Critical Infrastructure' definition with 'Regionally Significant Infrastructure' (RSI) based on the RPS definition. Transpower (FS10.005), RNZ (FS141.001 and FS141.006), Westpower (FS222), WMS Group (HQ) Limited and WMS Land Company Limited (FS231.004) and Buller District Council (BDC) (FS149.068) supported submission S438.024 and sought to use RSI utilising the RPS definition.

[3] S442.001, S450.001, S440.01, S451.006, S478.063, S663.001 and FS149.008

54. NZDF (FS31)[4] opposed submission points S438.003, S438.024, and S608.006 because the pTTPP definition of '*Critical Infrastructure'* includes defence facilities and the RPS definition of RSI does not include NZDF facilities.

55. KiwiRail (S476.001) and Grey District Council (**GDC**) (FS1.271) supported the definition of *'Critical Infrastructure'*; however, they sought to include radiocommunication networks as provided for in the RPS.

56. WCRC (S488.005) sought to amend the '*Critical Infrastructure'* definition to include '*environmental monitoring facilities'* and '*natural hazard mitigation*'.

57. BDC (S538.010), Forest & Bird (FS34.063), and GDC (FS1.411) sought that '*ports'* be provided for in the definition of '*Critical Infrastructure'.*

58. Federated Farmers of New Zealand (S524.006), Murray Stewart (FS115.3), and GDC (FS1.257) sought to amend the definition of 'Critical Infrastructure', in particular, a description of 'Critical Infrastructure' with a non-exhaustive list of types of critical infrastructure, being "*those necessary facilities, services and installations which are critical or of significance to either the West Coast or New Zealand*".

59. Forest & Bird (S560.061) sought the definition of '*Critical Infrastructure'* be reworded so that it is limited to specific entities and infrastructure that deliver a service operated by a '*lifeline utility*' (as defined in the Civil Defence Emergency Management Act 2002), because the current wording was considered to be too broad and could capture infrastructure which is not '*critical*'. NZDF (FS31.005) opposed Forest & Bird's submission because the definition of a lifeline utility under the Civil Defence Emergency Management Act 2002 does not include NZDF facilities and NZDF facilities are included under the pTTPP definition of '*Critical Infrastructure'*.

60. Poutini Ngāi Tahu (S620.028) generally supported the notified definition for '*Critical Infrastructure'* but also sought to clarify the meaning of '*special purpose roads'* within the defined term '*Critical Infrastructure'*.

Section 42A Reports

61. The s42A Report noted the recommendations of the Strategic Direction s42A Report and considered the submission and further submission points received regarding the ENG, INF, and TRN provisions. It recommended adopting the RPS definition of RSI and accepting the relief sought by the relevant submitters, thereby achieving consistency with higher-order policy documents and giving effect to the RPS.

62. The RPS defines RSI as follows -

> *Regionally significant infrastructure means:*

4 FS31.002, FS31.003, FS31.004

(a) The National Grid (as defined by the Electricity Industry Act 2010);

(b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity;

(c) Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;

(d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;

(e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;

(f) The regional rail networks;

(g) The Westport, Greymouth, and Hokitika airports;

(h) The Regional Council seawalls, stop banks and erosion protection works;

(i) Telecommunications and radio communications facilities;

(j) Public or community sewage treatment plants and associated reticulation and disposal systems;

(k) Public water supply intakes, treatment plants and distribution systems;

(l) Public or community drainage systems, including stormwater systems;

(m) The ports of Westport, Greymouth and Jackson Bay; and

(n) Public or community solid waste storage and disposal facilities

63. The s42A Report did not support amending the RSI definition to include defence facilities because no major defence facilities are on the West Coast. It is considered that the underlying zone would provide for future defence facilities and that the amendment sought by the NZDF was inconsistent with the RPS. It recommended that NZDF's further submission points be rejected.

64. The s42A Report agreed with the relief sought by WCRC (S488.005), KiwiRail (S476.001), BDC (S538.010), Forest & Bird (FS34.063) and GDC (FS1.411) to delete the definition of '*Critical Infrastructure'* and replace it a new definition of '*Regionally Significant Infrastructure,*' based on the RPS definition; and recommended accepting these submission and further submission points.

65. The s42A Report noted Federated Farmers of New Zealand ('Federated Farmers') (S524.006), Murray Stewart (FS115.3), and GDC (FS1.257) sought to amend the definition of '*Critical Infrastructure'* but considered the recommended deletion of the definition of '*Critical Infrastructure'* and replacement with RSI rendered these submission points redundant.

Similarly, it considered the Forest & Bird (S560.061) and Poutini Ngāi Tahu (S620.028) submission points were no longer applicable given the recommended use of RSI.

66. In response to a question from the Panel, the Reporting Officers considered, that within the scope of the ENG, INF and TRN provisions, the use of RSI did not broaden the scope of activities enabled.

67. In response to Mr Kennedy's evidence regarding S457.00, the s42A Addendum recommended rejecting the submission to retain the definition of '*Critical Infrastructure'*.

Hearing and submitter evidence, including the JWS.

68. Legal submissions[5] from Ms Viskovic (and Ms Sarah Scott), for Poutini Ngāi Tahu, addressed replacing the definition of '*Critical Infrastructure'* with the RPS definition of RSI. While generally supporting the change to align with the RPS definition of RSI, they considered there was little in the way of supporting analysis to support the change. They raised concern that the change recommended had the potential to significantly extend the application of enabling provisions that apply to critical infrastructure such as SASM-P13, ECO-P7 and Rules ECO-R1, NFL-R3, NFL-R9 and SUB-R4. They also submitted that there should not be different infrastructure definitions within the pTTPP, enabling plan users to easily identify the provisions that apply to any given type of infrastructure.

69. Ms Pull, for Poutini Ngāi Tahu, considered replacing the notified definition of '*Critical Infrastructure*' with RSI would broaden the range of activities included and provided a table[6] of a comparison of the two definitions showing that RSI was broader in its reach. She was critical the s42A Report did not detail the impact of this change on the wider plan or within the ENG Chapter. She was concerned the change to RSI could impact on the Sites of Significance to Māori (**SASM**) Chapter and that no assessment had been undertaken by the Reporting Officers. She noted that some RSI would be managed by designations but that some may not; and that some are managed by a requiring authority and some may not be. She highlighted that there were rules in the SASM Chapter that refer to similar terms to RSI such as 'Network Utility Structures' and that confusion could arise from the use of multiple terms. While she acknowledged the use of RSI in the RPS, she considered the pTTPP did not have to use the same term. She proposed that the definition of '*Critical Infrastructure*' should be expanded to include some of the features of both RSI or s8 of the Infrastructure Funding and Financing Act 2020, subject to the impacts of any such change being considered on a plan wide basis.

70. Ms Pull highlighted that the RMA definition of *'Infrastructure'* was very broad and distinguished lifeline infrastructure from other infrastructure.

71. In expert conferencing, Ms Pull requested to limit RSI to statutory agencies or requiring authorities because of concern that other entities other than statutory authorities could utilise the RSI definition to use enabling provisions with limited or no oversight applied.

[5] Dated 13 November 2023 paragraphs 3.1- 3.3
[6] Rachael Pull Statement of Evidence dated30 October 2023 Table 1 page 11

72. The JWS records Ms Pull's agreement to replace the definition of '*Critical Infrastructure*' with RSI on the condition that implications of the change are assessed on a plan wide basis and considered throughout the hearings on other chapters of the Plan. However, Ms Pull sought to restrict the scope of RSI to three waters infrastructure, and wastewater storage and disposal facilities managed by the Council to ensure long term effects on the community are managed. The JWS also records that Ms Pull sought clarity as to which roads are 'special purpose roads' and was advised by the Reporting Officers that these are roads subject to NZTA funding.

73. The JWS records Manawa and WCRC's planning experts expressed concern at limiting RSI to statutory agencies and requiring authorities, given that Manawa is not a requiring authority and the need to deal with waste in emergency situations. In response, Ms Pull noted that with an exclusion, Manawa's activities would still fit under the normal infrastructure provisions but not the most enabling RSI provisions.

74. The JWS records that Mr Horne, on behalf of the Telecommunications Companies, considered RSI clause (i) should include '*network and facilities'* to cover fibre and that the Reporting Officer did not oppose this.

75. NZDF's tabled written statement noted defence facilities were included within the pTTPP definition of '*Critical Infrastructure*' and that other district plans made provision for defence facilities (e.g. Selwyn District Council for the NZDF firing range and Burnham Military Camp).

76. Ms Snoyink, for Forest & Bird, considered simply replacing use of '*critical infrastructure*' with RSI in these three chapters, and consequently replacing the use of that term throughout the pTTPP, would increase the potential for conflict with other plan provisions and inconsistency with the NZCPS and Chapter 7 of the RPS. She noted the recommendation had not considered the full scope of infrastructure included under the RPS RSI definition and had not recognised that the RSI does not include all energy activities such as facilities generating less than 1 MW of electricity. Whereas the pTTPP definition of '*Energy Activity*' includes any energy generation, on any scale.

77. Ms Snoyink highlighted that the Reporting Officers had relied on the NPSET, the NPSREG and the RPS, regarding RSI, in considering provision wording for '*Energy Activities'*. She noted the pTTPP definition of '*Energy Activities*' was broad, and while not opposed to a broader definition, that the Chapter overview should clarify this and use terms, such as national grid, critical infrastructure, or renewable electricity generation, in appropriate circumstances. She noted Forest & Bird contend that not all energy infrastructure should be treated equally. A refinement in terminology was required, she said, to better align with the NZCPS and the RPS, while also aligning with the NPSET and NPSREG. She considered that treating all '*Energy Activities*' the same increases the potential for conflicts with the NZCPS and RPS, and that the plan also needs to address the different directions of the NPS.

78. Ms Snoyink was critical that Reporting Officers had not considered Chapter 7, Ecosystems and Indigenous Biological Diversity, of the RPS and noted the RPS overview for Chapter 6 on RSI clearly states that all relevant provisions of the RPS must be considered when managing the adverse effects of RSI activities.

79. Mr David Inch, for NZEL, highlighted that the RSI definition excluded community facilities generating less than 1 MW of electricity, such as those at Haast, Turnball Gorge, and Fox. He considered that resource consent should not be required for small community facilities providing essential services. He also noted that the use of backup generators should not be limited to 24 hours under Rule ENG-R9 and that under Rule INF-RX1, this was 48 hours.

80. Mr Kennedy, for Westpower, considered replacing the definition of '*Critical Infrastructure*' with RSI appropriate, but noted that this was a fundamental amendment to the pTTPP that needed to be understood. Ms Styles, for Manawa, and Ms Whitney, for Transpower, also supported the use of RSI and noted that its use and the use of 'infrastructure' and 'energy activities' required careful consideration throughout the Plan.

Reporting Officers' Position Statement and Reply Evidence

81. The s42A Report recommendation was to adopt the RPS definition of RSI and accept the relief sought by the relevant submitters, thereby achieving consistency with higher-order policy documents and giving effect to the RPS. In Reply, the Reporting Officers noted general agreement between expert witnesses participating in the EWC that the term '*Critical Infrastructure'* should be replaced with RSI, in general accordance with the RPS definition of RSI. They highlighted that the JWS recorded expert witnesses' differing opinions concerning appropriate further amendments to the RSI definition to refine it to a district level.

82. The Reporting Officers' Position Statement considered the RPS definition could be refined to a district level whilst giving effect to the RPS and recommended the following refinements of the RPS definition:

    (a) Inclusion of '*Special Purpose Roads as identified on the planning maps'*; and

    (b) Amendment of clause (I) to include '*telecommunication network and facilities'* to include the fibre network.

83. In Reply, the Reporting Officers remained of the view that defence facilities should not be included in the definition of RSI because there are no major defence facilities on the West Coast, and future defence facilities would be provided for by the underlying zone. Furthermore, the Reporting Officers considered that such an inclusion would be inconsistent with the RPS.

84. The Reporting Officers disagreed with Ms Pull's view of limiting RSI to statutory agencies or requiring authorities because many infrastructure providers are neither. They considered that such a restriction would result in the definition of RSI not giving effect to the RPS.

85. The Reporting Officers' recommended refinements to clauses (j), (k) (l) and (n) to remove '*community*' and add '*council owned*' to clarify that applicable infrastructure was public and council administered to remove ambiguity that a small-scale communal facility could be defined as regionally significant.

86. In addition, the Right of Reply of Ms Easton, the reporting officer in the Sites and Areas of Significance to Māori (SASM) hearing, records issues raised by the planners in that hearing, through their Joint Witness Statement, regarding the multiplicity of infrastructure definitions

in the plan and the need to rationalise them for consistency. Ms Easton recorded that the planners as a whole identified a range of terms, including "critical infrastructure", "infrastructure" (RMA definition), "network utility operator" (RMA definition), "lifeline utilities", "network utilities", "network infrastructure", "network utility structures", "public network utilities", "reticulated network utility systems" and "temporary network utilities", as well as terms supported in s42A Reports such as "regionally significant infrastructure" and "network utility infrastructure". Ms Easton recommended looking holistically across the Plan to resolve the appropriate terminology in each instance.

Hearing Panel's Evaluation

87. The Panel considers that Ms Viskovic's concerns regarding the lack of reasons to support the change from '*Critical Infrastructure*' to RSI were addressed by the planning experts in EWC and recorded in the JWS, and that such a change has merit. Reasons included that there is an existing familiarity with the term RSI, given its use within the RPS; and its use would address concerns about ensuring consistency, avoiding ambiguity, and making the pTTPP easier to use.

88. The Panel examined whether the RPS definition of RSI was sufficient and whether it could be amended to reflect infrastructure at a district scale during the hearing. The Reporting Officers considered that the RPS definition of RSI could be refined at a district level in a manner that continued to give effect to the RPS policy outcomes. Refinements discussed during the hearing process included:

(a) inclusion of '*special purpose roads*';

(b) inclusion of NZDF facilities;

(c) amendment to clause (i) to include '*Telecommunications network and facilities and radio communications facilities*'; and

(d) limiting of RSI to those managed by statutory agencies or requiring authorities.

89. Ongoing discussions during the hearing considered alternative refinements of the RSI definition to remove ambiguity, enable small-scale communal facilities to be included, and clarify whether infrastructure included should be public and council owned. Alternative language options were also discussed during the hearing, including infrastructure owned, leased, or administered by the Council.

90. The Panel acknowledge that the expert planning witnesses participating in the EWC generally agreed that the definition of '*Critical Infrastructure'* should be replaced with the RPS definition of RSI but disagreed on whether further amendments to the RSI definition were necessary to refine it to a district level to address smaller scale infrastructure.

91. The Panel considers Ms Pull's request to restrict the definition of RSI to apply only to those managed by statutory agencies is inappropriate because public or community infrastructure providers may not be statutory agencies or requiring authorities. The Panel agree with the Reporting Officers that such a limitation would restrict the definition of RSI to the extent that it no longer gives effect to the outcomes sought by RPS provisions. The Panel agrees that to give effect to the RPS, the pTTPP definition of RSI does not need to copy the RPS wording

exactly, and we are satisfied the recommended amendments to the RSI definition gives effect to the RPS.

92. The Panel accepts the opinions of the expert planning witnesses that Ms Pull's request to limit the definition of RSI to those managed by statutory agencies or requiring authorities could present workability issues and impact on the use of facilities in emergency situations. The Panel accepts that non-statutory parties may manage important public or community services and facilities, and it does not follow that they will not comply with Plan provisions and/or conditions of consent in a manner different from a statutory agency.

93. The Panel agrees with the Reporting Officers' recommendation to delete the pTTPP definition of 'Critical Infrastructure' and add a new definition of RSI based on the RPS definition for the reasons stated in the s42A Report and the Reply Report. The Panel agrees that the RPS definition of RSI can be refined at a district level while implementing the RPS policy outcomes.

94. The Panel accepts the Reporting Officers' recommendation to replace '*community*' with '*council owned*' in clauses (j), (l) and (n); and to add '*council owned*' to clause (k) of the RSI definition to increase clarity and improving effectiveness.

95. The Panel accepts the Reporting Officers' recommended amendment to clause (i) to add '*networks and facilities*' to clarify that the fibre network is included, as noted by Mr Horne in the JWS.

96. The Panel agrees with the Reporting Officers that, for the reasons they put forward, there is no need to limit the definition of RSI to statutory agencies and requiring authorities.

97. The Panel disagrees with the Reporting Officers that defence facilities should not be included because currently there are no facilities. We accept the NZDF request (S519.004) to include defence facilities based on the request to retain the definition of '*Critical Infrastructure*', as notified, because it includes defence facilities. We consider it appropriate to include all the activities covered in the definition of '*Critical Infrastructure*', regardless of what facilities currently exist. We agree that any new defence facilities would be subject to the relevant zone provisions but consider it should be subject to the provisions for RSI for its ongoing operation.

98. In addition to these specific submission points and further submission points, the Panel considers the replacement of '*Critical Infrastructure*' with RSI within the context of each ENG, INF and TRN provision, where relevant. The Panel noted that concerns raised regarding the need for a plan-wide assessment of the implications of this change are considered in each of the Panel's recommendation reports on individual chapters of the pTTPP. However, the new RSI definition replaces the term '*Critical Infrastructure*' throughout the TTPP, as a consequential amendment.

99. The Panel agrees with the recommendation of Ms Easton, reporting officer in the SASM hearing, that there should be consistent use of terminology across the plan and a reduction in the number of terms used to describe infrastructure, with corresponding definitions. Not all of the terms listed in her Reply Evidence for the SASM hearing are defined in the Plan. We have addressed these later in this recommendation.

Hearing Panel's Recommendations

100. The Panel recommends deleting the definition of '*Critical Infrastructure'* from the Plan and adding a new definition for '*Regionally Significant Infrastructure'*, as set out below.

~~CRITICAL INFRASTRUCTURE~~

~~means:~~

~~the rail network, state highways, special-purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.~~ [7]

REGIONALLY SIGNIFICANT INFRASTRUCTURE

means:

(a) The National Grid (as defined by the Electricity Industry Act 2010);

(b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity;

(c) Facilities for the generation of more than 1 MW of electricity, including the Turnbull Hydro Power Station and Fox Hydro Power Station, and their supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;

(d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;

(e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;

(f) The regional rail networks;

(g) The Westport, Greymouth, and Hokitika airports;

(h) The Regional Council seawalls, stop banks and erosion protection works;

(i) Telecommunications networks and facilities and radio communications facilities;

(j) Public or council owned sewage treatment plants and associated reticulation and disposal systems;

(k) Public or council owned water supply intakes, treatment plants and distribution systems;

[7] Manawa Energy Limited S438.003 and S438.007

(l) Public or council owned drainage systems, including stormwater systems;

(m) The ports of Westport, Greymouth and Jackson Bay;

(n) Public or council owned solid waste storage and disposal facilities;

(o) **Special Purpose Roads as identified on the planning maps; and**[8]

(p) Defence Facilities[9]

4. ENERGY

4.1. Energy - General/Whole Chapter

Submissions and Further Submissions

101. The s42A Report identified 18 submission points and 13 further submission points[10] relating to general matters/whole ENG Chapter.

102. Three submission points and one further submission point[11] supported the ENG provisions as notified. DOC (S602.06) was neutral on the ENG Chapter as notified, as the provisions did not affect priority conservation values, biodiversity values or DOC interests.

103. Lynley Hargreaves (S481.025), supported by NZEL (FS127.023) sought to retain the ENG provisions supporting a low carbon lifestyle.

104. Te Mana Ora (Community and Public Health) of NPHS / Te Whatu Ora (S190.037) sought to include objectives and policies supporting renewable energy generation development in the ENG.

105. Inger Perkins (S462.031) sought to include methods (other than rules) in the pTTPP that support installing clean energy at a micro-scale.

106. Forest & Bird (S560.441) sought the deletion of '*Strategic Objectives'*. Westpower (FS222.0228) opposed the relief sought.

107. Forest & Bird (S560.125, S560.126, S560.127 and S560.128) sought to amend the discretionary matters to provide for biodiversity and other natural values. Westpower (FS222)[12] opposed this submission because it duplicated issues.

[8] Manawa Energy Limited S438.003, S438.007 and S438.024
[9] Ministry of Defence 519.004
[10] S190.037, S190.037, S299.027, S481.025, S560.108, S560.125, S560.126, S560.127, S560.128, S560.129, S560.130, S560.442, S560.444, S560.439, S620.087, S620.088, S620.089, S620.090, FS34.026, FS127.025, FS222.0226, FS222.0227, FS222.0229, FS222.0233, FS222.0241, FS222.0242, FS222.0243, FS222.0244, FS222.0245, FS222.0246, FS230.067
[11] S181.001, S190.037, S581.012, FS34.018
[12] Westpower FS222.0241, FS222.0242, FS222.0243, FS222.0244

108. Poutini Ngāi Tahu (S620.087, S629.088, S620.089 and S620.090) sought an additional matter of discretion for the restricted activity rules (ENG-R11, ENG-R12, ENG-R13 and ENG-R14) as follows:

> *The degree to which the proposed activity will cause significant adverse effects on Overlay chapter matters* ***and sites listed in Appendix 10****.*

109. Transpower (S299.027) did not support the reference to other rules in the pTTPP in the overview of the ENG, submitting that it should stand alone. Poutini Ngāi Tahu (FS41.104) opposed this submission, submitting that the ENG should not be read in isolation from other portions of the pTTPP. They supported the cross-referencing approach used within the overviews of the pTTPP to clarify the relationship between chapters, particularly in relation to the SASM chapter and advice notes within rules. Forest & Bird (FS34.026) also opposed this submission because the relief sought was inconsistent with the NZCPS and RPS.

110. Paul Finlay (S408.001) sought to ensure that provision is made for the critical need for reliance on hydropower generation, particularly regarding resilience pre- and post-alpine fault rupture, and climate change-required irrigation.

111. John Walsh (S527.001) sought a planning map provision for the National Grid Lines overlay to be removed from 169 Alma Road, as they appeared to be no longer part of the National Grid and may limit future development of the relevant site. Transpower (FS110.051) supported this submission point as the Waimangaroa Westport (WMG-WPT-A) 100kv line will be divested and no longer owned or operated by Transpower, and a section of the Inangahua Westport B (IGH-WPT-B) 100kv line will be decommissioned and dismantled.

112. Manawa (S438.127) supported the inclusion of provisions related to renewable electricity generation/regionally significant infrastructure in each of the relevant zone chapters, including ENG. Westpower (FS222.0198) opposed this submission because the pTTPP clearly states – '*Area Specific Provisions (Zone Chapters) do not apply to energy activities',* which relates to the entire chapter, not just the standards

113. Frank and Jo Dooley (S478.058) and Buller Electricity Limited (**BEL**) (S451.001) sought the corridor protection rules that relate to energy to be included within the zone chapters.

Section 42A Reports

114. The s42A Report acknowledged Lynley Hargreave's submission and considered that the pTTPP appropriately provided for a low-carbon lifestyle.

115. The s42A Report acknowledged the Te Mana Ora (Community and Public Health) of NPHS /Te Whatu Ora submission and considered that pTTPP appropriately supports renewable energy generation development.

116. Regarding Inger Perkins' submission, the s42A Report considered the installation of clean energy at a micro-scale was provided for within the pTTPP, including rules ENG-R1, ENG-R5, and ENG-R14. It was noted that these rules provide sufficient scope for micro-scale clean energy and that the submitter had provided insufficient rationale to justify the change requested.

117. The s42A Report recommended rejecting the relief sought by Forest & Bird (S560.441) to delete '*Strategic Objectives*' because this amendment would be inconsistent with the entirety of the pTTPP.

118. The s42A Report recommended rejecting Forest & Bird's (S560)[13] requests to add new matters of discretion to provide for biodiversity and other natural values, which was supported in part by Poutini Ngāi Tahu's (FS41) further submissions. It accepted Westpower's (FS222) further submission that this would duplicate relevant matters and considered specifying chapters of the pTTPP would limit and restrict assessments when the pTTPP should be read in full. It noted the overview at the start of the ENG Chapter guides Plan users to read other chapters. It considered that this would be duplication as it was also included under specific standards.

119. In respect of Transpower's submission (S299.027), s42A Report agreed with Poutini Ngāi Tahu's further submission point that the pTTPP should be read as a whole document and not as chapters in isolation; and rejected the request to remove references to other rules in the pTTPP.

120. Regarding Paul Finlay (S408.001), the s42A Report considered that the pTTPP, including rules ENG-R1, ENG-R5, and ENG-R14, sufficiently provided for hydropower generation.

121. Regarding John Walsh (S527.001), the s42A Report noted Transpower's further submission in support and the formalisation of the designation relinquishment and recommended removing the overlay, as requested.

122. The s42A Report acknowledged Manawa's submission (S438.127) and Westpower's (FS222.0198) further submission, but did not recommend amending the current wording because it considered the current pTTPP wording addressed the intent of both submitters.

123. The s42A Report did not support the relief sought by Frank and Jo Dooley (S478.058) and BEL (S451.001) because parts of the pTTPP should not be read in isolation but as a whole document.

124. Regarding general matters, the Reporting Officers agreed with submitters that the notified ENG and INF provisions overlap. Therefore, amendments were recommended to ensure all aspects of Energy Activities are contained within the ENG chapter.

Hearing and Submitter Evidence

125. Ms Foran's evidence, for Manawa, detailed Manawa's assets, interests and locations on the West Coast; and emphasised the importance of renewable electricity development to the country and the West Coast. She identified targets for renewable energy and reductions in greenhouse gas emissions, which have been enshrined in legislation. She highlighted the reviews of the NPS-REG, the NZ Infrastructure Commission, and the West Coast Energy Action Group, all of which she noted focus on significant increases in renewable electricity generation. She noted that for these targets and commitments to be met, rapid electrification

[13] Royal Forest and Bird Protection Society S560.125, S560.126, S560.127, and S560.128

of the economy, coupled with a coordinated policy response, including a district plan policy framework, is required.

126. Ms Styles, for Manawa, supported the approach provided in the pTTPP, whereby the ENG provisions are largely self-contained, and the INF provisions are unrelated to energy activities. She considered this approach an important step in simplifying the Plan provisions, avoiding unnecessary duplication in provisions, and supporting the enablement of renewable energy generation (**REG**).

127. Ms Styles expressed concern about the complexity of the ENG chapter and sought simplification. She noted several of Manawa's submission points related to simplification and separation of issues but that the general approach had been retained with several clarifications provided within the recommendations in Appendix 1 to the s42A Report. She noted that the recommendations within the s42A Report appeared to be in conflict. She acknowledged the retention of the statements of clarification within the overview section and the zone chapters, noting that these must be retained to help simplify and clarify what rules applied to energy activities.

128. Mr Finlay, for NZEL, addressed the need for the pTTPP to provide hydro power generation on DOC and other lands, subject to reinstatement and bonding provisions. He provided details on the challenge of conveying West Coast water to the East Coast for irrigation, including power generation.

129. Ms Eng, for Transpower, confirmed that the Waimangaroa-Westport B transmission line, which traverses 169 Alma Road Westport, was currently being dismantled between the Waimangaroa Substation and Westport and that once complete the National Grid corridor provisions in the pTTPP would not apply. She advised that the Waimangaroa-Westport B transmission line between Orowaiti 'Tee' and Westport had been transferred to the ownership of BEL in June 2023 and was no longer part of the National Grid. Therefore, the corridor provisions of the PTTPP would not apply. She provided Appendix B showing the transmission limes traversing 169 Alma Road. She advised that Transpower would provide updated mapping and shape files to the Panel before the hearing on outstanding matters. The Panel understands this has now been provided.

130. Ms Whitney, for Transpower, considered the miscellaneous submission points (S299.027 and 299.028) relating to the need for the ENG Chapter provisions to be stand-alone were now considered to be resolved by the s42a recommendations. She confirmed Mr Walsh's concerns relating to 169 Alma Road had also been resolved, as outlined in Ms Eng's evidence.

Reporting Officer Reply Evidence

131. The Reporting Officers' Reply Report did not cover any additional response to ENG general matters.

Hearing Panel's Evaluation

132. The Panel considers the need for additional matters of discretion as requested by Forest & Bird in relation R-12, R13, R14, below.

133. The Panel considers the Poutini Ngai Tahu request '*and sites listed in Appendix 10*' for R11-14 below.

134. The Panel is satisfied that the issues raised in the submission and further submission points concerning ENG general matters/whole chapter are addressed by the Reporting Officers' recommendations in the s42A Report.

Hearing Panel's Recommendations

135. For the reason detailed in the 42A Report, the Panel recommends no changes to the ENG Chapter from submission and further submission points addressed as ENG general matters/whole chapter.

4.2. Energy- Definitions

Submissions and Further Submissions

136. Details of the submission and further submission points and requested decisions are provided in the s42A Report, at paragraphs 136 to 159, and should be read in conjunction with this Report.

Section 42A Reports

137. The s42A Report noted Transpower's support (S299)[14] for the retention of the definitions for '*Energy Activity', 'Network Utility Operator', 'Significant Electricity Distribution Line',* and *'Upgrading*', as notified; and Manawa's support (S438.009) for retaining the definitions of '*Energy Activity'* and amending '*Upgrading'* by adding '*Upgrading/upgrade'* (S438.019).

138. The s42A Report did not support adding '*Upgrade'* because it considered the current wording consistent with the NZ Planning Standards. However, the Addendum s42A Report accepted that the evidence of Ms Styles provided further reasoning and accepted the addition would improve implementation while not changing the meaning.

139. In relation to submission points from Frank and Jo Dooley supported (S478)[15], the s42A Report noted the support for the definitions referenced in their submission and agreed that the term '*network utility operator'* should be consistently referenced throughout the pTTPP.

140. The s42A Report acknowledged Westpower (S547)[16] and BEL's (S451)[17] submission points supporting retention of definitions referenced in their submissions but noted they had recommended some amendments.

141. The s42A Report also acknowledged BEL (S451.016) and BDC's (S538.004) submission points to include a definition of '*Network Utility'*; and RNZ (FS141.004 and FS141.008) and KiwiRail's

14 S299.004, S299.011, S299.015, S299.019

15 S478.069, S478.070, S478.071, S478.072

16 S547.021, S547.029, S547.034, S547.038, S547.040, S547.041

17 S451.005, S451.007, S451.009, S451.012, S451.013, S451.014, S451.015

(FS236.002) further submission points supporting a new definition, and Westpower's (FS222.046) opposing the BDC submission. The s42A Report supported the inclusion of a new definition for a 'Network Utility' to provide clarity and support the implementation of the provisions.

142. The s42A Report recommended accepting Westpower's (S547.02) request to amend the definition of '*Energy Activity'* because the amendment clarified what is categorised as an energy activity. However, the Addendum s42A Report noted that a new rule was recommended to provide for customer connections as a permitted activity. It therefore recommended the definition of '*Energy Activity'* be retained as notified.

143. The s42A Report recommended rejecting Westpower's (S547.127) request to include a new definition of '*Major Dam'* because the NZ Planning Standards do not specify definitions of dams or major dams, and other district plans do not specify such a definition.

144. The s42A Report recommended rejecting Forest and Bird's (S560.063 and S560.107) submission points to delete the definition of '*Energy Activity*' or amend the definition to be specific to the National Grid, or electricity transmission, distribution and REG activities, because it would be inconsistent with the NPS-REG. It is recommended to accept Westpower's (FS222.0225) and BDC's (FS149.061) further submission points opposing these submissions.

145. The s42A Report recommended rejecting Westpower's (S547.001) request to rationalise and ensure consistency of terms related to energy activities undertaken by Westpower due to a lack of technical evidence to demonstrate what the issue is. It recommended accepting the further submissions in opposition to this submission point (FS223.009 and FS224.009)

146. The s42A Report recommended rejecting Forest and Bird's (S560.075 and S560.421) request to amend the 'Renewable Electricity Generation Activities' definition because it was inconsistent with the NPSREG.

147. Regarding requests for new definitions[18] of '*Small and Community-Scale Distributed Electricity Generation', 'Large Scale', 'Minor Upgrade'* and *'Regionally Significant Infrastructure'*, the s42A Report supported inclusion of the NPS-REG definition '*Small and Community-Scale Distributed Electricity Generation'*. Still, it noted it did not provide a scale limit. It noted the pTTPP definition of '*Small Scale*' in relation to energy means REG with a capacity no greater than 20kW and Reporting Officers considered that this capacity limit would ensure viable generation is provided for and encouraged. However, the Panel notes that this recommendation was later changed.

148. The s42A Report considered the recommendation to amend the definition of *'Small Scale'* consequentially triggered the need to amend the definition of '*Large Scale'* to '*Large-Scale Distributed Electricity Generation*' for consistency and to avoid discrepancies between the small, community-scale, and large-scale distributed energy electrician generation of 20 kW to 100 kW.

18 S438.002, S438.006, S438.012, S438.018, S438.046, S478.067, S560.129, FS141.007, FS149.0150, FS34.055, FS34.063, FS110.007, FS127.033, FS138.0010, FS222.0151, FS222.0172, FS222.0175, FS222.0176, FS222.0179, FS222.0180

149. The s42A Addendum Report acknowledged the evidence of Ms Styles and Mr Kennedy but remained of the view that a definition of '*Small and Community-Scale Distributed Electricity Generation'* is required to improve interpretation; and recommended the NPSREG definition and relying on the effects-based rules and zone rules to manage effects.

150. The s42A Report recommended rejecting Westpower's (S547.043) request to amend the definition of '*Upgrading'* because the amendment sought did not provide further clarity and inappropriately focused the definition on electricity lines, and accepting RNZ's (FS141.009) opposition to this submission. Similarly, the s42A Report did not support Frank and Jo Dooley's (S478.075) and BEL's (S451.018) requests to amend the definition of '*Upgrading'* because they considered it limiting and more specific to energy infrastructure.

151. The s42A Addendum Report reconfirmed the recommendation to reject Westpower's (S547.043) request to amend the definition of '*Upgrading'.* It changed the Reporting Officers' recommendation from reject to accept in part Manawa (S438.022) and Westpower's (S547.004) request to add a new definition for '*minor upgrading'* because the amendments to the definition of '*Upgrading*' partly addressed these submission points.

152. The s42A Report recommended accepting Manawa's (S438.016) request to amend the definition of '*Non-Renewable Electricity Activities'* because its inclusion supports the definition of '*Energy Activity*' and provides clarification for Plan users.

153. The s42A Report recommended accepting Transpower's (S299.017) request to amend the 'Substation (Zone)' definition to ensure it did not include substations directly connected to the National Grid. It considered that this clarifies the difference between the substation (zone) and the National Grid subdivision corridor and accepts in part Forest & Bird's (FS34.023) further submission in support of this submission. However, the s42A Addendum Report changed this recommendation after considering the pre-hearing meeting discussions and the evidence of Ms Whitney and Mr Kennedy. It recommended no amendment to the 'Substation (Zone)' definition.

154. The s42A Report recommended accepting Transpower's (S299.008) request to amend the definition of '*National Grid'* to have the same meaning as provided in the NPSET to ensure the definition remains consistent with the NPSET without requiring a plan change if the NPSET definition is updated at any point during the life of the plan. It also accepted Transpower's (S299.009) request to amend the definition of the '*National Grid yard'* to include '*outer <u>visible</u> edge*'; the request (S299.01) to amend the definition of '*National Grid Subdivision Corridor'* to remove the reference to '*and distribution';* and the request (S299.018) amend the definition of '*Transmission Lines'*, which were all consistent with the NPSET.

155. The s42A Addendum Report agreed with Ms Whitney that the clarification of measurement of the setback included in the definition of '*National Grid Yard*' should also be included in the definition of '*National Grid Subdivision Corridor';* and recommended accepting Transpower's submission S299.010.

156. The s42A Report recommended accepting Manawa's (S438.016) request to amend the 'Renewable Electricity Generation Activities' definition to include '*earthworks, vegetation clearance'* as ancillary components and activities to make the provision consistent with the NPSREG.

157. The s42A Report recommended rejecting Horticulture New Zealand ('Hort NZ') (S486.006) and Federated Farmers' (S524.023) requests to amend the definition of '*Significant Electricity Distribution Line'* to a voltage of 66 kV or greater because it would be inconsistent with the New Zealand Standards. It also rejected Hort NZ's (FS55.7) further submission in support of S524.023.

158. Westpower's request (S547.035) to amend the definition of '*Renewable Electricity Generation Activities'* to include reference to large-scale activities was recommended to be accepted in the s42A Report to provide clarity regarding the status of large-scale activities. However, it recommended rejecting the Westpower's request (S547.044) to add a new definition of '*Minor Upgrading'* for distribution lines and Forest & Bird's (S560.081) request for a new definition for *'Minor Upgrade'* because both propose to limit the extent of minor upgrading to specific activities, which is inconsistent with the pTTPP.

Hearing and Submitter Evidence/Statements

Energy Activity

159. Ms Styles, for Manawa, emphasised the importance of using terms clearly and accurately throughout the Plan, ensuring that these terms align with the higher-order documents and national direction. She focused on the defined term '*Energy Activity'*, noting that it was used in many places within the ENG Chapter where its use was sometimes inaccurate, inappropriate, or misleading.

160. Ms Styles considered '*Energy Activity'* to be an umbrella term that was logically broad in scope. In her view, it encompassed all activities that generate renewable or non-renewable electricity, energy investigations, transmission, and distribution. She also noted that the term applied within the notified ENG Chapter and had implications that, in her view, had not been fully considered. She considered this had resulted in some of the activities included in the definition being treated equally and in an undifferentiated way. By way of example, she noted it was unclear that the planned direction for REG is to provide for or enable such activities but that such enablement is inappropriate for non-renewable electricity generation. Her view was that using an umbrella term is inappropriate and inconsistent with the direction of national policy.

161. Ms Styles emphasised that treating renewable and non-renewable energy activities in the same manner within the Plan does not support international or national commitments and national direction regarding the phasing out of non-renewable energy activities. She considered that the Plan needed to include a policy that clearly states the intent to avoid the development of non-renewable electricity generation activities on the West Coast and to facilitate the replacement of non-renewable energy sources (including the use of fossil fuels) in energy generation. Furthermore, she believed that this policy approach should be given effect by including an additional rule to make non-renewable electricity generation activities non-complying.

162. Ms Styles noted that the Manawa issues relating to the use of terminology and the approach to non-renewables had been addressed in the s42A Report[19]. However, the requests were rejected. She questioned whether the Reporting Officers misunderstood the issue raised in the submissions, assumed that there is no need to address this issue clearly and in a directive manner, or had given insufficient consideration of the national direction context.

163. Ms Styles noted comments from other submitters and the Reporting Officers that there will always be a need for non-renewable energy sources. She expressed concern that this opinion had been given weight in the development of this Plan, and such an approach was contrary to the national directive to reduce fossil fuel use and replace it with renewable energy as a matter of urgency.

164. Ms Styles highlighted that district planning provisions do not cover restrictions on small-scale activities, such as burning wood or coal in a home heating device and are subject to Regional Council controls on home heating and discharges from the same under regional planning provisions. She noted these activities would not be captured by the rules included within the ENG Chapter and that temporary use of devices such as diesel-powered generators to deal with a power outage was provided for as temporary activities or through regional plan provisions. As for industrial activities, such as using coal for steam generation, she noted that this was not an issue relating to electricity generation, but rather part of an industrial process, managed by controls on the industrial process through air discharge regulations set by the Regional Council. She emphasised the issue at hand, for the pTTPP is whether electricity generation, such as a coal-fired power station, would, under the notified provisions, be treated like hydro, wind or solar.

165. Ms Styles emphasised that the pTTPP needs to be premised on a clear separation between renewable and non-renewable energy sources, with REG activities explicitly provided. She was concerned that there was no direction in the notified provisions to state that non-renewable energy should be treated differently from REG. She contended that this distinction would be appropriate to help provide clear outcome expectations, rather than leaving the perception that such activities are acceptable if their effects can be managed. She emphasised that the pTTPP needs to relate to the roles and responsibilities of District Councils, not Regional Council responsibilities, and to give effect to national direction.

166. Ms Inta presented on her own behalf and for Buller Conservation Group. She considered the definitions of '*Large scale'* and '*Small Scale'* should be reinstated because these were referenced many times in the pTTPP.

167. Mr Kennedy, for Westpower, referenced paragraph 141 of the s42A Report, which accepted in part Westpower's (S547.024) request to amend the definition of '*Energy Activity'* to provide more clarity of activities categorised under the term, including connecting and supplying electricity to consumers and energy activities related to infrastructure and assets. However, he noted no amendment in the s42A Report (or Appendix 1) to enable him to provide comment. He sought an amendment to the definition of the outcome sought in submissions.

19 Section 42A Report paragraph 166, paragraph 233, paragraph 177, paragraph 195, paragraph 202, paragraph 209.

168. Mr Kennedy maintained that the terms used throughout the Plan needed to be rationalised and consistent to achieve the outcomes sought and acknowledged that the use of RSI would go some way towards this.

169. Ms Whitney, for Transpower, was agnostic about the all-encompassing nature of the definition of '*Energy Activities'* and noted support (S299.004) for the definition as notified. Her main concern was ensuring that any rationale for the energy activity provisions relies solely on the NPSET, where the provision is specific to the National Grid, and the NPSET is not used as a policy instrument to seek or justify broader changes that are not National Grid-specific.

170. Ms Snoyink, for Forest & Bird, continued to express concerns that the s42A Report amendment to the definition of '*Energy Activity*' did not resolve the uncertainty in terms of which activities the definition is intended to capture, beyond those caught by the definition of RSI and renewable energy generation. Forest & Bird did not suggest alternative wording.

Small Scale

171. Ms Styles, after acknowledging the Reporting Officers accepted submissions to amend the definition of small scale to small and community scale, remained concerned that the definition would continue to apply an extremely small-scale threshold (20 kw capacity), without considering the effects or benefits of the same. She strongly preferred removing these definitions and associating references to capacity-based scales in the rules. She said that if the definition of small and community-scale activities is retained, her preference would be not to apply an arbitrary capacity limit.

172. Mr Kennedy noted that Westpower submitted that the definitions in the plan dealing with 'Small Scale', 'Community Scale', and 'Large-Scale' should be retained. He acknowledged the Manawa submissions, which sought to change these terms to align them more consistently with the NPSREG. However, he believed that removing scale provisions, for example, 20 kw capacity and 100 kw capacity, would fundamentally change the regulatory regime they had proposed through the pTTPP's development. He disagreed with that approach, preferring the approach proposed in the notified pTTPP to be retained with a minor amendment to bring the terminology into line with the NPSREG.

Large-Scale Distributed Electricity Generation

173. The s42A Report recommended a consequential amendment to '*Large-Scale Distributed Electricity Generation*' was needed because of the recommended new definition of '*Small Scale*'.

Substation (Zone)

174. Mr Kennedy sought the definition of '*Substation (Zone*)' was retained given it had been established through consultation in developing the Plan. He considered that the recommended amendments would impact certain substations owned and operated by Westpower, directly connected to the National Grid, that NPSET or NESETA did not cover. He noted that the implications of this change on the local electricity distribution network had not been assessed.

175. Ms Whitney noted that on review of the Transpower (S299.017) submission point, she preferred alternate relief that the definition be amended to apply to all substations. She accepted the s42A Addendum Report recommendation not to add a new sentence but also requested the deletion of '*sub-*', as shown in paragraph 6.7 of her evidence.

Upgrading and Minor Upgrading

176. Ms Styles stated that the term '*upgrading'* should be amended to include '*upgrade'*. She argued that the two words are used interchangeably throughout the Chapter, and the single-word upgrade is used in many provisions. She considered it necessary to be clear that the two terms mean the same thing.

177. Additionally, she contended that the term '*Minor Upgrade'* needs clarification. She contended that including a definition for '*Minor Upgrading'* would ensure that activities that proceeded under that definition remain within clear parameters and would enable works to be undertaken to improve REG without undue consenting processes

178. Mr Kennedy's evidence on this definition noted that the amendment sought by Westpower was due to the proposed definition being inappropriate in enabling Westpower to provide for the community that it serves and to manage and operate its network. He maintained that the amendments should be included within the definition, particularly since they related to electricity lines.

179. Regarding '*Minor Upgrading'*, Mr Kennedy was concerned that rejecting the Westpower submission would prevent the provisions from achieving some Westpower activities that could be undertaken as minor upgrading. He believed a definition of '*Minor Upgrading*' is needed, particularly for distribution lines.

Infrastructure

180. Mr Kennedy highlighted that the s42A Report had not addressed Westpower's (S547.028) requests to add an advisory note to the definition of *'Infrastructure*', but that the submission point had been rejected in Appendix 1.

Network Utility

181. Mr Kennedy did not support a new definition for '*Network Utility*' (FS222.046) due to concern that an additional term for the same or similar activities would result in complexity and would not improve interpretation.

Network Utility Operator

182. Mr Kennedy highlighted that the s42A Report had not addressed Westpower's (S547.031) request to add an advisory note to the definition of '*Network Utility Operator,*' However, the submission points had been rejected in Appendix 1.

Major Dam

183. Mr Kennedy disagreed with the conclusion in the s42A Report that no new definition is required for 'Major Dam', given that it is used in the Plan, and it is unclear what was intended.

He noted the National Planning Standards do not preclude a definition and therefore sought the new definition requested in the submission.

Reporting Officers' Reply Evidence

Energy Activity

184. Addressing the issue of whether the definition of '*Energy Activity*' encompasses both renewable and non-renewable energy, the Reporting Officers agreed that there was a lack of clarity in the ENG provisions regarding what constitutes an energy activity. The Reply recommendation reverted to the notified wording of the definition but recommended consequential amendments to provisions to list appropriate activities and remove the generic use of '*energy activities'*. They supported this by recommending the inclusion of a new definition of '*Non-Renewable Electricity Generation Activity'.*

Small and community-scale renewable energy and large-scale renewable energy

185. The Reply noted that in their notified form, the definitions of *'Small Scale' and 'Large-scale'* for renewable energy sources included a capacity limit. It highlighted that many submissions sought to amend those capacity limits to increase or decrease. The Reporting Officers recorded that they were not technical experts concerning electricity generation and could not comment on what capacity level may or may not be appropriate.

186. The Reporting Officers referred their original recommendations in the s42A.[20] The report recommends that capacity figures be removed from both definitions and amended to be consistent with the NPSREG. The Reporting Officers retained this recommendation.

Upgrading/Upgrade or Upgrading

187. The Reply noted that the notified plan interchangeably uses the terms '*upgrading', 'upgrade' and 'minor upgrade*.' The Reporting Officers disagreed with Mr Kennedy's evidence regarding alternative provisions for minor upgrading within the ENG because they considered his definitions would result in complexity.

188. The Reporting Officers remained of the view that their original recommendation was most preferred. They also did not support Westpower's amendments to the definition of upgrading to include additional clauses allowing the increase of voltage and an increase in character scale and intensity of the activity, because it would add further complexities. However, they reconfirmed support for Manawa's amendment to the definition of upgrading to include '*upgrade*' for clarity. They considered accepting this evidence would improve the plan's readability.

Hearing Panel's Evaluation

189. The Panel has carefully considered the matters relating to the definition of '*Energy Activity*'. We note that the Reporting Officers final position was to retain the definition as notified but

20 s42A Report, page 43, paragraph 146

make consequential amendments to provisions to list appropriate activities and remove the generic use of 'energy activities' and support this by the inclusion of a new definition of '*Non-Renewable Electricity Generation Activity*'. We are therefore mindful of the level of scope provided to undertake such amendments. In this context we note that Forest & Bird (S560.063) sought to delete the definition of '*Energy Activity*' and that Manawa (S438.035) sought to amend all objectives and policies by removing reference to *'energy activities*' and replacing it with a reference to *'renewable electricity generation activities'.*

190. The Panel therefore accept that a consequence of deleting the definition of 'Energy Activity' could be for that wording it to be removed from the Plan altogether. We note however that the wording is used extensively throughout the Energy Chapter and in other chapters and its overall removal would potentially require a significant rewrite of the chapter and other wider amendments.

191. The Panel acknowledge that there is scope from the Manawa submission to introduce 'renewable electricity generation activities' as a definition and into the provisions and agree that is appropriate and would go some way towards resolving concerns. However, we do have concerns about making wide ranging "consequential amendments" to provisions based on retaining the definition of Energy Activity as notified. While there maybe some merit in those amendments, we consider that would be stretching the extent of scope too far.

192. The Panel therefore accepts the amendments to the definitions recommended by the Reporting Officers within the s42A Reports and the Reply Report, which includes retaining the definition of '*Energy Activity*' unamended. We consider the amendments proposed to definitions will ensure the Plan's language is consistent with higher order documents such as the NPSET and NESETA.

193. The Panel notes that Ms Whitney accepted the reporting officers' recommendation not to add an additional sentence to the definition of '*Substation (Zone)*', as Transpower initially sought in submissions. However, the Reply did not consider the alternative relief sought to delete '*sub'* from the definition, and this amendment was not shown in Appendix 1 of the Reply. The Panel accept the evidence of Ms Whitney and consider this alternative relief is appropriate.

194. The Panel notes in relation to the evidence of Ms Styles that we accepted the Reporting Officers recommendation to include a definition of '*minor upgrade'* in the Natural Features and Landscapes recommendation as follows:

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

Hearing Panel's Recommendation

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

accepted or accepted in part and recommends the following changes to the definitions related to the Energy Chapter.

Term	Definition
INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below), means a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy; b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001; c. a network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989; d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding lines and support structures if a person- i. uses them in connection with the generation of electricity for the person's use; and ii. does not use them to generate any electricity for supply to any other person; e. a water supply distribution system, including a system for irrigation; f. a drainage or sewerage system; g. structures for transport on land by cycleways, rail, roads, walkways, or any other means; h. facilities for the loading or unloading of cargo or passengers transported on land by any means; i. an airport as defined in section 2 of the Airport Authorities Act 1966; j. a navigation installation as defined in section 2 (1) of the Port Companies Act 1988; **and** k. **facilities for the loading or unloading of cargo or passengers carried by sea, including**

	a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;[21] l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166. **Note:** **Electricity activities are addressed in the Energy Chapter of the Plan.**[22]
ENERGY ACTIVITY	means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.
LARGE SCALE **DISTRIBUTED ELECTRICITY GENERATION**	means~~, when applied to provisions in the Energy Chapter,~~ electricity generation activities utilising renewable energy sour~~c~~es ~~with a capacity of greater than 100kW~~ **which are not Small and Community Scale Electricity Generation Activities**[23] for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works
NATIONAL GRID	**has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008**[24] **(as set out below)** means the assets used or owned by Transpower NZ Limited
NATIONAL GRID SUBDIVISION CORRIDOR	means the area measured either side of the centreline of above ground National Grid transmission ~~and distribution~~ lines as follows (and

21 Variation 1 to the pTTPP

22 Consequential amendment Transpower S299.052

[23] Consequential amendment to Manawa Energy Limited S438.006 and S438.018

[24] Transpower S299.008

	illustrated in green below): a. 14m for 66kV or 110kV transmission lines on single poles; b. 16m for 110kV transmission lines on pi poles; and c. 32m for 110kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers). **The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.**[25]
NATIONAL GRID YARD	means as illustrated in red below: a. the area located 10m either side of the centreline of an overhead 66kV or 110kV National Grid transmission line on single poles; b. the area located 12m in any direction from the outer **visible**[26] edge of a support structure for an overhead 66kV or 110kV National Grid transmission line; and c. the area located 12m either side of the centreline of any 66kV or 110kV overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers). The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer visible edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.
NETWORK UTILITY	**means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.**[27]
NON-RENEWABLE ELECTRICITY GENERATION	**means the construction, operation and maintenance of structures associated with electricity generation**

[25] Transpower S299.010
[26] Transpower S299.009
[27] Buller District Council S538.004

ACTIVITY	**from non-renewable energy sources.**[28]
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means the construction, operation, maintenance and upgrading of structures associated with renewable energy generation. This includes**, along with large scale activities,**[29] small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, **earthworks, vegetation clearance,**[30] roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works.
SMALL **AND COMMUNITY** SCALE **ELECTRICITY GENERATION**	~~means, in relation to energy, renewable electricity generation activities at a capacity of no greater than 20kW for the purpose of using or generating electricity on a particular site, or exporting from a site.~~ **means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.**[31]
SUBSTATION (ZONE)	means the ground-mounted equipment used to convert ~~sub~~[32] transmission voltage (33kV and higher) to distribution voltages (22 or 11kV), and this equipment is generally enclosed in a fenced yard.
TRANSMISSION LINE~~S~~	**has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (as set out below).** means: a. the facilities and structures used for, or associated with, the overhead or

[28] Manawa Energy Limited S438.023
29 Westpower S547.035
30 Manawa Energy Limited S438.016
[31] Manawa Energy Limited S438.006 and S438.018
[32] Transpower S299.017 alternate relief Evidence of Pauline Whitney, paragraph 6.7, page 9

	underground transmission of electricity in the national grid and: b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but c. does not include an electricity substation. [33]
TELECOMMUNICATIONS KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**[34]
UPGRADING /**UPGRADE**	means in relation infrastructure and renewable electricity generation activities, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair. (**Upgrade has the same meaning)** [35]

[33] Transpower S299.018
[34] Buller District Council S538.007
[35] Manawa Energy Limited S438.019

4.3. Energy Chapter Overview

Submissions and Further Submissions

196. There were nine submission and 21 further submission points[36] received in relation to the Overview. The submission points and further submission points are assessed in the s42A Report in paragraphs 161 to 167. The Panel has considered the relevant submissions and further submissions received; and adopts the summaries provided within the S42A report.

Section 42A Reports

197. The s42A Report agreed with Manawa (S438.035) and NZEL (FS127.024) to amend the Overview to reference the NPSREG correctly.

198. The s42A Report agreed with Hort NZ (S486.013), and Forest & Bird's (FS34.059) further submission point in support, that the requirement for the '*protection*' of RSI should be removed from the Plan because the NPSET seeks to '*recognise and provide*' for RSI. It noted the RPS does not specify the protection of RSI but provides for its ongoing development, operation, maintenance, and upgrading.

199. The s42A Report did not support the amendments sought by Westpower (S547),[37] supported by NZ Energy (FS177)[38], to provide further context relating to the West Coast within the Plan because it considered sufficient context had already been provided and any further wording would be unnecessary given it is simply an Overview paragraph.

200. The s42A Report did not support Westpower (S547.070), supported by NZEL (FS127.053), to amend the reference to financial contributions by referencing energy, not infrastructure; and the request (S547.071) to remove the reference to '*activities on surface water'*. It stated the wording is intended to provide for infrastructure because infrastructure is what financial contributions pay for, not energy. It rejected the deletion of '*activities on surface water'* because the reference to surface water ensures that any activity proposed on surface water considers the relevant provisions of the pTTPP. The Annotated s42A Report and Addendum Report reconfirmed this position.

201. The s42A Report did not support Transpower's (S299.027 and S299.028) submission to have the ENG self-contained with no reference to other chapters, ensuring that the different chapters do not apply to the National Grid. It noted several further submissions opposed[39] that submission because it would fragment the pTTPP, which would affect its function and implementation; and agreed with the opposing further submissions that the Plan is intended to be read as a whole document. It supported Poutini Ngāi Tahu's further submission (FS41.039 and FS41.107) to retain cross-referencing because the Plan would be fragmented and could not provide for exclusions without it. Further, it stated exclusions can be

[36] S299.028, S438.035, S438.047, S547.066, S547.067, S547.068, S547.069, S547.070, S547.071, FS110.015,FS451.09, FS486.013, FS560.107, FS560.437,FS560.438,FS34.027, FS34.044, FS34.059, FS41.39, FS41.50, FS127.025, FS127.024, FS127.049, FS127.050, FS127.051, FS 127.052, FS127.053, FS230.068, FS230.0373, FS222.0225.
[37] S547.066, S547.067 and S547.068
[38] FS127.049, FS127.050 and FS127.051
[39] FS41.039, FS41.104, FS41.107, FS34.026, FS34.027

appropriately provided where provisions do not apply to the National Grid. The Annotated s42A Report confirmed this position.

Hearing and Submitter Evidence/Statements, including JWS

202. Ms Styles supported the approach provided in the pTTPP, stating that the ENG Chapter is self-contained, and the INF provisions and zone chapter rules do not relate to energy activities. She considered this approach an essential step in simplifying plan provisions and avoiding unnecessary duplication in provisions supporting REG enablement. However, she noted that some recommendations in the s42A Report appeared to conflict.

203. Ms Snoyink's statement for Forest & Bird noted that the s42A Addendum Report continued to include the word '*protection*' within the overview. She said that Forest & Bird considers any protection of RSI to be from reverse sensitivity effects, which is not the same as protection for an RMA s6 issue. Forest & Bird contended there is no mandate for the Council to protect RSI beyond reverse sensitivity, and the wording as to the extent of that protection should be more precise.

204. Mr Kennedy noted that Westpower supported the Overview in part but requested three amendments to reflect higher-order policy documents, the context of the West Coast, and the layout and interpretation of the ENG Chapter of the Plan. He disagreed with removing the word *Protection*, referencing Chapters 5 and 6 of the RPS, which provided specific recognition and *Protection* of RSI. He considered that recognition and protection should be retained in the pTTPP to give effect to the RPS.

205. Mr Kennedy addressed the Plan interpretation and clarification issues. He wanted to ensure that the INF Chapter, area-specific provisions, and zone chapters do not apply to energy activities. More particularly, his concern was the appropriate location within the Plan for such a direction. He sought the provision of an explanatory note to clarify the applicability of provisions that do not specifically reference activities. In particular, he pointed out that the Plan contained numerous terms that may apply to energy activities, so he considered the clarification he sought would better assist plan users and administrators.

206. Mr Kennedy also addressed energy activities on surface water. As we understood his evidence, he agreed that any energy activity proposed on surface water would require consideration of the other provisions of the pTTPP that applied to surface water activities.

207. Ms Pull in her evidence considered the Reporting Officers' approach to be inconsistent. She noted that the Reporting Officers supported cross-referencing in the overviews of the ENG and INF chapters, but not the TRN chapter. The Panel addresses this issue in the Transport section of this Report.

Reporting Officers' Reply Evidence

208. After considering Mr Kennedy's requested wording for the Overview circulated after EWC, the Reporting Officers recommended the following amendments to the Overview:

> *~~Energy activities, including r~~**R**enewable electricity generation, **electricity** transmission, and distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they require specific recognition and*

> *protection, as they are critical to the social, cultural and economic wellbeing of people and communities.* ***Operation, maintenance and repair of existing energy activities contribute to the resilience of the West Coast.***

209. Responding to Mr Kennedy's evidence relating to clarity of plan provisions, the Reporting Officers considered that the recommended amendments to the ENG Chapter provided sufficient clarity concerning energy activities, as defined within the provisions of the Chapter. The Reporting Officers also considered that the Overview clarified the relationship with the INF Chapter and that further clarification was a Plan integration matter, which was beyond the scope of this topic.

210. The Reporting Officers considered Mr Kennedy's request to insert additional paragraphs into the ENG Overview too lengthy and detailed for an overview. They noted that the Overview has no legal effect and highlighted that it is one of the longest in the pTTPP.

211. In their Position Statement and Reply Report, the Reporting Officers accepted that the Overview did not reference the importance of existing activities. Therefore, they recommended inserting a new sentence at the end of the first paragraph to remedy this, as Westpower requested. However, Mr Kennedy's request to include a reference to the West Coast context was not supported.

212. Responding to Westpower's submission regarding financial contributions, the Reporting Officers referred to the expert JWS (Annexure A, pages 9-10), where participants agreed that this concern could be resolved by deleting the last four words of the sentence, being*, which impact on infrastructure* that provides for financial contributions located at the end of the Overview section headed Financial Contributions.

213. Responding to Panel questions, the Reporting Officers agreed that cross-references to other national regulations and standards in the Overview could be removed to avoid duplication and support streamlining the Chapter.

214. The Reply did not specifically respond to Forest & Bird's hearing statement concerning their further submission point supporting Hort NZ's request to replace '*protection*' with '*recognise and provide for'* in the Overview. The Panel notes this was recommended to be deleted in the s42A Report[40] and is shown in a strikethrough in Appendix 1. However, this deletion was shown as a new addition with underlining in Attachment 1 of the Reply Report, which is incorrect. Notwithstanding this, the Panel have amended wording along the lines sought by Horticulture NZ.

Hearing Panel's Evaluation

215. The Panel considers the wording of the Overview should use language consistent with RPS Chapter 6 for RSI, which seeks to enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regional and nationally significant infrastructure

[40] S42A Paragraph 163 page 48

(Objective 1). The policy language used is to '*recognise*' and '*provide for*' RSI; and RSI are to be '*protected*' from reverse sensitivity effects from other activities.

216. The Panel disagrees with Mr Kennedy that the '*protection*' of RSI is consistent with the provisions of the RPS given it is limited to ensuring RSI are protected from reverse sensitivity effects.

217. The Panel agree with Hort NZ and Forest & Bird that '*recognition and protection*', as used in the first paragraph in the Overview is inconsistent with the outcomes sought by the RPS; and accepts these submission and further submission points. The Panel rejects Transpower's (FS110.015) further submission point.

218. The Panel recommends the following amendment, as requested by Hort NZ (S486.013):

> *As such they **need to be recognised and provided for** ~~require specific recognition and protection,~~ as they are critical to the social, cultural and economic wellbeing of people and communities.*

219. The NPSET seeks to '*recognise*' the national significance of electricity transmission and directs that decision-makers '*recognise and provide'* for transmission benefits and the effective operation, maintenance, upgrading, and development of the electricity transmission network.

220. The Panel also agrees with Hort NZ and Forest & Bird that 'recognition and protection', as used in the second paragraph of the Overview, is inconsistent with the outcomes sought by the NPSET.

221. The Panel recommends the following amendment, as requested by Hort NZ (S486.013):

> *The National Policy Statement for Electricity Transmission ~~Activities~~ requires **that the National Grid is recognised and provided for** ~~specific recognition and protection of the National grid, with renewable electricity recognised in the National Policy Statement on Renewable Energy Generation.~~*

222. However, the Panel recommends adding '2008' to the NPSET reference for accuracy and accepts the Reporting Officers' recommended amendment to the REG part of the sentence, as requested by Westpower (S547.067).

223. The Panel considers it is appropriate to recommend a consequential amendment to the amendments sought by Hort NZ's (S486.013) in paragraph 3 of the Overview to add '*including its protection from reverse sensitivity effects*' to be consistent with the RPS.

224. The Panel accepts the Reporting Officers' recommendation to add the last sentence to the second paragraph of the Overview but note that in Attachment 1 of the Reply Report it was missing '*significance of **renewable** electricity*', as requested by Westpower (S547.068).

Hearing Panel's Recommendation

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

accepted or accepted in part, and recommends the following changes to the **Energy Overview:**

Energy - Te Pūngao
Overview

~~Energy activities, including r~~ Renewable electricity generation, **electricity** transmission, **and** distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they **need to be recognised and provided for,** ~~require specific recognition and protection,~~[41]as they are critical to the social, cultural, and economic well-being of people and communities. **Operation, maintenance, and repair of existing energy activities contribute to the resilience of the West Coast.**[42]

The National Policy Statement for Electricity Transmission **2008**~~Activities~~ requires **that the National Grid is recognised and provided for**. ~~specific recognition and protection of the National grid, with renewable electricity recognised in the~~[43] **The** National Policy Statement on Renewable ~~Energy~~ **Electricity**[44] Generation **recognises the national significance of renewable electricity generation activities, including the need for and benefits from, renewable electricity generation.**[45]

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including **its protection from**[46] reverse sensitivity effects**.** ~~**The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)** contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa~~.

~~Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the **Electricity (Hazards from Trees) Regulations 2003.**~~

~~Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for **Electricity Transmission Activities) apply**.~~[47]

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

[41] Horticulture New Zealand S486.013
[42] Westpower Limited S547.068
[43] Horticulture New Zealand S486.013
[44] Manawa Energy Limited S438.035
[45] Westpower Limited S547.067
[46] Consequential amendment to Horticulture New Zealand S486.013
[47] RMA First Schedule Clause 16

Other relevant Te Tai o Poutini Plan provisions

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

- **Overlay Chapters** - the Overlay Chapters have relevant provisions in relation to Sites of Significance to Māori, Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities ~~which impact on infrastructure~~.[48]
- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

4.4. Energy Objectives

Submissions and Further Submissions

226. The s42A Report at paragraph 168 identifies submission and further submission points[49] that supported the Energy Objectives collectively, and those submitters[50] that supported the ENG Objectives as notified.

ENG-01

227. Paragraphs 169-171 of the S42A detailed the submission and further submission points requesting amendments to ENG-01.

228. Manawa (S438.037), supported by NZEL (FS127.027), sought amendments to ENG-01 to provide greater clarity for Plan users and align ENG-01 with the NPSREG, specifically the NPSREG Objective and Policy A, by adding '*by providing for their development*'. Similar requests to add '*and recognise*' were made by Westpower (S547.074), Frank and Jo Dooley (S478.077), and BEL (S451.020), supported by NZEL (FS127.008).

229. Westpower (S547.074) sought to amend ENG-01 to recognise electricity's national benefits. For clarity, Westpower submitted that ENG-01 should be separated into two new Objectives.

[48] Westpower S547.070
[49] S451.023, S478.080, S538.017, S547.073, S547.075, S547.077, S558.428, S566.428, S567.048, S574.428 and FS127.007
[50] S538, S558, S566, S567 and S574

ENG-02

230. The s42A Report identified submission and further submission points[51] relating to ENG-O2. Te Mana Ora (Community and Public Health) of NPHS/Te Whatu Ora (S190) and Transpower (S299) support ENG-O2 as notified.

231. Forest & Bird (S560.110) sought to delete or amend ENG-O2 to ensure energy activities covered are limited to energy distribution, supply, and energy generation. In addition, Forest & Bird (S560.108) and Manawa (S438.037) sought '*minimise'* be replaced with '*avoid, remedy or mitigate'* under the ECO Chapter and District Wide Chapters of the Plan.

232. BEL (S451.021), supported by NZEL (FS127.009), and Frank and Jo Dooley (S478.078) sought to reword ENG-O2 as follows:

> *Have particular regard to the constraints imposed by the technical, locational, and operational requirements when seeking to avoid, remedy, or mitigate adverse effects on communities and the environment from an energy activities design and location.*

233. Westpower Limited (S547.076) sought to amend ENG-O2 as follows:

> *To recognise and provide for the technical, functional ~~and~~ operational, locational needs associated with the location and design of Energy Activities, including Critical Infrastructure~~, and to minimise the adverse effects of these activities on communities and the environment.~~*

ENG-03

234. The s42A Report identified submission and further submission points[52] regarding ENG-O3. Te Mana Ora (Community and Public Health) of NPHS / Te Whatu Ora (S190) and Transpower (S299) support ENG-O3 as notified.

235. Manawa (S438.038), supported by NZEL (FS127.029) sought to amend ENG-O3 as follows:

> *…upgrade of energy renewable electricity generation activities and…incompatible subdivision, use and development.*

236. BEL (S451.022), supported by Kāinga Ora (FS58.012) and NZEL (FS127.010), and Frank and Jo Dooley (S478.079) seek to amend ENG-O3 to give effect to the RPS as follows:

> *To ~~provide for~~ enable the development, operation, maintenance and upgrade of energy activities ~~and to protect them from the adverse effects of incompatible subdivision and development.~~*

51 S190.039, S299.030, S438.037, S451.021, S478.078, S547.076, S560.110, S560.445, S560.446, FS127. 009, FS127.028

52 S190.040, S299.030, S438.038, S451.022, S478.079, S486.015, S524.033, S547.078, S560.111, S560.447, FS34.060, FS55.15, FS55.16, FS58.012, FS58.013, FS58.014, FS58.015, FS127.0010, FS127.029

237. Hort NZ (S486.014), supported by Kāinga Ora (FS58.013) and Forest & Bird (FS34.060) Federated Farmers (S524.033), sought to amend ENG-O3 to remove the protection focus as follows:

> *…upgrade of energy activities and ~~to protect them from~~ ensure they are not compromised by the adverse effects of incompatible subdivision, use and development.*

238. Forest & Bird submitted that ENG-O3 is too broad and should be limited to electricity generation, distribution and supply and renewable energy generation. The submitter requested to delete or amend ENG-O3 as follows:

> *To provide for the development, operation, maintenance and upgrade of electricity generation, distribution and supply and renewable energy generation ~~energy activities~~ where adverse effects can be appropriately avoided, remedied or mitigated in accordance with the Natural Environment and District Wide Chapters of this Plan and to protect them from the adverse effects of incompatible subdivision and development.*

239. Forest & Bird noted this objective was a blanket enabling provision and does not address adverse effects. Kāinga Ora (FS58) supported this and considered that energy activities should appropriately avoid, remedy or mitigate adverse effects.

240. Westpower Limited (S547.078) sought a new objective and a reworded ENG-O3 as follows:

> *To enable the safe, efficient and integrated development, operation, maintenance and upgrading of Energy Activities, including Infrastructure and Critical Infrastructure, to meet the needs of the West Coast/Te Tai o Poutini.*
>
> *To protect Energy Activities, including Critical Infrastructure, from the adverse effects of incompatible subdivision, use and development.*

241. Westpower considered ENG-O3 to combine two matters that should be addressed separately for clarity. Kāinga Ora (FS58.014) and Hort NZ (FS55.16) opposed this request as they considered the proposed amendments were overly restrictive.

ENG-04

242. The s42A Report identified nine submission and further submission points[53] relating to ENG-O4.

243. BEL (S451.024), supported by further submissions by Kāinga Ora (FS58.017) and NZEL (FS127.011) and opposed by Transpower (FS127.011) and Frank and Jo Dooley (S478.081), sought to amend ENG-O4 to include '*incompatible*' in relation to subdivision, use and development.

New Objective

53 S190.041, S299.032, S451.024, S478.081, S486.016, S524.034, FS58.017, FS58.018, FS58.019, FS110.016, FS127.00111

244. BEL (S451.023), supported by NZEL (FS127) and opposed by Kāinga Ora (FS58.020), and Frank and Jo Dooley (S478.080) sought a new objective to implement the RPS, as follows:

> *Energy activities, including their operation, maintenance, upgrading, or development, are protected from the adverse effects of incompatible subdivision and development.*

245. Westpower (S547.073), support by NZEL (FS127.055) sought a new objective to give effect to the RPS because there is no objective for coordinating the provision and use of energy activities at the time of subdivision and development, as follows:

> *To ensure the efficient provision and use of Energy Activities, including Critical Infrastructure, for communities by coordinating the provision of Energy Activities with the subdivision, use and development.*

Section 42A Reports

246. Concerning **ENG-01**, the s42A Report supported the amendment sought by Manawa because it would provide greater clarity for plan users and align with the NPSREG, specifically its Objective and Policy A.

247. The s42A Report partially supported Westpower's submission by agreeing to include '*national benefits'* within ENG-O1 to be consistent with the RPS Chapter 6, Objective 1. However, it considered the separation of ENG-O1 and adding a new objective unnecessary, as it is provided under ENG-O4.

248. In relation to **ENG-02**, the s42A Report did not support Forest & Bird's submission to amend ENG-O2 to replace '*minimise'* with '*avoid, remedy or mitigate'* because it considered '*avoid, remedy or mitigate*' is too general for an objective. Forest and Bird thought '*minimise'* reflects that there are scenarios where it is not possible or practical to avoid, remedy or mitigate all effects of energy activities due to their technical, functional, operational and locational constraints. The Reporting Officers considered '*minimise'* provides greater certainty and is consistent with the approach taken throughout pTTPP. It also did not support the balance of the amendment sought because specifying chapters of the pTTPP limits and restricts the assessment, while the pTTPP should be read in full. Further, it noted that the ENG Overview guide states that other chapters are to be read in conjunction with the ENG, and it would be a duplication to include it under specific objectives and policies.

249. For the reasons provided in the preceding paragraph, the s42A Report did not support the request from BEL, Frank and Jo Dooley and NZEL to amend ENG-O2 to replace '*minimise'* with '*avoid, remedy or mitigate'*.

250. The s42A Report did not support the amendments sought by Westpower because it considered the RMA to require minimising adverse effects on communities and the environment of activities. It noted that the NZ Planning Standards define functional and operational needs, encompassing technical and locational needs. It considered the submitter had not provided sufficient reason for the relief sought.

251. The s42A Addendum confirmed the recommendation to reject Westpower's request to amend ENG-02 and split it into two objectives.

252. Concerning **ENG-03**, the s42A Report agreed with Manawa and NZEL that ENG-03 should recognise the need to provide for renewable electricity generation and to protect renewable electricity generation activities from reverse sensitivity effects, in accordance with the NPSREG. It therefore supported inclusion of '*use'* to provide consistency with the RMA but considered it unnecessary to specify '*renewable electricity generation*' as this is captured in the definition of '*Energy Activity'* as defined in Part 1 of the pTTPP as follows:

> *means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation*.

253. However, the s42A Addendum Report noted that based on further clarification and justification in the pre-circulated evidence and further pre-hearing discussions, it now accepted the request to amend the objective by deleting references to '*energy activities*' and replacing this with '*renewable electricity generation, energy investigation, distribution, and transmission'*. The Addendum considered that the amended objective would provide further clarity in relation to the various activities encompassed in the umbrella definition of '*Energy Activities*'; and that the amendment would be consistent with national direction.

254. In relation to BEL and Frank and Jo Dooley's submission points, the s42A Report considered '*provide for'* had a comparable policy directive to '*enable'* and that both would result in the same outcome, and on this basis, it did not accept the amendments sought. It also did not support deleting the second portion of ENG-O3 as notified, because they considered protection from adverse effects to provide a greater policy directive.

255. The s42A Report did not support the amendment requested by Hort NZ and Federated Farmers except for the inclusion of '*use'*, which is consistent with the RMA. It considered that the provision of protection ensures that energy activities will not be compromised and that the current wording appropriately provides for the intent of the submissions.

256. The s42A Report did not support the amendment sought by Forest & Bird because specifying chapters of the pTTPP limits and restricts the assessment, while the pTTPP should be read in full. It considered the overview at the start of the ENG guides reference to other relevant chapters, and it would therefore be a duplication to include it under specific objectives and policies.

257. In relation to Westpower's request to reword ENG-03 and split it into two objectives, the s42A Report rejected this amendment because it considered the current wording provides for the protection of energy activities more transparently. However, this position changed in the s42A Addendum, where, in response to evidence, the Report Officers recommended the use of *'to enable'* in ENG-03.

258. The Addendum recorded that the Reporting Officers remained of the view that splitting the objective was not necessary, but did accept, based on the pre-circulated evidence, that there was an inconsistency between the INF objectives and the energy objectives with respect to enabling energy activities in accordance with the RPS.

259. In relation to **ENG-04**, the s42A Report did not support BEL (S451.024)[54] and Frank and Jo Dooley's (S478.081) request for the inclusion of the word '*incompatible*' because it limits the scope of the objective, solely to incompatible subdivision, use and development, where any subdivision, use and development should actively consider effects.

260. The s42A Report recommended rejecting BEL and Frank and Jo Dooley's request for a **new objective** to address protection from reverse sensitivity effects because this was provided for in ENG-03.

261. The s42A Report also did not support a new objective as proposed by Westpower for coordinating the provision of energy activities. However, the Addendum Report changed this position in response to pre-circulated evidence and pre-hearing discussions. It recommended that, with a refinement in the approach to types of Energy Activities, a new objective supporting coordination and the efficient provision of electricity distribution and transmission activities would link policies ENG-P5 and ENG-P9. Attachment 2 to the Addendum Report recommended the following new Objective ENG-05:

> *To ensure the efficient provision and use of distribution and transmission activities by co-ordinating the provision with subdivision, use and development.*

Hearing and Submitter Evidence/Statements, including JWS

ENG-01

262. Ms Whitney, for Transpower, noted support for the objective as notified but accepted the amendment recommended in the s42A Report.

263. Mr Kenndy was critical that ENG-01 and ENG-04 did not provide for enabling energy activities as envisaged by the RPS Chapter 6, Objective 1. He contrasted this with INF Objectives, which give effect to the RPS by seeking to enable activities under that section. He was unclear why an enabling outcome was not sought or considered appropriate for energy activities, as with other infrastructure, given the significance of energy activities to the region and nationally, and to achieve community and environmental outcomes. He considered the recommendations of the S42A Report relating to energy and infrastructure to be inconsistent and do not reflect the outcomes sought for the region on an integrated basis.

264. Mr Lile, for BEL, supported the amendments recommended in the s42A Report.

ENG-02

265. Ms Styles expressed concern that the pTTPP provisions did not provide a clear separation between renewable and non-renewable energy sources to provide for REG specifically. She referred to ENG-02 and ENG-03, where recognition of functional and operational needs and provision for development, operation, maintenance, and upgrade applied to all energy activities. She believed such provision should not be given to non-renewable electricity generation. She believed the objective should be to apply this enablement to REG and energy

54 Supported by Kāinga Ora (FS58.017) and NZ Energy (FS127.011) and opposed by Transpower NZ Ltd (FS110.016)

investigation, distribution, and transmission activities. She said such an amendment to the objectives is required to specify the activities enabled correctly and give effect to national direction for REG and electricity transmission, without transferring the same benefits to non-renewables, which do not have national importance and conflict with aspirations to reduce fossil fuel use nationally.

266. Ms Styles considered the term '*minimise*', which is used in the Plan as a direction for managing effects, should be amended to '*avoid remedy or mitigate'*, to reflect the terminology of the RMA. In addition to this change in terminology, she said she would also recognise the approach to effects management hierarchies and that various aspects of the effects management hierarchy may be appropriate in different circumstances. She disagreed with the s42a Report, which considered the term 'minimise' very general and lacking direction. She thought the word is unclear as to what degree effects should be minimised, questioning whether it should be as far as possible or as much as desired, and in whose opinion. In contrast, she said the use of '*avoid remedy or mitigate'* is well understood, supported by case law, and aligned with the effects management hierarchy approach, which is commonly expressed in recent national direction.

267. Ms Whitney noted support for the objective as notified.

268. Mr Kennedy considered that ENG-02 should be split into two matters: one to deal with functional operational needs, and the other to deal with minimising effects. He also thought the objective should provide for functional, operational, technical, and locational needs consistent with the RPS.

269. Mr Kennedy considered the term '*minimising*' was unclear because there was uncertainty about what was being used to determine whether effects were minimal. Given the requirements of energy activities, he considered that it may not always be possible to achieve minimal effects. He thought the better approach was that those effects must be '*managed*'.

270. Mr Lile accepted the Reporting Officers' assessment and supported the amendments recommended in the s42A Report.

271. Mr Leckie, in legal submissions[55] for Bathurst, supported the discussion in the S42A Report concerning functional and operational needs, and consistency of language, noting that functional and operational needs, as defined in the NZ Planning Standards, encompassed technical and locational needs. He submitted that the terms '*functional need and operational needs'* should be used in place of the terms '*constraints or requirements'* because this is consistent with the language of the Planning Standards.

272. Ms Snoyink, for Forest & Bird[56], acknowledged the s42A Report recommendation to delete the word 'minimise' and considered this was an improvement, but noted that it was inadequate without policy direction to avoid, remedy or mitigate adverse effects.

55 Dated 13 November 2023 paragraphs 16 and 17

56 Forest & Bird Statement of Evidence 28 November 2023 paragraph 31

ENG-03

273. In response to the s42A Report recommendation to remove the word '*incompatible*', Ms Styles was of the view it should remain within the objective because the use of the word seeks to provide direction and ensures that the objective and its related policy does not apply to any activities seeking to locate close to REG, transmission and distribution activities recognising that some activities can appropriately locate near such activities. Further, she said the inclusion of the word is a test for determining what subdivision use and development would lead to reverse sensitive problems and what would not. She considered including the word within ENG-03 and its related policies would support rules with another chapter to control specific activities close to this type of infrastructure.

274. Ms Styles's evidence sought to delete the reference to '*energy activities*' and replace it with '*renewable electricity generation, energy investigation, distribution, and transmission'*. She considered this amendment required correctly specifying the activities enabled to give effect to the national direction for both the REG and electricity transmission, without transferring the same benefit to non-renewables.

275. Ms Whitney noted Transpower's support for the objective as notified but accepted the amendment recommended in the s42A Report.

276. Mr Kennedy's evidence on ENG-03 focused on splitting the objective into two parts, seeking to separate matters into two distinct objectives: to enable and protect energy activities. He considered this approach would provide clarity of outcome and consistency of approach and give effect to the RPS.

277. Mr Lile accepted the s42A Report assessment and the reasons given.

278. Ms Snoyink, for Forest & Bird, expressed concern regarding the clarity of ENG-03, particularly if the objective is limited to renewable electricity generation activities. Forest & Bird opposed the inconclusion of the term enable, referencing Policy 6 of the NPSREG, which directs district plans to provide for as distinct from enable. Forest & Bird made the point based on the recent Port Otago decision that the word '*enable*' is a directive word and was not appropriate in the context of the ENG provisions.

279. The JWS records that the Reporting Officers and the expert planners for Transpower, Manawa and BEL agree that '*provide for*' development in ENG-03 reflects NPSET and NPSREG; and that '*enable'* is appropriate for the operation, maintenance and upgrade of REG, energy investigation, distribution and transmission. It notes the INF provisions do not follow the guidance of the NPSET and NPSREG and therefore do not need to align with the ENG provisions.

280. The JWS records that Mr Kennedy preferred only the use of '*enable*' to be consistent with the RPS and INF-01 and INF-O2.

ENG-04

281. Ms Whitney noted that ENG-04 is specific to the National Grid, and Transpower's support for the objective as notified.

282. Mr Lile accepted the assessment in the s42A Reports and its recommended amendment to ENG-04.

Reporting Officers' Reply Evidence

ENG-01

283. The Reporting Officers made no further recommendations in Reply.

ENG-02

284. The Reporting Officers reviewed the evidence received and the discussions at the hearing. They recommended replacing the term '*minimise'* with '*manage*, which, in their view, provides a clear target while remaining consistent with the higher order policy direction, such as the NPSET. The Reporting Officers considered that management can be achieved via avoidance, remediation, or policy mitigation.

ENG-03

285. Having reconsidered the original recommendation that the inclusion of the word '*incompatible'* in this objective was not supported due to the limitation of the scope of the objective, the Reporting Officers now recommended that the word '*incompatible'* be retained in ENG-03. They reasoned that inclusion would enable compatible subdivision, use, and development in certain circumstances, which they considered sufficient to afford the protection of the relevant infrastructure. Furthermore, they considered this consistent with Chapter 6 Policy 4 of the RPS.

286. The Reporting Officers also reconsidered the earlier recommendation to change this objective to include the words '*to enable*'. Considering submitted evidence and the JWS, the Reporting Officers considered that the provision should link directly to the nature of the activity proposed, the potential for adverse effects and the consenting pathway. They thought the words '*to provide*' indicate provision within the plan via a consenting pathway, more appropriately applied to developing new renewable electricity generation, energy investigation, distribution, and transmission activities. They considered the words '*to enable*' indicate the Plan enables the activity via a permitted activity rule, which is more appropriately applied to the operation, maintenance, and upgrading of existing renewable electricity generation, energy investigation, distribution and transmission activities.

ENG-04

287. The Reporting Officers' Attachment 1 recommended including *'incompatible'* in ENG-04, as BEL and Frank and Jo Dooley requested.

New Objective ENG-05

288. Attachment 1 of the Reply recommended the following slightly amended wording for new Objective ENG-05:

> *To ensure the efficient provision and use of distribution and transmission activities by co-ordinating ~~the provision~~ with subdivision, use and development.*

289. The Reporting Officers accepted that including this new objective would be consistent with objective INF-03, policy INF-P4, and SUB-P2.

Hearing Panel's Evaluation

ENG-01

290. The Panel accepts the recommended changes to ENG-01, shown in Attachment 1 to the Right of Reply, and considers these amendments to address the submitter's concerns and provide a greater degree of clarity.

ENG-02

291. The Panel considers the wording of ENG-02, as notified, particularly regarding functional or operational needs, appropriate. We do not consider that including further words relating to functional or operational need will assist in any meaningful way, given that these terms are defined in the PTTPP. The Panel considers it should be '*functional **need or** operational needs'* given both terms are defined in the pTTPP and it is '*or*' not '*and*'.

292. The Panel generally accepts the Reporting Officers' recommendation and Manawa's submission (S438.037) to replace '*energy*' with '*renewable electricity generation, energy investigations, distribution and activities*'. However, we consider this should be changed slightly to '*renewable electricity generation, investigation, and distribution and transmission'* to give effect to national direction of the NPSREG and NPSET, and the RPS. We agree with Ms Styles that, given the definition of 'energy activities' includes non-renewable electricity generation, it would not be appropriate to recognise the operational need for energy activities broadly.

293. The Panel accepts the recommended changes to the subject of the objective because it is appropriate that the focus is on renewable electricity generation to give effect to national direction.

294. Having considered the differing views, the Panel considers the word '*manage'* is preferred to the word '*minimise'* because the word '*minimise'* requires assessment and definition as to what extent. The word '*manage'* we consider enables full consideration of means to avoid, remedy or mitigate effects as appropriate. The Panel also agrees that the policies provide further guidance and direction on how and what adverse effects should be avoided, remedied or mitigated.

ENG-03

295. The Panel agree with the Reporting Officers' Reply recommendation. We agree that retaining the words '*to provide*', as notified, signals a consenting pathway for new development. We agree that including the words '*to enable'* relates to existing development and signals a permitted activity pathway for those identified activities. We also agree that using the word 'incompatible' in relation to subdivision, use and development is appropriate because it enables an assessment of the reverse sensitivity effects on renewable electricity generation activities to determine if those effects are acceptable.

ENG-04

296. The Panel accepts the submission points of BEL (S451.024) and Frank and Jo Dooley (S478.081) and the Reporting Officers' recommendation to include *'incompatible'* in ENG-04, for the abovementioned reasons concerning ENG-03.

New Objective ENG-05

297. The Panel finds that providing a new objective relating specifically to non-renewable energy activities is unnecessary. We agree that, as notified, the pTTPP did not provide direction for non-renewable energy activities. We also acknowledge that the NPSREG supports and promotes renewable energy, but we do not read that support as resulting in the outright avoidance of non-renewable energy activities.

298. The Panel accepts Mr Kennedy's evidence and the Reporting Officers' recommendation to include a new objective supporting coordination and the efficient provision of electricity distribution and transmission. We agree this new objective is consistent with Objective INF-03 and Policy INF-P4. We acknowledge that subdivision, use, and development require energy provision and that coordinating energy supply with that development is essential to ensure efficiency. We note that an accompanying new policy ENG-PX3 to support this new objective is addressed below.

299. The Panel is satisfied the recommended wording for the new objective, as shown in Attachment 1 of the Reply Report, is appropriate to give effect to the NPSREG and the RPS. However, the Panel recommend adding '*electricity*' for clarity.

Hearing Panel's Recommendation

300. The Panel is satisfied that the recommended changes to the objectives give effect to the NPSET, NPSREG and the RPS. We have examined them in accordance with section 32AA and conclude, as amended, that they are the most appropriate to achieve the outcomes sought.

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

Energy Objectives	
ENG – O1	To recognise the local, ~~and~~ regional **and national**[57] benefits of electricity transmission, distribution and renewable electricity generation activities, **by providing**[58] for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
ENG – O2	To recognise the functional **need or** operational needs associated with

[57] Westpower Limited S547.074
[58] Manawa Energy Limited S438.036

	the location and design of **renewable electricity generation, investigation, and distribution and transmission** ~~energy~~[59] activities, and to ~~minimise~~ **manage**[60] adverse effects of these activities on communities and the environment.
ENG – O3	To provide for **development and enable** the ~~development~~, operation, maintenance and upgrade of **renewable electricity generation and investigation, and electricity distribution and transmission** ~~energy~~ [61]activities and to protect them from the adverse effects of incompatible subdivision**, use**[62] and development.
ENG – O4	To recognise and provide for the national, regional and local significance and benefits of the National Grid, by ensuring the safety, efficiency, operation, maintenance, repair, upgrade and development is not adversely affected by **incompatible**[63] subdivision, use and development.
ENG-O5	**To ensure the efficient provision and use of electricity distribution and transmission activities by co-ordinating with subdivision, use and development.** [64]

4.5. Energy Policies

Submissions and Further Submissions

ENG-P1

302. The s42A Report, at paragraphs 188 to 192, identifies seven submission and five further submission points[65] and summarised the relief sought in relation to Policy ENG-P1. Te Mana Ora (S190.042) and Transpower (S299.033) sought to retain the policy as notified. BEL (S451.025), supported by NZEL (FS127.013), and Frank and Jo Dooley (S478.082) sought to include '*Provide for and enable*' to give effect to the NPSET.

303. Westpower (S547.084), supported by NZEL (FS127.060), requested amendments to include all Energy Activities, including related Infrastructure and Critical Infrastructure aspects.

304. Manawa (S438.00144) sought to replace '*Provide for*' with '*Enable*'; add '*electricity*' and delete '*and assets'*; and add '*while recognising the positive, social, economic, cultural and environmental benefits of renewable electricity generation and transmission*'. This was opposed by Poutini Ngāi Tahu (FS34.054) and Forest & Bird (FS34.054).

[59] Manawa Energy Limited S438.037
[60] Manawa Energy Limited S438.037, Royal Forest and Bird Protection Society S560.446
[61] Manawa Energy Limited S438.038
[62] Manawa Energy Limited S438.038
[63] Buller Electricity Limited S451.024, Frank and Jo Dooley S478.081
[64] Westpower Limited S547.073
[65] S438.045, S451.034, S478.091, S538.018, S547.080, S547.081, S547.082, S547.083, S547.439, S558.439, S560.440, S566.439, S567.049, FS58.021, FS127.056, FS127.057, FS127.058, FS127.059

305. Forest & Bird (S560.112) requested adding '*while addressing adverse effects in accordance with the Natural Environment and District Wide chapters of this Plan'*. This was opposed by Transpower (FS110.017) and Westpower (FS222.0234).

ENG-P2

306. The s42A Report, at paragraphs 193 to 200, identifies 19 submission and further submission points relating to Policy ENG-P2 and summarised relief sought. Transpower (S299.034) and Toke Tū Ake/EQC (S612.009) sought to retain the Policy as notified. Te Mana Ora (190.043) sought to provide a weighting to the benefits where there is conflict. Manawa (S438.039), supported by NZEL (FS127.042), sought to replace '*energy*' with '*renewable energy generation, electricity transmission and distribution*'; and to add '*renewable*' in clause (a).

307. Suzanne Hills (S443.015) sought to amend the policy to reflect the cumulative effect of multiple hydro schemes on waterways. NZEL (FS127.047) opposed this because developments should be assessed on a case-by-case basis. Inger Perkins (S462.028) sought to amend the policy to support micro-renewables and distributed energy generation.

308. BEL (S451.026) and Frank and Jo Dooley (S478.) sought to add '*infrastructure and assets provide for*'; and '*or*' after each clause. This was supported by NZEL (FS127.014) and opposed by Poutini Ngāi Tahu (SFS41.106).

309. Westpower (S547.085) sought to amend the wording and to split clause (a) into two, as follows:

When managing the development and operation of new and existing energy activities have particular regard to the benefits to be obtained from the proposal including:

(a) Maintaining and/or increasing security of renewable electricity supply;

(aa) Providing for a diversity of the type and location of renewable electricity generation;

310. Westpower (S547.085) also sought to add '*including to consumer*' to clause (e).

311. Forest & Bird sought to delete '*particular*' (S560.448); include '*maintain, upgrade'* (S560.449)*;* add a new clause '*opportunities to reduce environmental impacts'* (S560.450)*;* and add '*development*' to clause (a) (S560.451). Transpower (FS11018) opposed the last submission point.

ENG-P3

312. The s42A Report identified eight submissions and nine further submission points and summarised the relief sought in relation to Policy **ENG-P3** in paragraphs 201-206. One submission sought to retain ENG-P3 as notified. Manawa (S438.040), supported by NZEL (FS127.030) and Kainga Ora (FS58.022), sought to replace '*Minimise*' with '*Avoid*'; add *'incompatible';* replace '*energy*' with '*renewable energy generation, electricity transmission and distribution*'; and delete '*and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development*'.

313. BEL (S451.027), opposed by Kāinga Ora (FS58.023), and Frank and Jo Dooley (S478.084) sought to reword the policy as follows:

> *Avoid reverse sensitivity effects from subdivision, use and development on electricity distribution and transmission assets, existing renewable electricity generation activities and associated infrastructure, and protect such infrastructure from adverse effects of activities on the operation, maintenance, upgrading or development of that infrastructure.*

314. Westpower (S547.088), supported by NZEL (FS127.061) and opposed and supported in part by Kāinga Ora (FS58.026 and FS58.077), sought to amend the ENG-P3 as follows:

> *Protect energy activities, including energy aspects of infrastructure and critical infrastructure, from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading or development of energy activities and associated infrastructure.*

315. Federated Farmers (S524.035) supported by Kāinga Ora (FS58.025), and Hort NZ (S486.017) supported by Kāinga Ora (FS58.024) and Forest and Bird (FS34.061), sought to delete '*protect energy activities from adverse effects to*' and to add '*is not compromised'* at the end of ENG-P3.

316. Transpower (S299.035) sought a definition for '*minimise*' in the context ENG-P3.

ENG-P4

317. The s42A Report identifies and summarises 11 submission and 11 further submission points relating to Policy ENG-P4 in paragraphs 207-212. Three submissions supported Policy ENG-P4 as notified because they considered it would minimise any actual or potential adverse effects between sensitive adjacent land uses.

318. Forest & Bird (S560.114), supported by Kāinga Ora (FS58.32 and FS58.083), sought ENG-P4 be deleted because adverse effects are insufficiently dealt with, and effects must be managed in accordance with the RPS.

319. BEL (S451.028), opposed by Kāinga Ora (FS58.029), and Frank and Jo Dooley (S478.085), sought to amend '*Minimise*' with '*Manage*' in ENG-P4.

320. Westpower (S547.089) sought to amend ENG-P4, as follows.

> *~~Minimise~~Manage adverse effects on the environment from energy activities by:*
>
> *(a) Having regard to the values associated with areas identified as having significant environmental values, ~~urban amenity, areas of high recreation value~~ outstanding and high natural character areas outstanding landscapes and features, Poutini Ngai Tahu and heritage sites, and significant natural areas;*
>
> *(b) [ ]*

> *(c) Maintaining ongoing access to grid and distribution ~~elements and structures~~ infrastructure and assets for operation, maintenance and upgrading works;*

321. Manawa (S438.042), supported by NZEL (FS127.031) and opposed by Kāinga Ora (FS58.028), sought to replace '*Minimise*' with '*Avoid, remedy or mitigate'*; and to replace '*energy*' with '*renewable energy generation, electricity transmission and distribution*'.

322. Poutini Ngāi Tahu (S620.084) sought to include the words '*sites and areas of cultural landscapes'* in the policy.

323. Transpower (S299.036) sought a definition for '*minimise*' in the context of ENG-P4.

ENG-P5

324. Eleven submission points and six further submission points[66] were identified in the s42A Report relating to Policy ENG-P5 and the relief sought was summarised in paragraphs 213-218. One submission (S190.046) supported the policy as notified.

325. Forest & Bird (S560.454), opposed by Westpower (FS222.0236), sought to amend the policy to remove conflicts and improve integration with overlay provisions for s6 matters; and to amend clause (a) (S560.453), opposed by Westpower (FS222.0235), as follows:

> *~~Recognise their functional constrains and operational requirements~~ Recognise that natural character, outstanding and significant natural values are to be protected and that adverse effects on the environment are to be avoided, remedies or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan*.

326. Forest & Bird (S560.115) also sought to limit the definition of energy activities in the context of ENG-P5.

327. Transpower (S299.036) sought to replace '*transmission infrastructure'* with '*significant electricity distribution lines'* in ENG-P5.

328. Manawa (S438.043) sought to replace '*energy*' with '*renewable energy generation';* and '*constraints*' and '*requirements*' with '*needs*', which was supported by NZEL (FS127.043)

329. Westpower (S547.092 and S547.093) sought to amend ENG-P5, as follows:

> *When managing the development, operation, maintenance and upgrading of new and existing energy activities:*
>
> *a. Have particular regard to function, location, technical and operation constraints and requirements of the related activities and infrastructure;*

[66] S190.046, S299.037, S438.043, S451.029, S478.086, S547.092, S547.093, S560.115, S560.453, S560.454, S560.455, FS127.043, FS127.065, FS222.0235, FS222.0236, FS222.0237, FS222.0237

330. BEL (S451.029) and Frank and Jo Dooley (S478.087) sought to replace '*energy*' with '*renewable energy'*; '*Recognise*' with '*Have regard to the constraints imposed by*'; and '*minimised*' with '*managed*'.

ENG-P6

331. Eight submission points and three further submission points[67] were identified in relation to Policy ENG-P6, and the relief sought was summarised in the s42A Report in paragraphs 219-221. Six submissions and one further submission point supported the Policy as notified.

332. Manawa (S438.044) sought to delete '*small, community and large scale'*, which was supported by NZEL (FS127.032).

333. Forest & Bird (S560.443), opposed by Transpower (FS110.009), sought to amend the policy by adding '*where the adverse effects are avoided, remedied, or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan'* to the end of clause (b).

ENG-P7

334. The s42A Report identified six submission points and one further submission point[68] The s42A Report, paragraphs 222-224, summarises the submissions received on Policy ENG-P7. Three submission points supported the Policy as notified.

335. Transpower (S299.039), opposed by Forest & Bird (FS34.028), sought to add '*for new National Grid infrastructure or major upgrades to existing National Grid infrastructure*' to clause (c)(ii).

336. Forest & Bird (S560.117) sought ENG-P7 be deleted or amended (S560.452) to include *'avoid, remedy and mitigate in accordance with the Natural Environment and District Wide chapters of this Plan'*

ENG-P8

337. The s42A Report identified 12 submission points and seven further submission points[69] received on Policy ENG-P8 and summarised the relief sought in paragraphs 225-228. Three submission points supported the Policy as notified.

338. Transpower (S299.035), opposed by Forest & Bird (FS34.029 and FS34.030) and Poutini Ngāi Tahu (FS41.040), sought ENG-P8 be amended as follows:

> *(b) Seeking to avoid adverse effects on areas identified in Schedules <u>1-8</u>;*
>
> *(c) Where the National Grid has a functional or operational need to locate within the Coastal Environment, manage adverse effects by:*

[67] S190.047, S299.038, S438.044, S451.030, S478.087, S547.094, S560.166, S560.443, FS110.009, FS127.032, FS127.066
[68] S190.048, S299.039, S451.031, S478.088, S560.117, S560.452, FS34.028
[69] S190.049, S299.040, S451.032, S478.089, S560.118, S560.456, S560.457, S560.458, S560.459, S560.460, S620.085, FS34.029, FS34.030, S602.034, FS110.019, FS122.013, FS41.40, FS149.097, FS230.069

(a) Seeking to avoid adverse effects on Overlay Chapter areas identified in Schedules 1-8 and where it is not practicable to avoid, to remedy or mitigate;

(b) Where it is not practicable to avoid adverse effects on the values of the areas identified in Schedules 1-8 because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values.

(c) Seeking to avoid significant adverse effects on: other areas of natural character natural attributes and character of other natural features and natural landscapes indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and

(d) Recognise that there may be some areas within the sites and areas identified in Schedules 1-8 where avoidance of adverse effects is required to protect the identified values and characteristics; and

(e) Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided, to the extent practicable. In the event of any conflict with any other objectives and policies within the Plan, Policy ENG-P8 takes precedence.

339. Forest & Bird (S560.456), supported by Susan Hall (FS35.7), sought amendments to make it clear that it is not only scheduled areas that are considered, as the majority of SNAs are not identified on a schedule. They also sought to replace '*Seeking to avoid*' with '*Avoid*' (S560.457), supported by DOC (FS122.013); and to amend clause (d) to give effect to NZCPS Policy 11 and NPSET (S560.458), as follows:

> *Recognise that there may be some attributes, character and biodiversity values ~~areas within the sites and areas identified in Schedules~~ where avoidance of adverse effects is required to protect the ~~identified~~ attributes, ~~values and~~ characteristics or values.*

340. Forest & Bird (S560.459) sought clarification regarding the terms 'substantial', 'major upgrade', 'substantial upgrade', 'minor upgrade' and 'upgrade' in the context of ENG-P8. They also sought amendments to capture requirements for route, site and method selection process to consider alternatives to locating in important natural areas (S560.460).

341. DOC (S602.034), supported by BDC (FS149.097) and opposed by Transpower (FS110.019), sought to delete clause (d) and amend clause (b) as follows:

> *(b) Seeking to avoid adverse effects on areas and values identified in Schedules SNAs, and Overlay Areas and applying the effects management hierarchy where adverse effects cannot be avoided*

ENG-P9

342. The s42A Report identified six submission points and three further submission points[70] received on Policy ENG-P9 and summarised the relief sought in paragraphs 229-231. Three submission points and one further submission point supported the Policy as notified.

343. Hort NZ (S486.018) opposed by Transpower (FS110.020), and Federated Farmers (S524.036) opposed by Transpower (FS110.021), sought to add '*Avoid to the extent reasonably practicable*' to clause (e) to be consistent with Policy 10 of the NPSET.

344. Transpower (S299.041) sought to amend ENG-P9 as follows:

> *(b) Avoid ~~incompatible~~ land use, buildings and structures that may directly affect or otherwise compromise the National Grid or result in reverse sensitivity effects on the National Grid;*
>
> *(c) Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;*
>
> *[ ]*
>
> *(d) Maintain ongoing access for maintenance and upgrading works on the National Grid; and Avoid potential for reverse sensitivity effects on the National Grid.*

New Policies

345. The s42A Report identified five submission points and two further seeking to include new policy direction.

346. Manawa Energy (S438.033), sought a new policy that addresses and discourages establishing non-renewable energy activities. It considered the current wording encompassed non-renewable energy activities within the definition of '*energy activity*,' which does not align with international and national directives to discourage non renewables. It suggested the following wording:

> *Avoid developing non-renewable electricity generation activities on the West Coast and facilitate the replacement of non-renewable energy sources, including fossil fuels.*

347. Westpower (FS222.0181) supported this submission in part, to enable renewable electricity generation but considered the scope of the amendment was fundamental to the purpose of the pTTPP. NZEL (FS127.026) opposed this submission because it considered non-renewable energy sources will always be needed.

348. BEL (S451.034), supported by NZEL (FS127.012), sought an additional policy to be included as follows:

> *Avoid, radio, electric and magnetic fields that do not meet the applicable New Zealand or international standards or guidelines, or National Environmental Standards.*

[70] S190.050, S299.040, S451.033, S478.090, S486.018, S524.036, FS55.17, FS110.020, FS110.021

349. Westpower (S547.081, S547.082 and S547.083), supported NZEL (FS127.057, FS127.058, and FS127.059) and opposed by Kāinga Ora (FS58.021 in relation to S547.081), sought three new additional policies to be included as follows:

> *Manage activities in and around Significant Electricity Distribution Lines to:*
>
> *(a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;*
>
> *(b) Avoid incompatible land use;*
>
> *(c) Achieve compliance with the NZECP34:2001 and avoid health and safety risks from distribution lines; and*
>
> *(d) Avoid potential reverse sensitivity effects on distribution lines.*
>
> *Ensure that subdivision and development is adequately serviced including:*
>
> *(a) Supply of electricity using a method that is appropriate to the type of subdivision and/or development, including consideration of alternative methods on a case-by-case basis, and*
>
> *(b) Where new energy infrastructure is developed and/or installed, adequate provision is made for ongoing access, operation, and maintenance, including granting and reserving easements.*
>
> *Provide flexibility for energy activities, including energy aspects of infrastructure and critical infrastructure, to adopt new technologies that:*
>
> *(a) Improve access to, and efficient use of, networks and services;*
>
> *(b) Allow for the re-use of redundant services and structures where they are safe and operating to required standards;*
>
> *(c) Increase resilience, safety or reliability of networks and services;*
>
> *(d) Result in environmental benefits and/or enhancements; or*
>
> *(e) Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.*

350. Westpower sought to include these new policies to ensure the provision of significant electricity distribution lines, including relevant policies, and to adopt new technologies.

Section 42A Reports

ENG-P1

351. The s42A Report considered that '*provide for'* is a comparable policy directive to '*enable'* and directs the same outcome; and concluded it was unnecessary to provide further wording. It noted that the words '*provide for'* are consistent with ENG-01. However, after considering

evidence and statements from submitters at the hearing, the Addendum s42A Report changed this view and recommended including '*and enable'*.

352. The s42A Report considered it unnecessary to differentiate the specific energy activities within the Policy because the definition of 'Energy Activity' encompassed all relevant energy activities, and differentiation could create ambiguity.

353. The Reporting Officers rejected submission points seeking to address adverse effects in accordance with the natural environment and district-wide Chapters of the plan because, in their view, specifying chapters of the Plan limits and restricts any assessment, when the evaluation should be undertaken plan-wide.

354. The s42A Report did not support submission points to recognise the positive social, economic, cultural, and environmental benefits of renewable electricity generation and transmission. To do so, it considered, would be inconsistent with section 7 of the RMA, which requires particular regard to the benefits of using and developing renewable energy.

355. The s42A Report recommended retaining ENG-P1 as notified, except for including the words '*and enable'*.

ENG-P2

356. The s42A Report did not support submission points other than those by Westpower, amending ENG-P2 to remove references to the proposal and splitting clause (a) to provide clarity for plan users. It agreed that the Policy intends to manage adverse effects and recommended amendments to the wording to support that intent.

357. In the Addendum Report, in response to Manawa's evidence, the Reporting Officers accepted the Plan provisions needed to address non-renewable energy activities, including a policy and a rule directing avoidance of non-renewable energy activities.

ENG-P3

358. The s42A Report supported deleting the word '*minimise'* and replacing it with '*manage*' because it was more consistent with Policy 10 of the NPSET. It did not support the inclusion of the word '*incompatible*' before the word subdivision because doing so would limit the scope of the policy solely to incompatible subdivision use and development, where any subdivision use in development should be assessed.

359. The s42a Report accepted the request to delete the last portion of the sentence (following the word activities) because this was more consistent with Policy 10 of the NPSET. It recommended rejecting other submission points seeking amendments because these were inconsistent with Policy 10 of the NPSET. It considered there was no need to define '*minimise'* given the recommendation to replace it with '*manage*'.

ENG-P4

360. The s42A Report recommended rejecting the submission seeking to have this policy deleted because it considered that reliance on other district-wide chapters was insufficient. It also

considered this Policy was necessary to give effect to Policy 1 of the NPSET and Chapter 6 Policy 5 of the RPS.

361. The s42A Report supported the removal of the word '*minimise*' because it was inconsistent with the objectives of the NPSET and the RPS. It preferred '*manage'* because it aligned with the policy wording of the NPSET, including its objective, which seeks to manage adverse environmental effects. However, the s42a Addendum Report amended that recommendation to replace '*minimise*' with '*avoid remedy or mitigate'*, as sought by Manawa, to be consistent with the NPSREG.

362. The s42a Report did not consider it necessary to specify renewable electricity generation, transmission, and distribution within the Policy, as it considered this wording captured in the definition of 'Energy Activity' as defined in Part 1 of the pTTPP.

363. The s42A Report did not support removing the word 'communities' because energy activities can potentially adversely impact urban communities, and this should be considered. It noted that clauses (a) – (d) should be read as a whole and provide direction on how the effects of energy activities should be addressed. However, in the Addendum Report, the Reporting Officers accepted the evidence provided that deleting the '*communities'* was appropriate because the definition of environment in the RMA includes people and communities.

364. The s42A Report accepted in part the amendments sought by Westpower to clause (c) by recommending deleting '*elements*' and adding '*infrastructure and structures for operation'*.

365. The s42A Report did not support the inconclusion of '*sites and areas and cultural landscapes'* because it considered the submitter's justification for seeking this amendment insufficient, and no evidence had been provided in the submission to support the relief.

ENG-P5

366. The s42A Report did not support the submission from Forest & Bird, which sought the inclusion of the protection of natural character and outstanding and significant natural values and referencing the natural environment and District-Wide chapters of the plan.

367. The s42A Report agreed that the words 'transmission infrastructure' should be replaced with 'significant electricity distribution lines' because this was consistent with Policy 5 of the NPSET, as sought by Transpower. It also agreed that clause (a) required rewording to give effect to Chapter 6, Policy 3 of the RPS and provide consistency of wording and interpretation. However, the s42A Report did not accept all the amendments proposed by Westpower regarding '*function, location, technical, and operational constraints'*.

368. The s42A Report considered that use of the word '*manage*' was appropriate because it aligned with the policy of the NPSET, including its objective, which seeks to manage adverse environmental effects. It did not consider whether it is necessary, as Manawa sought, to reference renewable electricity rather than energy generally, because renewable electricity generation was captured in the definition of '*Energy Activity'* as defined in Part 1 of the pTTPP.

ENG-P6

369. The s42A Report recommended deleting the words '*small community and large scale'* because, as Manawa pointed out, no distinction is made between the varying scales.

ENG-P7

370. The s42A Report noted support for the Policy as notified, and recommended it was retained as notified. It did not support the amendments sought by Transpower and Forest & Bird.

371. The Addendum Report focused on the words '*minor upgrading'.* Still, it remained for the view the definition of '*upgrading*' was sufficiently broad enough to provide for all the matters listed by the submitters in support of defining '*minor upgrading'*. However, as a solution, it recommended deleting '*minor*' from clause (a) and making a consequential amendment to clause (b) by deleting '*other upgrades and'.*

ENG-P8

372. The s42A Report noted ENG-P8 deals with developing the National Grid in sensitive areas where upgrading could adversely affect both the areas and values of those areas. It recommended acceptance of the amendment to refer to Schedules 1- 8 rather than referring to the overlay chapters because that provided further clarity.

373. Initially, the s42A Report did not accept the extent of change sought by Transpower. However, after considering Ms Whitney's evidence, the Reporting Officers accepted that the relief sought would afford consistency of language in policy direction while giving effect to NPSET and NZCPS.

374. The Addendum Report recommended deleting references to *minor upgrading* to avoid confusing terms and clarify the rules.

ENG -P9

375. The s42A Report noted ENG-P9 addresses reverse sensitivity effects on the National Grid, manages subdivision within the National Grid subdivision corridor, and maintains access to the National Grid for maintenance and upgrading works. The recommendations in the s42A Report were amended in the Addendum, accepting submission points from Transpower and the evidence of Ms Whitney. It recommended deleting '*incompatible'* in clause (b) and amending the wording to clarify the avoidance of land-use, buildings and structures that may directly affect or otherwise compromise the National Grid is required. Similarly, managing subdivisions within the National Grid subdivision corridor was recommended for an amendment. It noted the relief sought was accepted because it would afford consistency of language and policy direction and give effect to NPSET Policy 10.

New Policies

376. The s42A Report recommendation rejected Manawa's request for a new policy to avoid developing non-renewable electricity generation activities and facilitate the replacement of non-renewable energy sources, including using fossil fuels in electricity generation. However, in the Addendum Report, following consideration of pre-hearing discussions and the pre-circulated evidence, the Reporting Officers accepted that the policy direction promoted by Manawa was necessary to give direction to consent assessments under section 104 of the

RMA. The Reporting Officers did not support an avoid policy for non-renewable energy sources without clear directions under section 6 of the RMA, and they noted the silence in direction in the NPSREG and RPS.

377. The s42A Report recommended rejecting BEL's request for a new policy focused on radio-electric magnetic fields that do not meet applicable New Zealand or international standards or guidelines, and the submitter had not provided sufficient rationale, and ENG-P4 appropriately managed those effects.

378. The s42A supported Westpower's request for a new policy to provide for significant electricity distribution lines, protection from incompatible land uses, and potential reverse sensitivity effects, given that this was not explicitly provided for. However, the other new policies requested were rejected primarily because the matters they addressed were already the focus of other existing policies.

Hearing and Submitter Evidence, including JWS

ENG-P1

379. Ms Styles highlighted that renewable energy is a matter of national significance; and that the pTTPP is required to have particular regard to the benefits to be derived from the use and development of renewable energy under s7(j) RMA and to give effect to the policy directions in the NPSREG, including to recognise and provide for renewable electricity generation activities. She considered that the notified version recommended to be amended by the Reporting Officers did not adequately give effect to the NPSREG or sufficiently provide for renewable electricity generation activity. She was critical of ENG-P1 because it mixed support for different energy activities with management of effects, and does not include a reference to renewable electricity generation activities. She also sought to replace the words '*provided for*' with the word '*enable'*.

380. Mr Kennedy challenged the s42A Report recommendation that it was not necessary to differentiate specific energy activities within ENG-P1 and other policies by including the words '*energy-related aspects of infrastructure' and 'critical infrastructure'* because the pTTPP definition of '*Energy Activity'* was sufficient. He stressed the submission points sought to ensure consistency of terms and provisions for the pTTPP.

381. Mr Lile sought to include '*and enable'* within ENG-P1. He considered the word enable to be more consistent with the NPSET and more readily linked to a permitted activity status than '*provide for'*.

ENG-P2

382. Ms Styles considered ENG-P2 was intended to give effect to the NPSREG to enable the development of new REG and the continuation of existing REG. This is clear, she said, from the specific use of REG wording in the sub-clauses and the inclusion of a reference to climate change obligations. By referring to '*energy activities'*, she considered that the Policy implies that it applies to non-renewable electricity generation. It was therefore contrary to meeting climate change obligations and irrelevant to other clauses. She considered that it resulted in an internal inconsistency within the Policy and was unsupported by any national direction.

383. Mr Kennedy sought the inclusion of a new clause (f) referencing consumer supply. He considered that the benefits of an effective electricity supply to the consumer is relevant, and it is appropriate to include them in a new clause. He also sought to amend the opening preamble of ENG-P2 by including the words '*managing the development and operation of';* and to amend clause (a) by splitting it into two parts.

384. Ms Inta did not support the s42A Report's recommended amendments and suggested some grammatical changes.

385. Ms Snoynik, for Forest & Bird, addressed the Addendum Report and sought deletion of '*particular'* because it was inappropriate to give higher consideration to energy activities than RMA s6 matters or where this regard would conflict with an RMA s7 matter. She noted that considering s7 benefits is restricted to benefits derived from using and developing renewable energy, not energy activity, as defined in the pTTPP. She submitted that both ENG-P2 and P3 have broader applications than just renewable energy and therefore require direction that adverse effects must be avoided, remedied or mitigated. On this basis, she considered the recommendations within both the s42A Report and Addendum Report were inappropriate.

ENG-P3

386. Ms Styles sought to delete '*minimise'* and replace it with '*avoid';* include '*incompatible'* before subdivision; delete '*energy*' and replace it with '*renewable electricity generation'*. She noted that Policy 3 relates to reverse sensitivity but that the Reporting Officers' assessment relied on the wording of the NPSET, which is not directly relevant to this Policy because Policy 4 deals with the National Grid and includes a reference to reverse sensitivity issues. She was firm in her view that avoiding reverse sensitivity is the appropriate direction for this Policy to give effect to Policy 3 of the NPSREG, which uses the word '*avoid*'. She considered the Policy needed to be clear and directive, and if the outcome sought is avoidance of reverse sensitivity, then the Policy needs to state this. She considered using another term, such as 'minimise' or 'manage', would underplay the importance of the requirement to avoid and does not provide sufficient direction.

387. Ms Styles clarified that she sought to include the term '*incompatible'* because this provided additional guidance on understanding the risk of reverse sensitivity effects. She considered its inclusion was intentional as it seeks to provide direction and ensure the policy does not apply to all activities seeking to be located close to REG, transmission, and distribution activities, thus recognising that some activities can appropriately be located near such activities. She considered including this word at a policy-level test for determining what subdivision, use, and development would lead to reverse sensitivity problems and what would not, was appropriate.

388. Ms Inta considered there was no need to include both adverse effects and reverse sensitivity in the Policy because reverse sensitivity means an adverse effect. She favoured the notified version of this Policy.

389. Mr Kennedy continued to seek the amendments sought by Westpower outlined in the s42A Report to ensure ENG-P3 gave effect to the RPS.

390. Mr Lile considered ENG-P3 was inconsistent with Policy 10 of the NPSET and sought to include the words '*activities to avoid'.*

391. Ms Whitney supported the s42A Report recommendations to amend to ENG-P3.

392. According to the JWS records, the planning experts agreed that ENG-P3 did not require the word '*adverse*' before the words reverse sensitivity.

ENG-P4

393. Ms Inta sought the deletion of '*minimise'* to be replaced with '*manage';* and the words '*urban amenity'* and *'recreational area'* recommended to be deleted by the s42A Report, be reinstated.

394. Mr Kennedy also sought deletion of '*minimise'* and its replacement with '*manage';* deletion of '*communities*'; and amendments to clauses (a) and (c).

395. Mr Lile noted that the s42A Report accepted BEL's request on ENG-P4.

396. Ms Snoyink highlighted that the Reporting Officers did not support deletions sought by Forest & Bird and considered that relying on the overview wording as an alternative, as suggested by Officers, was inappropriate, given it did not have the force of policy wording. In referencing the Addendum, she considered adding '*avoid, remedy or mitigate'* adverse effects, but thought that problematic because the assessment required consideration of the matters listed in the policy, and further limiting the policy to renewable electricity generation did not make that approach appropriate. She also noted that the matters listed were not the same requirements as those in the ECO Chapter or Chapter 7 of the RPS.

397. Ms Pull identified ENG-P4 clause (a) had incomplete wording and recommended adding '*sites of significance to Māori*' to assist implementation.

ENG-P5

398. Ms Styles sought deletion of '*energy'* and inclusion of '*renewable electricity generation, energy investigation, distribution, and transmission'* in ENG-P5 to ensure that the pTTPP gave effect to higher order documents which recognised and provided for renewable energy, as distinct from non-renewable energy.

399. Mr Kennedy sought several wording changes he considered consistent with other plan provisions and the wording in the RPS. He also considered that, given that significant distribution lines were already mapped within the pTTPP, ENG-P5 should not apply to these.

400. Mr Lile accepted the s42A Report's recommended changes.

401. Ms Whitney accepted the s42A Report's recommended amendments, as shown in Appendix 1.

402. Forest & Bird noted the same issues with ENG-P5 as outlined for ENG-P4.

403. The JWS records disagreement on wording for ENG-P5 but notes the matter was to be further addressed at the reconvened hearing.

ENG-P6

404. Ms Styles and Mr Kennedy noted the amendments sought in relation to ENG-P6 were supported in the s42A Report.

ENG-P7

405. Mr Lile supported ENG-P7 as notified.

406. Ms Whitney opposed the s42A recommendation of no amendments. She sought additional wording to be included in clause (c)(ii) to clarify the Policy applied to the National Grid and to reflect the policy directive within NPSET Policy 4.

ENG-P8

407. Ms Whitney partly supported the s42A recommendation to amend ENG-P8 and the recommendation not to accept Director General's submission. However, she continued to seek additional wording in clause (c)(ii) to clarify that this only applies to proposals for new National Grid infrastructure and major upgrades to the existing National Grid infrastructure. She considered this reflected Policy 4 of the NPSET.

ENG-P9

408. Ms Whitney supported the s42A recommendations to amend clause (f) but maintained Transpower's submission that further amendments were needed to ensure the effects of other activities on the National Grid were addressed and that ENG-P9 gave effect to NPSET Policies 2, 10, and 11.

New Policies

409. Ms Styles sought a new policy to avoid developing non-renewable electricity generation activities and a new associated rule that made such activities non-complying.

410. Mr Kennedy continued to request the three new policies sought in Westpower's submission, in particular he maintained that proposed policy on Significant Electricity Distribution Lines should include either the term '*avoid*' or '*protect*' in subclauses b and d in order to achieve the outcomes sought by the RPS.

411. The JWS records disagreement between the expert planners in relation to the new policies.

Reporting Officers' Reply Evidence

ENG-P1

412. The Reply noted '*provide for'* indicates that there is provision within the pTTPP via a consenting pathway for developing new renewable electricity generation, energy investigation, distribution and transmission activities and the '*enable'* indicates provision via

a permitted activity rule, which is more appropriately applied to the operation, maintenance, and upgrading of new renewable electricity generation, energy investigation, distribution, and transmission activities. Since ENG-P1 applies to both new and existing, the Reporting Officers recommended amending the provision as follows:

> *ENG-P1 Provide for and enable the development, operation, maintenance, and upgrading of existing and new electricity transmission, distribution, and renewable generation infrastructure and assets.*

ENG-P2

413. The Reply noted the Panel's query regarding the use of '*manage'* or '*avoid, remedy, or mitigate'* and which would be more appropriate and provide more flexibility. The Reporting Officers consider policies to be the course of action to achieve an objective, and they can be flexible or inflexible, broad or narrow. They noted that including '*avoid'*, '*remedy'*, or '*mitigate*' in policies provided for a wide range of options to achieve the objectives. They cautioned that the scope and intent of the policies should be carefully considered when determining appropriate policy language.

414. The Reply recommendation for ENG-P2 was to delete '*considering' and replace* it with '*manage',* reflecting the breadth of this policy. It considered that '*manage'* provided a better link with the related objective ENG-02, which partly concerned managing the adverse effects of energy activities. The Reply also supported Mr Kennedy's evidence to divide clause (a) into two parts, creating a new clause (b). Attachment 1 showed the following recommended amendments:

> *ENG-P2 ~~When considering proposals to develop and operate new and existing~~ When managing adverse effects from the ~~or~~ development of new energy activities or the operation, maintenance or upgrading of existing energy activities, have particular regard to the benefits ~~to be obtained from the proposal~~, including;*
>
> *(a) Maintaining or increasing security of renewable electricity supply ~~by diversifying the type and/or location of electricity generation~~;*
>
> *(b) Providing for diversity of the type and location of electricity generation;*
>
> *(c) Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
>
> *(d) Economic, social, environmental or cultural wellbeing;*
>
> *(e) The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets;*
>
> *(f) Effective transmission and distribution of electricity supply;*
>
> *(g) Facilitation and use of renewable energy;*
>
> *(h) Security of electricity supply; and*
>
> *(i) Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.*

ENG-P3

415. In Reply, the Reporting Officers considered that changing the policy to strictly *'avoid reverse sensitivity effects'* would be inconsistent with Policy 10 of the NPSET, which seeks *'to the extent reasonably possible, manage activities to avoid reverse sensitivity effects'*. They considered *'manage'* was consistent with higher-order policy documents (e.g. Policy D, NPSREG).

416. The Reply, Attachment 1, recommended the following amendments:

> *ENG-P3 ~~Minimise reverse sensitivity effects from~~ Manage activities to avoid ~~adverse~~ reverse sensitivity effects from subdivision, use and development on renewable electricity generation ~~energy~~ activities ~~and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development~~.*

ENG-P4

417. The Reply noted that Poutini Ngāi Tahu sought amendments to ENG-P4 to include references to '*Poutini Ngāi Tahu values, sites, areas and cultural landscapes'*. It noted that based on EWC and further discussions with Ms Pull, agreement had been reached on an alternative solution of adding '*Sites and Areas of Significance Māori*', which would ensure consistency with the matters (essentially RMA s6 matters) listed in Policy 4.

418. In response to the Panel's questions about why ENG-P4(a) did not refer to Schedules 1 – 8 and whether *'urban amenity'* could be a stand-alone clause, the Reporting Officers noted that submitters had not requested this specific relief. However, they considered that such a refinement was supportable because it did not change the scope of the policy and refined the language to ensure consistency across the pTTPP.

419. The Reply noted that clauses (a) to (d) of ENG-P4, incorporate a wide range of actions, ranging in significance from RMA s6 matters to implementing industry best practices. The Reporting Officers did not support the replacement of '*minimise'* with '*manage'* as '*avoid, remedy, mitigate'* affords the ability to apply a course of action appropriate to the matter being considered. Furthermore, the Reporting Officers noted that '*avoid, remedy, mitigate'* was consistent with NPSREG.

420. The Reply, Attachment 1, recommended the following wording for ENG-P4:

> *ENG-P4 Minimise, Avoid, remedy, mitigate adverse effects on ~~communities and~~ the environment from renewable electricity generation, energy investigation, distribution, and transmission ~~energy~~ activities by:*
>
> *(a) Having regard to the effect on urban amenity;*
>
> *~~(b)~~ Having regard to the effect on areas and values associated with identified in Schedules 1 – 8; ~~areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and SNA;~~*
>
> *(c) Implementing industry best management practices around electrical safe distances;*

(d) Maintaining ongoing access to grid and distribution ~~elements~~ infrastructure and structures for operation, maintenance and upgrading works; and

(e) Avoiding exposure to health and safety risks.

ENG-P5

421. The Reply noted that ENG-P5 incorporates a wide range of courses of action, which range in significance scale. The Reporting Officers did not support the replacement of '*minimise'* with '*manage*' but considered that '*avoid, remedy, mitigate*' affords the ability to apply a course of action appropriate to the matter being considered and is consistent with NPSREG.

422. The Reporting Officers disagreed with Mr Kennedy's view that, because significant distribution lines are mapped, ENG-P5 did not apply to these, and noted ENG-P5 is an assessment policy which directs the consideration of resource consent for new significant electricity distribution lines.

423. The Reply, Attachment 1, recommended the following wording amendments:

ENG-P5 When ~~considering proposals to develop, operate, maintain and upgrade new and~~ avoid, remedy or mitigate adverse effects from the development of new or ~~development~~, the operation, maintenance or upgrading of existing renewable electricity generation, energy investigation, distribution and transmission ~~energy~~ activities by:

(a) Recognising their functional ~~constraints,~~ needs and operational ~~requirements~~; and

(b) Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed, the extent to which any adverse effects have been minimised in the route, site, and method selection will be considered.

ENG-P6

424. The Reply, Attachment 1, recommended the following amendments:

ENG-P6 Provide for the development, upgrading, maintenance and operation of:

(a) A range of ~~small, community and large-scale~~ renewable electricity generation activities; and

(b) Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.

ENG-P7

425. The Reply, Attachment 1, recommended the following minor amendments to address the request from Manawa for a definition of '*minor upgrade'* and the evidence of Ms Whitney:

ENG-P7 Recognise and provide for the national, regional, and local benefits of the National Grid, including by:

(a) Enabling the operation, maintenance, and ~~minor~~ upgrading requirements of existing National Grid assets;

(b) Providing for ~~other upgrades~~ and the effective development of new National Grid assets; and

(c) When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to:

i. The technical and operational constraints of the National Grid; and

ii. The extent to which proposals have avoided, remedied and mitigated effects through the route, site and method selection.

ENG-P8

426. The Reply largely accepted the Transpower's amendments, which sought to provide for the National Grid's development by recognising functional and operational needs. The Reporting Officers recommend the wording was simplified by referencing Schedules 1-8; and amended to recognise that there will be circumstances when adverse effects cannot be avoided, and that where this occurs effects must be remedied or mitigated to the extent practicable. The Reply, Attachment 1 recommended the following amendments:

ENG-P8 Manage the adverse effects of the <u>development of the</u> National Grid by:

(a) Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects.

(b) Seeking to avoid adverse effects on areas <u>and values</u> identified in Schedules <u>1 – 8</u>;

(c) Where the National Grid has a functional need or operational need to locate within the Coastal Environment, manage adverse effects by:

i. <u>Seeking to avoid</u> adverse effects on areas <u>and values</u> identified in ~~s~~<u>S</u>chedules <u>1 – 8</u> ~~Overlay Chapter areas~~ and where it is not practicable to avoid <u>because of functional needs or operational needs of the National Grid</u>, to remedy or mitigate;

ii. <u>Seeking to avoid</u> significant adverse effects on other areas of natural character, natural attributes and character of NFL and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and

iii. Recognise that there may be some areas within the sites and areas identified in Schedules <u>1 – 8</u> where avoidance of adverse effects is required to protect the identified values and characteristics.

iv. Remedy or mitigate any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.

(d) <u>Remedy or mitigate any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.</u>

ENG-P9

427. Concerning reverse sensitivity effects on the National Grid, the Reporting Officers reconsidered their earlier recommendation based on the evidence presented at the hearing and further discussions with the expert planners. They now recommended that the word '*incompatible'* should be retained to provide the ability to enable compatible subdivision, use and development in certain circumstances, which the Reporting Officers considered was sufficient to afford protection of the relevant infrastructure and to be consistent with Chapter 6, Policy 4 of the RPS.

428. The Reply also supported the amendments sought by Transpower to better provide for operational circumstances.

429. The Reply, Attachment 1, recommended the following amendments to ENG-P9:

> *ENG-P9 Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to:*
>
> *(a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised;*
>
> *(b) Avoid ~~incompatible~~ land use, buildings and structures that may directly affect or otherwise compromise the National Grid;*
>
> *(c) Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;*
>
> *(d) Achieve compliance with the NZECP34:2001 and avoid exposure to health and safety risks from the National Grid; and*
>
> *(e) Maintain ongoing access for maintenance and upgrading works on the National Grid, and*
>
> *(f) Avoid the potential for reverse sensitivity effects on the National Grid to the extent reasonably possible.*

New Policies PX1, PX2 and PX3

430. In Reply, the Reporting Officers acknowledged the pTTPP was silent on non-renewable electricity generation. They acknowledged that the NPSREG supports and promotes renewable energy only, but that no national direction required the avoidance of non-renewable electricity generation. As Manawa requested, they did not support an outright avoidance policy for non-renewable electricity generation due to a lack of higher-order statutory direction. However, they recommended an alternative new policy ENG-PX2 and an associated rule with a non-complying activity status.

431. The Reply, based on the evidence of Mr Kennedy and Ms Styles, supported the inclusion of three new policies as follows:

> *ENG-PX-1 Manage activities in and around Significant Electricity Distribution Lines to:*

(a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;

(b) Achieve compliance with the NZCEP 34:2001 and avoid health and safety risks from Significant Electricity Distribution Lines; and

(c) To protect the lines from potential reverse sensitivity effects.

ENG-PX-2 Discourage the development of non-renewable electricity generation activities by first avoiding adverse environmental effects, where avoidance is not practicable, adverse effects shall be remedied or mitigated.

ENG-PX-3 Ensure that subdivision and development is adequately serviced including;

(a) Infrastructure networks have sufficient capacity to accommodate the additional development, and require any necessary upgrades to be completed at the time of subdivision; and

(b) Infrastructure is installed at the time of subdivision, except for onsite infrastructure, which cannot be determined until the allotment is developed.

Hearing Panel's Evaluation

432. The Panel agrees that the words '*avoid, remedy or mitigate'* in a policy provide broad flexibility to meet the outcome of the related objective. We agree with the Reporting Officers that it is best practice to write an objective to provide a clear target of what policies should achieve, stating what is to be achieved, when, and where. We agree with the Reporting Officers that objectives need not repeat the wording of the Act. Policies should detail the course of action to achieve an objective and can be subject to the outcome of the objective, flexible, inflexible, broad, or narrow.

433. The inclusion of '*avoid, remedy, or mitigate*' provides a wide course of action to achieve objectives. The Panel has endeavoured to apply these outcomes throughout the ENG as well as INF and the TRN chapters.

ENG-P1

434. The Panel agrees with the Reporting Officers' reasoning regarding the circumstances in which the words '*provide for*' or '*enable*' are appropriate. The Panel also agrees that, given the breadth of ENG-P1, which covers existing and new activities, both *'provide for'* and '*enable*' are appropriate. The Panel recommends the amendments shown in Attachment 1 of the Reply.

ENG-P2

435. As notified, the Panel notes that ENG-P2 was concerned with the benefits of new and existing energy activities when considering proposals. However, the recommended amendments change the focus of the policy from '*When considering proposals*' to '*When managing adverse effects'*. The Panel considers this suggests that when managing adverse effects from a proposal a decision-maker should have 'particular regard' to the benefits concerning

offsetting any adverse effects, which is significantly different to having regard to the benefits of a proposal.

436. When considering an application for resource consent for a proposal, section 104 of the RMA requires a decision-maker to consider of the actual and potential environmental effects of the activity (s104(1)(a)), any positive effects of the activity to offset or compensate for any adverse effects (s104(1)(ab)), relevant statutory provisions (s104(1)(b)), and any other matter the consent authority considers relevant (s104(1)(c)). This requires separate considerations and does not allow for adverse effects to be managed or balanced by having regard to the benefits of a proposal when assessing adverse effects.

437. The NPSET (Policy 1) directs that decision-makers must recognise and provide for the national, regional, and local benefits of sustainable, secure, and efficient electricity transmission; environmental effects are managed under separate policies. The RPS is consistent with this direction.

438. The NPSREG directs that decision makers must recognise and provide for the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable energy activities. It also requires decision-makers to provide and recognise the national, regional and local benefits relevant to renewable electricity generation.

439. The Panel considers that the intent of ENG-P2 should remain on the consideration of proposals, as notified, given that it is intended to give effect to the NPSREG and NPSET. The Panel generally agrees with Ms Styles that '*energy*' should be replaced with '*renewable electricity generation, energy investigation, distribution and transmission'* to give effect to national direction and the RPS. It also aligns with the clauses focused on renewable energy generation, transmission, and distribution. However, as discussed above in relation to ENG-O2, the Panel considered this should be changed slightly to '*renewable electricity generation, investigation, and distribution and transmission'* to give effect to the national direction of the NPSREG and NPSET, as well as the RPS.

440. There is no national direction to '*have particular regard to*' the benefits of all '*Energy Activities*', as defined in the pTTPP. However, now the recommended wording of ENG-P2 is focused on renewable energy generation, the Panel considers the words '*have particular regard to*' align with the wording of RMA s7(j), which requires decision-makers to '*have particular regard*' to the benefits to be derived from the use and development of renewable electricity. We accept this is appropriate and therefore reject Forest & Bird's submission (S560.448) to delete '*particular*'.

441. The Panel notes that the Reporting Officers have recommended the deletion of the words '*to be obtained from the proposal*', however we have been unable to find any submission that supports that deletion and therefore we have recommended it be retained.

442. The Panel accepts the Reporting Officers' recommendations to split clause (a) into two parts, as requested by Westpower. However, for the reasons outlined regarding the national direction, the Panel considers this should be '*renewable*' electricity generation.

443. The Panel agrees with the Reporting Officers that adding '*to the consumer*' to clause (e) is unnecessary.

444. The Panel also agrees with the Reporting Officer that it is not necessary to amend the policy to address cumulative effects on waterways, given that this would require assessment on a case-by-case basis. The Panel is also satisfied that the policy is sufficient to support micro-renewables and distributed energy generation.

445. The Panel notes that Mr Lile accepted 'and' and not 'or' as appropriate in the context of ENG-P2.

ENG-P3

446. Discussion at the hearing and questions from the Panel focused on whether it was necessary to include '*adverse'* reverse sensitivity effects. The Reporting Officers recommended deleting '*adverse*' and replacing '*Minimise reverse sensitivity effects from'* with '*Manage activities to avoid reverse sensitivity'* to give effect to Policy D of the NPS-REG and Chapter 6, Policy 4 of the RPS.

447. The Panel questioned the Reporting Officers at the hearing as to whether relying on the strategic directions in the plan would be possible if reverse sensitivity policies were added to the overarching chapter. The Reporting Officers acknowledged that reverse sensitivity is an important issue for the West Coast and supported including a policy in the Strategic Direction Chapter. However, the Reporting Officers considered that the ENG and INF Chapters should retain reverse sensitivity policies because a higher-order policy direction is more nuanced than what might be expected from a policy within the Strategic Direction Chapter. Furthermore, the Reporting Officers considered that resource consent applications should assess policies in a comprehensive manner.

448. The Panel agrees with the Reporting Officers' reasoning in the Reply that *'Managing activities to avoid reverse sensitivity'* is preferable to the notified ENG-P3 which sought to '*minimise*' reverse sensitivity effects. The Panel considers the Reply version provides more scope; and gives effect to Policy D of the NPS-REG and Chapter 6, Policy 4 of the RPS.

449. The Panel accepts the evidence of Mr Lile that to give effect to Policy 10 of the NPSET the Policy should also include '*and electricity transmission and distribution activities'*.

450. The Panel considers it appropriate to include 'incompatible' in relation to reverse sensitivity for the reasons outlined by Ms Styles and accepted by the Reporting Officer concerning ENG-P9.

ENG-P4

451. The Panel acknowledges that clauses (a) to (d) of ENG-P4 incorporate a wide range of courses of action, ranging in significance from RMA s6 matters to implementing industry best practices. The Panel agrees with the Reporting Officers that it is inappropriate to delete these, as requested by Forest & Bird, and considers that the Plan must be read as a whole in terms of managing adverse effects on RMA s6 matters.

452. The Reporting Officers did not support the replacement of '*minimise'* with '*manage*'. They recommended the use of '*avoid, remedy, mitigate*' because this affords the ability to apply a course of action appropriate to the matter being considered. The Panel agrees; however, we recommend that '*avoid, remedy or mitigate*' is appropriate.

453. The Panel accept that including the reference to Schedules One to Eight appropriately responds to Ms Pull's evidence seeking inclusion of SASM and we note that as a consequence of other recommendations relating to Ngāi Tahu submissions on the rules we have included Appendix 10 into this and other policies.

454. The Panel also note that as a consequence of submissions from Forest and Bird and the Director General our recommendations expand the consideration of areas not included in Schedules One to Eight and Appendix 10 so as to give effect to the WCRPS and the NPSIB and we have amended the policy (and ENG-P8) to enable consideration of those areas.

ENG-P5

455. Given the broad coverage of ENG-P5, the Panel agrees with the Reporting Officers that '*avoid, remedy, mitigate'* affords the ability to apply a course of action appropriate to the matter(s) being considered. We agree that '*manage*' is more constraining. Furthermore, the Reply noted that *'avoid, remedy, mitigate'* is consistent with NPS-REG, which we accept.

456. The Panel agrees with the Reporting Officers that the amendments requested by Forest & Bird are not necessary given the Plan provisions must be read as a whole when considering a proposal.

457. The Panel accepts the recommended amendments by the Reporting Officers, in response to Manawa, are appropriate given the direction of the NPSREG, NPSET and the RPS. Chapter 6, Policy 3 of the RPS relates to regionally and nationally significant electricity transmission, distribution and renewable electricity generation. We consider 'Energy Activities' is wider than this direction.

458. The Panel also agrees that Westpower's requested additional wording, while consistent with the wording of the RPS, is not necessary given the pTTPP definitions of 'functional need' and 'operational need'. The Panel recommends '*functional need or operational need'.*

ENG-P6

459. The Panel accepts the Reporting Officer's recommendation to accept Manawa's request to delete 'small, community and large scale' from ENG-P6, given that the words relating to size and scale are unnecessary in this context.

ENG-P7

460. The Panel agree with deleting '*minor*' as alternative relief to Manawa's request for a definition of '*minor upgrade'*; and deletion of '*other upgrades'* because this is unnecessary in the context.

461. The Panel considers that the evidence from Ms Whitney gives sufficient justification for the amendment to clause (c)(ii) sought by Transpower. We accept that this is consistent with Policy 4 of the NPSET and clarifies that it does not apply to existing transmission infrastructure.

462. For the reasons outlined above concerning ENG-P4 and ENG-P5, the Panel accepts the Reporting Officers' recommendation to reject the amendment requested by Forest & Bird.

ENG-P8

463. The Panel agrees with the amendments to ENG-P8 requested by Transpower, as accepted by the Reporting Officers. The amendments also recognise that there will be circumstances when adverse effects cannot be avoided. Hence, the policy seeks to remedy or mitigate them to the extent practicable, which we consider appropriate.

464. The Panel notes that the recommended amendments shown in Attachment 1 of the Reply differ slightly from the wording requested in the evidence of Ms Whitney. The Panel accepts Ms Whitney's evidence, including '*development and major upgrade*', which is consistent with the wording of the NPSET.

465. As referred to above, the Panel acknowledges the Forest & Bird's concern regarding significant natural values not identified in SNA and that this needs to be addressed in INF-P8. We consider this needs to be addressed on a plan-wide basis with subsequent consequential amendments made accordingly.

ENG-P9

466. The Panel agrees with the Reporting Officers that the word '*incompatible'* in clause (b) of ENG-P9 should be retained because it provides clarity and is consistent with RPS Chapter 6, Policy 4. However, the Panel noted that this change in recommendation was not reflected in Attachment 1 of the Reply. We accept this is an oversight given the Reporting Officers' evaluation.

467. The Panel also accepts Ms Whitney's evidence and the Reporting Officers' recommended amendments, which were recorded in the Reply.

New Policies

468. The Panel accepts the evidence and Reporting Officers recommendation supporting the inclusion of three new policies, as recommended in Attachment 1 of the Reply. The Panel recommends that these become new policies ENG-10, ENG-P11 and ENG-P12. We consider the amendments made to proposed ENG-10 to include '*protect*' in subclause c. addresses the concerns of Mr Kennedy.

469. The Panel adopts the Reporting Officers' RMA section 32AA evaluation of the new Policies at page 103 of the s42A Report. The Panel is satisfied that the section 32AA evaluation corresponds to the scale and significance of the recommended changes. We accept that, having considered the new policies' efficiency and effectiveness, the amendments are the most appropriate for implementing the objectives and are in line with the purpose of the objectives.

470. The Panel considers ENG-P11 is appropriate but does not consider reference to how adverse effects are addressed is required within the policy. The Panel therefore recommends the following wording:

Discourage the development of non-renewable electricity generation activities.

471. The Panel has considered the other new policies requested by BEL and Westpower and agrees with the Reporting Officers that these additional policies are not necessary to give effect to the RMA and higher-order statutory direction.

Hearing Panel's Recommendations

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

Energy Policies	
ENG – P1	Provide for **and enable**[71] the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable generation infrastructure ~~and assets~~.[72]
ENG – P2	When considering proposals to develop and operate new and existing **renewable electricity generation, investigation, and distribution and transmission**[73]activities have particular regard to the benefits to be obtained from the proposal, including; a. Maintaining or increasing security of renewable electricity supply ~~by diversifying the type and/or location of electricity generation~~;[74] b. **Providing for diversity of the type and location of renewable electricity generation;**[75] c. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; d. Economic, social, environmental or cultural wellbeing; e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets; f. Effective transmission and distribution of electricity supply; g. Facilitation and use of renewable energy; h. Security of electricity supply; and i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.

[71] Buller Electricity Limited S451.025, Frank and Jo Dooley S478.082
[72] Manawa Energy Limited S438.00144
[73] Manawa Energy Limited S438.039
[74] Westpower S547.085
[75] Westpower S547.085

ENG – P3	~~Minimise reverse sensitivity effects from~~ **Manage activities to avoid adverse reverse sensitivity effects from incompatible**[76] subdivision, use and development on **renewable electricity generation and electricity distribution and transmission** ~~energy~~[77] activities. ~~and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development~~[78]
ENG – P4	~~Minimise~~ **Avoid, remedy or mitigate**[79] adverse effects on ~~communities and~~ the environment from **renewable electricity generation, investigation, distribution and transmission** ~~energy~~[80] activities by: a. **Having regard to effects on urban amenity**;[81] b. Having regard to the **effect on areas of significant environmental values**[82] **and** values ~~associated with~~ **identified in Schedules One – Eight**[83] **and Appendix Ten**;[84] ~~areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas~~; c. Implementing industry best management practices around electrical safe distances; d. Maintaining ongoing access to grid and distribution ~~elements~~ **infrastructure**[85] and structures for **operation,**[86] maintenance and upgrading works; and e. Avoiding exposure to health and safety risks.
ENG – P5	~~When considering proposals to develop, operate, maintain and upgrade new and~~ **Avoid, remedy or mitigate adverse effects from the development of new or the development, operation, maintenance or upgrading of** existing **renewable electricity generation, investigation, distribution and transmission** ~~energy~~[87] activities **by**: a. Recognise**ing** their functional ~~constraints~~ **need**[88] **o**r~~and~~ operational ~~requirements~~ **need**;[89] and b. ~~Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects~~ **Having regard to the extent to which**

[76] Manawa Energy Limited S438.040
[77] Manawa Energy Limited S438.040
[78] Manawa Energy Limited S438.040
[79] Manawa Energy Limited S438.042
[80] Manawa Energy Limited S438.042,
[81] Clause 16(2) First Schedule of the RMA
[82] Consequential amendment from Forest and Bird S560.0558, S560.458
[83] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.084
[84] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090
[85] Westpower S547.091
[86] Westpower S547.091
[87] Manawa Energy Limited S438.043, Buller Electricity S451.029, Frank and Jo Dooley S478.087
[88] Manawa Energy Limited S438.043
[89] Manawa Energy Limited S438.043

	any adverse effects of new significant electricity distribution lines[90] have been minimised in the route, site and method selection.
ENG – P6	Provide for the development, upgrading, maintenance and operation of: a. A range of ~~small, community and large scale~~[91] renewable electricity generation activities; and b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.
ENG – P7	Recognise and provide for the national, regional and local benefits of the National Grid, including by: a. Enabling the operation, maintenance and ~~minor~~[92] upgrading requirements of existing National Grid assets; b. Providing for ~~other upgrades and~~[93] the effective development of new National Grid assets; and c. When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to: i. The technical and operational constraints of the National Grid; and ii. The extent to which proposals **for new National Grid infrastructure or major upgrades to existing National Grid infrastructure**[94] have avoided, remedied and mitigated effects through the route, site and method selection.
ENG – P8	Manage the adverse effects of the **development and major upgrade of the**[95] National Grid by: a. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects; b. Seeking to avoid adverse effects on areas **of significant environmental values and the values**[96] identified in Schedules **One – Eight** [97]**and Appendix Ten;** [98] c. Where the National Grid has a functional **need** or operational need to locate within the Coastal Environment, manage adverse effects by: i. Seeking to avoid adverse effects on ~~Overlay Chapter~~ areas **and values**[99] **identified in Schedules One – Eight**[100] **and Appendix Ten** [101]and where it is not practicable to avoid **because of**

[90] Westpower S547.037
[91] Manawa Energy Limited S438.041
[92] Alternative relief Manawa Energy Limited S438.022
[93] Clause 16(2) First Schedule of the RMA
[94] Transpower Limited S299.039
[95] Transpower Limited S299.040
[96] Alternative relief Royal Forest and Bird Protection Society S560.458
[97] Transpower Limited S299.040
[98] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090
[99] Transpower Limited S299.040 and alternative relief Royal Forest and Bird Protection Society S560.458
[100] Transpower Limited S299.040
[101] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090

	functional needs or operational needs of the National Grid,[102] to remedy or mitigate; **and** ii. Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and d. Recognise that there may be some areas within the sites and areas identified in Schedules **One – Eight** [103] **and Appendix Ten**[104] where avoidance of adverse effects is required to protect the identified values and characteristics; **and** e. **Remedying or mitigating any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.**[105]
ENG – P9	Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to: a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised; b. Avoid incompatible land use**, buildings and structures that may directly affect or otherwise compromise the National Grid;**[106] c. Manage subdivision **within the National Grid Subdivision Corridor**[107] to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid; d. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) and avoid exposure to health and safety risks from the National Grid; ~~and~~ e. **Maintain ongoing access for maintenance and upgrading works on the National Grid; and**[108] f. Avoid**, to the extent reasonably possible, the**[109] potential for reverse sensitivity effects on the National Grid.
ENG– P0	**Manage activities in and around Significant Electricity Distribution Lines to:** a. **Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;** b. **Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety**

[102] Transpower Limited S299.040
[103] Transpower Limited S299.040
[104] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090
[105] Transpower Limited S299.040
[106] Transpower Limited S299.041
[107] Transpower Limited S299.041
[108] Transpower Limited S299.041
[109] Horticulture New Zealand S486.018

	risks from Significant Electricity Distribution Lines; and c. **Protect the lines from potential reverse sensitivity effects.**[110]
ENG-P11	**Discourage the development of non-renewable electricity generation activities.**[111]
ENG-P12	**Ensure that subdivision and development is adequately serviced including:** **a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; and** b. **Infrastructure is installed at the time of subdivision, except for on- site infrastructure that cannot be determined until the allotment is developed.**[112]

4.6. Energy Rules

Submissions and Further Submissions

473. The s42A Report identified 18 submission points and seven further submission points[113] in relation to the Energy Standards and the relief sought, it was summarised on pages 83-84 of the s42A Report. All submission points sought changes to the rules, standards and or advice note wording.

474. The s42A Report identified six submission points and one further submission point[114] relating to **ENG-R1** and summarised the relief sought on page 85 of the s42A Report. Three supported the provisions and three sought changes to the rules, standards and advice note wording.

475. The s42A Report identified nine submission points and four further submission points[115] relating to **ENG-R2** and summarised the relief sought on pages 85-86. Five supported the provisions as notified and four sought changes supported by the further submissions.

476. The s42A Report identified six submission points and two further submission points[116] relating to **ENG-R3** and noted that all supported the provisions as notified. The Panel notes this is incorrect, as it excludes Forest & Bird's submission point (S560.119) opposed in part, which was opposed by Westpower (F222.0238)

[110] Westpower Limited S547.081
[111] Manawa Energy S438.033
[112] Westpower Limited S547.082
[113] S299.042, S229.051, S408.001, S438.046, S438.057, S451.035, S462.030, S538.023, S538.024, S547.095, S547.096, S547.097, S547.098, S547.450, S558.040, S558.450, S566.450, S567.050, FS127.033, FS127.034, FS127.045, FS127.067, FS127.068, FS127.088 FS222.049
[114] S190.051, S299.043, S438.048, S451.036, S478.093, S538.019, FS127
[115] S190.052, S299.044, S451.037, S478.094, S538.020, S547.099, S547.100, S547.101, S547.102, FSS190.054, S299.045, S451.039, S478.096, S538.022, S547.104, S547.105, S547.106, S560.120, S560.461, S560.462, FS127.003, FS127.016, FS127.074, FS127.075, FS127.089 127.069, FS127.070, FS127.071, FS127.072
[116] S190.053, S451.038, S478.095, S538.021, S547.103, S560.119, FS222.0238, FS127.073

477. The s42A Report identified 11 submission points and five further submission points[117] relating to **ENG-R4** and summarised the relief sought on pages 86-87 of the s42A Report. One supported the provisions as notified, and the other sought changes to the rule.

478. The s42A Report identified four submission points and three further submission points[118] relating to **ENG-R5** and summarised the relief sought on pages 87-89. Two supported the rule as notified, and two sought changes supported by the further submissions.

479. The s42A Report identified nine submission points and three further submission points[119] relating to **ENG-R6** and summarised the relief sought on pages 89- 90. One supported the rule as notified and the others sought changes supported by the further submissions.

480. The s42A Report identified 10 submission points and two further submission points[120] relating to **ENG-R7** and summarised the relief sought on pages 91-92. Two supported the provision and the others sought changes to the rule.

481. The s42A Report identified five submission points[121] relating to **ENG-R8** and summarised the relief sought on page 92. Four supported the provision as notified, and one sought to change the rule.

482. The s42A Report identified five submission points and two further submission points[122] relating to **ENG-R9** and the relief sought was summarised on pages 92-93. Two supported the rule as notified and the others sought changes supported by the further submissions.

483. The s42A Report identified five submission points and four further submission points[123] relating to **ENG-R10** and the relief sought was summarised on pages 93-94 of the s42A Report. Two supported the rule as notified and the others sought changes supported by the further submissions.

484. The s42A Report identified five submission points and four further submission points[124] in relation to **ENG-R11** and summarised the relief sought on page 94 of the s42A Report. Two supported the rule as notified, and the others sought changes supported by the further submissions.

485. The s42A Report identified five submission points and three further submission points[125] relating to **ENG-R12** and summarised the relief sought on pages 94-95. One supported the rule as notified, and the others sought changes supported by the further submissions.

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117 S190.054, S299.045, S451.039, S478.096, S538.022, S547.104, S547.105, S547.106, S560.120, S560.461, S560.462, FS127.003, FS127.016, FS127.074, FS127.075, FS127.089

118 S190.055, S438.049, S538.025, S560.121, FS127.035, FS222.0182, FS222.0239

119 S63.019, S190.056, S541.002, S478.059, S486.019, S524.037, S538.026, S547.107, S560.122, FS127.004, FS127.017, FS127.076

120 S63.020, S190.056, S299.046, S451.003, S478.060, S486.020, S538.027, S545.011, S546.011, S620.086, FS106.001, FS127.018

121 S190.058, S451.040, S478.097, S538.028, S547.109

122 S190.059, S560.123, S299.047, S438.050, S547.100, FS127.036, FS127.077

123 S190.060, S438.051, S538.029, S547.111, S560.124, FS127.005, FS127.037, FS127.078 FS222.0240

124 S190.061, S299.048, S538.030, S547.112, S547.113, FS127.079, FS127.080, FS222.0241, FS230.071

125 S190.062, S299.049, S538.031, S547.115, FS127.006, FS127.08, FS127.082

486. The s42A Report identified three submission points and one further submission point[126] relating to **ENG-R13** and the relief sought was summarised on page 95. Two supported the rule as notified, and the other sought a change, which was supported by the further submission.

487. The s42A Report identified four submission points and two further submission points[127] relating to **ENG-R14** and summarised the relief sought on pages 95-96. Two supported the rule as notified, and two sought changes, supported by the further submissions.

488. The s42A Report identified four submission points and three further submission points[128] relating to **ENG-R15** and summarised the relief sought on pages 96-97. Two supported the rule as notified, and two sought changes, supported by the further submissions.

489. The s42A Report identified three submission points and one further submission point[129] relating to **ENG-R16** and summarised the relief sought on page 97. Two supported the rule as notified, and one sought change, supported by the further submission.

490. The s42A Report identified three submission points and two further submission points[130] relating to **ENG-R17** and summarised the relief sought on pages 97-98. Two supported the rule as notified, and one sought change, supported by the further submissions.

491. The s42A Report identified two submission points relating to **ENG-R18** and noted on page 98 that these supported retaining the rule as notified.

492. The s42A Report identified five submission points and two further submission points[131] relating to **ENG-R19** and summarised the relief sought on page 98. Two supported the rule as notified, and the others sought changes, supported by the further submissions.

493. The s42A Report stated five submitters submitted on **ENG-R20**, with one in support of retaining the rule as notified and the others seeking changes. The Panel records that there were five submission points and four further submission points[132], with two seeking to retain the rule as notified, and the others sought changes, supported by the further submissions.

494. The Report identified several submissions seeking the addition of **new standards**. These are summarised below.

Section 42A Reports

126 S190.063, S538.032, S547.116, FS127.083

127 S190.064, S438.052, S538.033, S547.117, FS127.083, FS127.084

128 S190.065, S438.053, S538.034, S547.118, FS127.038, FS127.085, FS222.0184

129 S190.066, S438.054, S538.035, FS222.0185

130 S190.067, S438.055, S538.036, FS127.040, FS222.0186

131 S190.069, S299.050, S486.021, S524.038, S538.038, FS110.025, FS110.026

132 S547.120, S560.131, S190.070, S438.056, S538.039, FS127.087, FS222.0247, FS127.041, FS222.0187

495. The Reporting Officers opened with a planning summary statement that recorded agreement with submission points and noted that the notified ENG and INF overlap. They recommended amendments to ensure all aspects of energy activities are contained within the ENG Chapter.

496. The Reporting Officer noted several amendments were recommended to improve the provisions' effectiveness, efficiency, or clarity, including:

(a) Specifically referencing the types of energy activities, establishing context and scope of each provision;

(b) Introduction of a new policy to discourage non-renewable electricity generation activities and a new noncomplying rule;

(c) Clarification of the scope of upgrading and minor upgrading, including amendments to the rules; and

(d) Clarifying the scope and definition of small-scale, community-scale, and large-scale renewable electricity generation, including amendments to the rules.

Overall Energy Standards

497. The s42A Report did not support Westpower's (S547.096) request to reformat the rules to enable a more efficient assessment of compliance and for ease of use and implementation because the structure of the pTTPP had been established in accordance with the NPS.

498. The s42A Report did not support the relief sought by Buller Conservation Group (S552.043) to make all rules a discretionary activity because there was no specific reference to which standard they requested to change.

ENG-R1

499. The s42A Report rejected the amendment by BEL (S541.036) and Frank and Jo Dooley (S478.093), supported by NZEL (FS127.015) to provide for inclusion of revisions and updates of any relevant New Zealand Standards or National Environmental Standards because this would be needed in all provisions throughout the pTTPP and a plan change process is appropriate for responding to new or revised legislation.

500. The s42A Report accepted the BDC (S538.019) submission point that the heading of ENG-R1 is amended to '*Energy Activity Performance Standards*' because the inclusion of *'Permitted'* was unnecessary.

ENG-R2

501. The s42A Report rejected the Westpower's (S547.099) request, supported by NZEL (FS127), to include *'new works and/or upgrades'* clause (2) because it considered the scope of this was too broad and undefined, and there was potential for unintended consequences, particularly given this is a permitted activity standard. It did not address part of this submission point requesting adding '*or any new building works or upgrade to buildings that are undertaken within the existing building envelope'*.

502. The s42A Report supported the deletion of *'upgrade to an existing substation (zone)'* requested by Westpower (S547.100), supported by NZEL (FS127.070), because this was covered by clause (2). It accepted that landscaping should be limited to any substation located outside of the Industrial Zone, as substations are consistent with the purpose of the Industrial Zone; and therefore, recommended adding '*existing*' (S547.104 in part) and '*located outside the Industrial Zones*' (S547.101) to clause (3)(ii). However, it disagreed with the inclusion of '*earth bunds*' (S547.104 in part) because it considered this additional wording was unnecessary and was captured by '*landscaping*' in clause (3).

503. The JWS records that all the planning experts agreed to amend clause (3) by adding the words '*or upgrade to an existing substation (zone)'*.

ENG-R3

504. The s42A Report recommend ENG-R3 be retained as notified because of support for rule.

505. However, the Panel notes that the s42A Report did not address Forest & Bird's submission (S560.119), opposed by Westpower (FS222.0238), to include a requirement to meet the permitted vegetation clearance standards in the ECO Chapter. However, this is shown as rejected in Appendix 1 of the s42A Report.

506. The Addendum Report accepted Mr Lile's evidence (for BEL) requesting the replacement of *'Zone'* with '*Distribution*' in the heading for clarity.

ENG-R4

507. The s42A Report agreed with Transpower (S299.045) that there is an interpretation issue and supported the inclusion of *'new'* to provide clarification when interpreting this rule. Appendix 1 showed the recommended changes to the heading to address other submission points, removing the word '*existing*'.

508. The s42A Report accepted in part the submission points of BEL (S451.039) and Frank and Jo Dooley (S478.096), supported by NZEL (FS127.016), to include a point of measurement to clause (4) to improve clarity, efficiency and effectiveness of the standard. It did not support the amendment to clause (5) to provide for up to five additional poles because it considered it provided unnecessary restriction, and the submitters had not provided sufficient evidence to support such an amendment.

509. The s42A Report accepted BDC's (S538.022) request, supported by NZEL (FS127.003), to simplify the heading of the rule to '*Operation Maintenance, Repairs and Removal of Existing Above Ground Energy Activities'.* However, the Panel notes that the s42A Report Appendix 1 change does not replicate this submission, given that other amendments are recommended.

510. The s42A Report rejected the submission points of Westpower (S547.105), supported by NZEL (FS127.089), requesting replacement of '*three times that of the replaced pole'* with '*5 metres*' in clause (4) because they considered 5 metres was too large and could result in significant visual effects. It also rejected the request to allow an uncontrolled number of intermediate poles because of the potential for adverse visual and amenity effects. It noted that this issue is managed by the standards in clauses (2) and (3).

511. The s42A Report did not support Forest & Bird's (S560.461) submission point regarding the use of '*minor upgrading*' because this matter was addressed in relation to recommendations on definitions. It did not address the submitter's (S560.462) request to delete *'building and minor utility structure'* from the rule. However, this is shown as rejected in Appendix 1 of the s42a Report.

512. The Panel also notes that the s42A Report did not address Forest & Bird's submission (S560.119), opposed by Westpower (FS222.0238), to include a requirement to meet the permitted vegetation clearance standards in the ECO Chapter. However, this is shown as rejected in Appendix 1 of the s42A Report.

513. The Addendum Report supported the evidence of Ms Styles (for Manawa) seeking clarification of the meaning of the terms '*upgrading*' and '*minor upgrading*'. It therefore recommended consequential amendments to ENG-R4 to delete '*minor*' (as recommended in the s42A Report) and to add '*repair*'.

ENG-R5

514. The s42A Report accepted Manawa's (S438.049) request, supported by NZEL (FS127.035) and in part by Westpower (FS222.0182), to add '*repair'* into the heading because it is consistent with the Energy Policies. However, because of the recommended amendment to the definition of '*small scale'* in Section 6.2.2 of the s42A Report, it accepted the amendment sought by Manawa. Still, it considered this showed a gap concerning small-scale renewable energy generation. It therefore recommended to include a permitted activity standard for community-scale renewable electricity generation activities to address this gap.

515. The Addendum changed this recommendation replacing the notified heading with '*Renewable Electricity Generation Activity'*, and substantial changes to the rule to reflect this change in focus on community-scale REG.

516. The Addendum also recommended consequential changes to ENG-R15 to include new and existing large-scale REG activities.

ENG-R6

517. The s42A Report accepted Westland Milk Product's submission (S63.019) that ENG-R6 is too restrictive, with clause (2) imposing that any non-energy activity requires resource consent as a non-complying activity. It therefore recommended to delete clause (2) because this did not affect the directive of ENG-P3 and the NPSET. However, it did not support the inclusion of *'non-habitable industrial buildings'* due to the potential risks and complications associated with industrial buildings and the lack of evidence from Westland Milk Products to support this amendment.

518. In relation to the submission points[133] seeking that ENG-R6 be included within the zone provisions where significant distribution lines exist, the s42A Report considered there was a risk that the provisions contained in the ENG of the pTTPP would be missed and, therefore,

[133] S541.002, S478.059, S547.107, FS127.076.

rejected that amendment. It also noted that this would result in unnecessary cross-referencing and risk introducing inconsistency across the pTTPP, which is intended to be read in its entirety. It highlighted that significant lines are mapped, which it considered provided a sufficient trigger for plan users.

519. The s42A Report recommended rejecting Hort NZ's (S486.019) and Federated Farmers' (S524.019) request to delete clause (4) and rely on clause (5) because the 12-metre setback was consistent with Regulation 14 of the NESETA.

520. BDC (S538.026), supported by NZEL (FS127.004), sought to include an additional sub-clause under clause (3) for agricultural and horticultural, provided earthworks are undertaken to ensure no reduction of ground clearance distances from overhead lines. The s42A Report did not support this because the Earthworks Chapter includes limits for earthworks near the National Grid but not significant electricity distribution lines, which it noted was a gap in the pTTPP. It recommended a consequential amendment to the Earthworks Chapter to address; and therefore, no amendment was recommended to ENG-R6 to address the relief sought.

521. The s42A Report noted ENG-R6 is very restrictive, with any energy activity not achieving compliance with the standards defaulting to a non-complying activity. It recommended deleting clause (2) due to it being overly restrictive and not giving effect to the directive of ENG-P3 and the NPSET. It noted that based on this amendment, agricultural and horticultural activities can occur when compliant with clause (5) of ENG-R6.

522. Responding to Westpower's submission (S547.107), supported by NZEL (FS127.076), requesting to add '*and*' at the end of clause (3)(iv) and replace '*transmission'* with '*distribution'*, the s42A Report rejected the inclusion of '*and'* because clauses (3) and (4) are two standalone standards, which seek to manage two different effects - under conductors and within proximity to support structures. It did accept the replacement of '*transmission'* with '*distribution'* as this was consistent with the balance of the pTTPP and other higher order planning documents.

523. The JWS records the views of the planning experts in relation to the default activity status where compliance is not achieved and whether this should be non-complying or discretionary. The Reporting Officers and Mr Lile (for NZEL) considered this should be discretionary because significant electricity distribution lines do not have the same level of national protection as other non-complying activities. Mr Kennedy considered that, given the objectives and policies that relate to these significant electricity lines, it is appropriate default is non-complying, as notified.

ENG-R7

524. The s42A Report rejected Westland Milk Products (S63.020) and Isaac Construction Ltd (FS106) that sought ENG-R7 be amended to clause (iv) of standard (1) as follows: *'… Non-habitable industrial, farm or…'*, the inclusion of *'non-habitable industrial buildings'* due to the potential risks and complications associated with industrial buildings and the lack of evidence to support this amendment.

525. As to the Transpower submission, the Reporting Officers supported the relief sought because it is consistent with the NPSET and provides clarity to improve readability and application of

ENG-R7. In the Addendum, in response to Ms Whitney's evidence, the Reporting Officers recommended amendments to the clauses (1)(iv) and (2)(iii). It noted that submitters (S63.020, S486.020) had sought various amendments to clause (1)(iv) to include/exclude various activities but remained concerned that there appears to be limited justification for the listed activities which were not defined terms in the Plan.

526. The s42A Report recommended rejecting BEL (S451.003), opposed by Transpower (FS110.024), and Frank and Jo Dooley (S478.060), supported by NZEL (FS1270.18) to include this Rule within the zone provisions where significant distribution lines exist because there is a risk that the provisions contained in the ENG of the pTTPP would be missed. It considered that because the National Grid Yard is mapped this provided a sufficient trigger for plan users. Further, it noted that ENG-R7 is related to the National Grid Yard, not Significant Electricity Distribution Lines.

527. In relation to Hort NZ's (S486.020) request, opposed by Transpower (FS110.002), to delete '*produce packing facilities'*, the Reporting Officers agreed that the non-complying activity status is onerous and recommended that non-compliance be provided as a discretionary activity. It noted that at a discretionary activity status would allow for a complete and fulsome consideration of an activity and its associated effects; and allows the council to impose appropriate conditions of consent or decline resource consent if required. The Reporting Officers noted that this amendment was consistent with the recommendation for ENG-R6.

528. The s42A Report recommended rejecting the submissions of Martin & Lisa Kennedy (S545.011), opposed by Transpower (FS110.023), and Nick Pupich & Sandy Jefferies (S546.011) to replace the rule with the rules in the operative Grey District Plan in relation to the National Grid. It noted the proposed provisions are more nuanced and give effect to the NPS. It is considered that the standards in the pTTPP provided greater clarity and removed wording irrelevant within the ENG, such as the extent of earthworks, which is covered in the Earthworks Chapter.

529. The s42A Report accepted Poutini Ngāi Tahu's (S620.086) submission to correct the spelling of '*height'* in clause (2)(iii)(b). However, this correction was not shown in Appendix 1.

ENG-R8

530. The s42A Report recommended rejecting the BDC submission (S538.028) requesting to amend the cabinet size limit from 1.4m^2 to 10m^2 because Regulation 20 of the NESTF cabinets requires a footprint of 1.4m^2, and it is appropriate to be consistent with this maximum. It is considered that 10m^2, combined with the 2m height limit, would be too permissive.

531. The JWS records that the Reporting Officers did not support a change from 1.4m^2 to 10m^2 because a large-scale cabinet with consequent effects could result. It records that, as Mr Kennedy understood it, the change came about from a submission requesting a 10m^2 area limit when the pTTPP as notified, because the rule did not have a limit on area. Mr Kennedy was unclear on what basis a further reduced area is proposed, as none was requested. Mr Kennedy understands that 10m^2 is a current provision within the region.

ENG-R9

532. The s42A Report recommended rejecting Transpower's (S299.047) submission requesting amendments to enable rehabilitation within six months of the temporary activity ceasing, because it considered six months was too long to remove a temporary structure. It noted that it was necessary to set a time and recommend that the requirement for the site to be rehabilitated is within one month of the activity ceasing, which is consistent with Rule TEMP-R2.

533. The s42A Report recommended rejecting Manawa's submission (S438.050), supported by NZEL (FS127.036), because electricity generation is included in the 'Energy Activity' definition. It considered that the relief sought would limit the scope of ENG-R9, and it is noted that it may be necessary to establish a temporary transmission activity following a state of emergency.

534. The Addendum Report recommended adding a new clause (4) to address concerns that emergency back-up generators should be provided as a permitted activity.

ENG-R10

535. The s42A Report recommended rejecting the amendments sought by Manawa (S438.051), supported by NZEL (FS127.037), because it did not consider $4m^2$ to be 'slimline' and a height of 10m would be excessive within some environments (such as the Residential Zone). It considered that the current wording gives effect to Policy G of the NPSREG, which requires district plans to provide for activities associated with the investigation.

536. The s42A Report recommended rejecting BDC's (S538.029) request, supported by NZEL (FS127.005), to delete ENG-R10 based on the provision for environmental and meteorological facilities within the INF Chapter. It considered that the Rule was necessary to give effect to the Overview, which states that the infrastructure rules do not apply to the ENG Chapter.

537. The s42A Report recommended ENG-R10 be retained as notified.

538. In response to the evidence of Ms Styles (for Manawa), the Addendum Report highlighted the Rule applied district-wide, across the full range of zones that seek different character and amenity outcomes. It remained concerned that a maximum height of 10m, as a permitted activity, may not be appropriate in all locations. As an alternative relief, the Reporting Officers recommended the inclusion of a new clause (3) that requires compliance with the relevant zone structure or building height limits. However, the Reporting Officers noted that these may well be subject to change following zoning hearings.

539. The Addendum also recommended changing the default activity status from non-complying to restricted discretionary when compliance with the standards is not achieved.

ENG-R11

540. The s42A Report did not support Transpower's (S299.048), opposed by Poutini Ngāi Tahu (FS41.041), request to add '*or otherwise not provided for*' to the heading of this rule because the amendment is considered unnecessary and does not improve the efficiency or effectiveness of the plan. However, in the Addendum Report, in response to Ms Whitney's evidence regarding substations, the Reporting Officers changed their recommendation to

accept this submission. However, this was not shown as a tracked change in Attachment 2 of the Addendum Report.

541. The s42A Report noted Poutini Ngāi Tahu opposed Transpower's request to amend the heading because the effects need to be assessed against the overlay chapters and not just Schedule 1-8.

542. Poutini Ngāi Tahu (S620.087, S620.088, S620.089, S620.090) sought the matter of discretion for Restricted Discretionary activities (ENG-R11, ENG-R12, ENG-R13 and ENG-R14) be amended to include the following matter of discretion: '*The degree to which the proposed activity will cause significant adverse effects on Overlay Chapter matters and sites listed in Appendix 10.'* The s42A Report considered this submission point concerning general matters for the ENG Chapter. The Reporting Officers believed that the reference to other chapters in the Overview provided for those values, which was sufficient for them to be considered.

543. The Addendum Report noted Poutini Ngāi Tahu's request to include a new matter of discretion concerning Poutini Ngāi Tahu values would be addressed within the Reply. It was recommended that the words 'areas and values listed in schedules 1-8 be added to clause (g), which was agreed to be added, following discussion with Ms Pull, ensuring adequate effects assessment. The Reporting Officers disagreed with Ms Pull's view that ENG-R11 was broad in its application. They considered the Rule had a narrow focus, resulting in an outcome unlikely to significantly impact the Poutini Ngāi Tahu values.

544. The s42A Report rejected Westpower's (S547.113) request, supported by NZEL (FS127.080), to delete clause (e). However, the Addendum Report changed position and accepted this deletion, considering Mr Kennedy's evidence that contamination is usually by way of discharge, which is generally managed through regional provisions.

545. The s42A Report accepted Westpower's request (S547.112), supported by NZEL (FS127.079), to add *'functional'* to clause (b).

ENG-R12

546. The s42A Report rejected Transpower's (S299.049) request to delete *'transmission and'* from the heading because there would be no default rule for the National Grid Yard if accepted. However, in the Addendum Report, having considered the evidence of Ms Whitney, the Reporting Officers recommended including *'and upgrading'* and adding '*not managed by the National Environmental Standards for Electricity Transmission Activities*' in ENG-R12.

547. The s42A Report supported BDC (S538) and NZ Energy's (FS127) submissions to amend the rule's heading, noting that ENG-R4 must be amended consequentially.

ENG-R13

548. The Reporting Officers accepted Westpower and NZ Energy's submission to include *'functional'* because it gives effect to the Energy objectives and policies and is consistent with the Energy standards.

ENG-R14

549. The Reporting Officers did not support Manawa's relief as sought because ENG-R5 requires a default rule. However, they did acknowledge that the heading of ENG-R14 refers to '*renewable energy investigation activity'*, which does not have a Permitted Activity standard reference. The Reporting Officers recommended the deletion of *'renewable energy investigation activity*' from the rule heading, as this could be captured by temporary energy activities or energy activities generally.

550. In the Addendum Report, in response to Ms Styles' evidence, the Reporting Officers considered that listing 'l*andscape measures'* as a matter of discretion in clause (e) was unhelpful as it is unclear what is expected or what would be achieved. They also considered clause (c) relating to benefits to the community needed refinement, but did not support Ms Styles' recommendation for clause (e) to provide an alternative.

551. The s42A Report accepted Westpower and NZEL submissions to amend clause (d) to include '*locational, technical'* because it gives effect to the Energy objectives and policies and is consistent with the energy standards.

ENG-R15

552. The s42A Report noted the amendment sought by Manawa (S438.053), supported by NZEL (FS127.038) and supported in part by Westpower (FS222.0184), to give effect to the NPSREG and deal with the circumstance of no rule providing for the maintenance, repair, operation and minor upgrading of existing renewable electricity generation activities. It agreed there was no permitted pathway for maintenance, repair, operation, or minor upgrading of existing renewable electricity generation activity, which reasonably should be provided for in the ENG rules. It recommended the inclusion of a new permitted activity rule for these activities.

553. The s42A Report noted that new large-scale renewable electricity generation activities would continue to be provided as a discretionary activity. It did not support the specific relief sought by Manawa to amend ENG-R15 because it considered this created unnecessary confusion and cross-referencing provisions. It noted that large-scale renewable electricity generation activities could have adverse effects that require management and assessment.

554. The s42A Report accepted Westpower's (S547.008), supported by NZEL (FS127.085), to add *'not meeting Permitted Activity standards*', which clarified ENG-R15 and ensured consistency with other energy rule standards (e.g., ENG-R11 – ENG-R14, ENG-R19).

555. In response to Ms Styles' evidence, the Addendum changed this position to recommend amendments to ENG-R15 to provide for new and existing large-scale REG not meeting the permitted activity standards and to remove the exclusion of wind, given the amendments proposed to ENG-R5 to include all REG activities.

ENG-R16

556. The s42A Report rejected the relief sought by Manawa (S438.054), supported by NZEL (FS127.039) and supported in part by Westpower (FS222.0185), to amend status of the rule from discretionary to restricted discretionary due to the lack of evidence provided by submitters to support their request and the risk of potential adverse effects associated with a

large-scale wind farm. It considered a discretionary activity status was appropriate and noted that ENG-R5 provides for small-scale wind farms as a permitted activity.

557. In response to Ms Styles' evidence, the Addendum changed this position to recommending deleting ENG-R16, as a consequential amendment to recommended amendments to ENG-R5 and ENG-R15.

ENG-R17

558. The s42A Report rejected the amendments sought by Manawa (S438.055), supported by NZEL (FS127.040) and supported in part by Westpower (FS222.01865), to replace '*energy*' with '*renewable energy generation'* due to the lack of evidence provided by submitters to support this request and the risk of potential adverse effects associated with a wind farm which does not comply with New Zealand Standards NZS6806:2010 Acoustics – Wind Farm Noise. It considered a non-complying activity status was appropriate and noted that ENG-R5 provided for small -scale wind farms as a permitted activity.

559. In the Addendum Report, in response to Ms Styles, the Reporting Officers agreed there was a need to integrate all of REG activities together with the same level of enablement. They recommended ENG-R17 be deleted, relying upon effects-based rules and zone bulk and location rules to manage potential effects.

ENG-R18

560. The s42A Report recommend ENG-R18 be retained as notified, given the submissions in support of this Rule.

ENG-R19

561. The s42A Report accepted Transpower's (S299.049) request to replace '*in and around*' with '*within*' the National Grid Yard to provide greater clarity and to amend the heading wording to be consistent with ENG-R6 and ENG-R7. This amendment was not shown correctly in Appendix 1 of the s42A Report.

562. The s42A Report rejected Hort NZ's request (S486.021), opposed in Transpower (FS110.026), and Federated Farmers' request (S524.038), opposed in part by Transpower (FS110.025) and supported by Hort NZ (FS55.20), to change the rule status from non-complying to restricted discretionary. However, it was considered a non-complying activity status was too onerous and recommended amending the rule activity status to discretionary.

563. However, in the Addendum Report, in response to Ms Whitney's evidence, the Reporting Officers changed their view and recommended retaining the notified non-complying activity status because of the direction of the NPSET. The Reporting Officers accepted that this would ensure consistency with the NPSET and the approach in other district plans. They also noted the discrepancy between the default activity status and rules providing for National Grid activities and activities within the National Grid.

564. The s42A Report did not specifically address Transpower and Hort NZ's request to delete *'Significant Electricity Transmission Lines*' from ENG-R19. However, Attachment 2 of the Addendum recommended that this be deleted. It recommended a new non-complying activity

Rule ENG-RX10 for activities in and around significant electricity distribution lines that do not comply with the permitted activity standards.

ENG-R20

565. The s42A Report rejected Manawa's request (S438.056), opposed by NZEL (FS127.041) and supported in part by Westpower (FS222.0187), seeking to delete '*energy*' and 'ENG-R14' so that REG activities are not included as non-complying activities. It considered there was a lack of evidence within the submission to support the requested amendment and potential adverse effects resulting from non-compliance with restricted discretionary activity standards. In their opinion, it is appropriate that a gateway test provides an assessment through the policy pathway.

566. The s42A Report rejected the Westpower (S547.120), supported by NZEL (FS127.087), to incorporate ENG-R20 within ENG-R18 due to the lack of evidence. It noted ENG-R18 was limited to energy activities generating electric or magnetic fields, whereas ENG-R20 deals with substations, transmission and distribution lines, structures and foundations, electricity cabinets, community-scale renewable electricity generation structures and temporary energy activities. On this basis, the Reporting Officers did not consider it appropriate to combine ENG-R18 and ENG-R20.

567. The s42A Report rejected the relief sought by Forest & Bird (S560.131) to add 'for activities that do not meet ENG-R15 and ENG-R16 because it would result in unnecessary duplication across the rules.

568. In response to the evidence of Ms Styles regarding non-renewable energy generation and the need for a new policy and a rule directing avoidance, in the Addendum Report, the Reporting Officers accepted that the relief sought would be consistent with national direction. They also recommended further amendments to refine references to 'Energy Activities' in the rules to remove the default non-complying activity status for REG activities because it would not give effect to NPSREG direction and is inconsistent with the standard approach taken to REG in other district plans.

569. Ms Styles also considered upgrades (that are not minor) and new REG activities (that are not domestic in scale) to be restricted discretionary activity.

New Standards

570. The s42A Report accepted Transpower's request (S299.051), supported in part by Forest & Bird (FS34.031), sought the insertion of a new non-complying activity rule to capture any energy activities not explicitly provided for, as follows:

> *ENG-RX: Any energy activity that is not permitted, controlled, restricted, discretionary, or discretionary.*
>
> *Activity Status Discretionary Activity status where compliance is not achieved: N/A*

571. The s42A Report considered this new rule would give clarity and direction to plan users. The Addendum included this as a new rule, ENG-RX-11.

572. Manawa (S438.057), and opposed by NZEL (FS.034), sought the insertion of a new non-complying activity rule to capture energy activities that do not involve renewable electricity generation, as follows:

> *ENG-RX: Non-renewable Electricity Generation Activities Activity Status Non-Complying*

573. The s42A Report rejected this because it considered it too onerous and inconsistent with the Energy objectives and policies. However, in response to Ms Styles' evidence, the Addendum changes this position by accepting Manawa's submission and recommends inserting a new Rule ENG-RX9.

574. BDC (S538.023) sought the insertion of a new permitted activity rule to provide for the operation, maintenance and repairs of existing below ground energy activities or provision for installation of new facilities, as follows:

> *ENG-RX: Installation of Above Ground Energy Activities*
>
> *Activity Status Permitted*
>
> *Where:*
>
> *(1) the performance standards in Rule INF-R1 are met;*
>
> *(2) these are located in a GRUZ-General Rural Zone or LINZ-Industrial Zone, and poles do not exceed a height of 25 metres and towers do not exceed a height of 15 metres; and*
>
> *(3) these are not an extension of existing overhead lines that involve no more than five poles in areas where services are already above ground provided that written approval from landowners within a 22 metre radius of new poles has been obtained and provided to Council within 10 working days before activities commencing.*

575. The s42A Report rejects BDC's submission because it considered Rule ENG-R4 sufficiently provided for these activities. However, it recommended a new rule for the construction of distribution lines and transmission lines not managed by NESET, which was shown in Appendix 1.

576. In response to Ms Whitney's evidence, the Addendum recommended further amendments to the new rule covering the construction of distribution and transmission lines by removing the reference to NESET because it does not apply to new National Grid transmission lines or electricity distribution assets. Attachment 2 of the Addendum showed this new rule as ENG-RX3.

577. Concerning ENG-RX-1, the JWS records that all expert planners agree to removing the reference to the NESET. It records that Mr Kennedy considered that distribution lines should be deleted but noted no corresponding discretionary rule. Mr Lile considers that distribution lines should remain in.

578. Westpower (S547.097), supported by NZEL (FS547.098), sought the insertion of a new permitted activity rule because ENG-R4 was silent as to when new lines are required to be placed underground or aboveground, as follows:

ENG-RX: Distribution Lines (including connection to consumers)

Activity Status Permitted

Where:

1) *New lines are underground where located in RESZ-Residential, or CMUZ-Commercial and Mixed-Use Zones; or*

2) *Existing above ground lines are located within the zones identified in (1) and are extended by no more than five poles; or*

3) *Are above ground within SASM sites within the zones identified in (1) to maintain the values of the SASM site; and (4) poles for above ground lines do not exceed a height of 25m.*

Activity status where compliance is not achieved: Restricted Discretionary.

579. The s42A Report accepted Westpower's submission. In response to evidence, the Addendum recommended amending the heading to '*New Customer Connections*' and changing 30mm to 36mm.

580. The JWS records agreement to amend the heading, but Mr Lile considered that this rule needed to stay in the ENG as not all new connections are made at the time of subdivision. It records that Mr Kennedy supported, including seven additional performance standards, and that he noted there is no corresponding discretionary rule.

581. Westpower (S547.098) sought the insertion of a new Permitted Activity standard to provide for large scale generation in the Industrial Zone, as follows:

ENG-RX: The construction, operation, maintenance and upgrade of community and large-scale energy activities excluding wind

Activity status Permitted

Where:

1) *Performance standards in Rule ENG-R1 are complied with;*

2) *The activity is located within the Industrial Zone; and*

3) *All buildings and generating structures comply with building coverage, height and setback requirements for the zone; and*

4) *Buildings and generating structures are screened by fencing and/or landscaping (including earth bunds) along any road frontage and the side boundary of a site that adjoins a RESZ-Residential, SET Settlement, OSZ-Open Space or MUZ-Mixed Use zone.*

Activity status where compliance is not achieved: Discretionary.

582. The s42A Report accepted in part Westpower's request but considered that applying the new rule should be limited to the General Industrial Zone instead of all Industrial zones. It noted

that industrial zones would capture the light industrial zone, which is predominantly located in undeveloped areas with a higher degree of amenity effects and requires greater management. Appendix 1 recommended adding a requirement for compliance with GIZ-R1 in clause (1); and replacing 'Industrial Zone' with 'General Industrial Zone'. However, the Addendum recommended deleting this new rule based on evidence, the EWC, and other recommended changes to the provisions.

583. Westpower (S547.119), supported by NZEL (FS127.086), sought the insertion of a new Non-Complying Activity standard to provide for activities that do not comply with ENG-R6, as follows:

> *ENG-RX: Activities in and around the Significant Electricity Distribution Lines that do not comply with Permitted Activity standards, Activity Status Non-Complying.*

584. The s42A Report rejected Westpower's request for this new rule to provide for activities that do not comply with ENG-R6 because it considered this was unnecessary, as activities that do not comply with ENG-R6 default to Rule ENG-R19. However, as requested, the Addendum appears to change this position and recommends a new rule, ENG-RX10, but as a discretionary activity rule.

585. NZEL (S463.001 and S463.002) and Inchbonnie Hydro Limited (S540.001 and S540.003), supported by NZEL (FS127.021 and FS127.022), sought to provide for existing Hydroelectric Infrastructure in a specific special zone and provide rules to support this, consistent with the RPS and NPSREG. The s42A Report rejected these submissions due to a lack of an RMA section 32 evaluation to support a Special Purpose Zone in this instance. It noted that under the mandatory direction of the NPS, a Special Purpose Zone must only be applied if it is impractical to manage proposed land use activities through another zone or combination of spatial layers. It considered the Energy provisions explicitly provide for such activity, therefore, Hydroelectric Infrastructure did not need a Special Purpose Zone.

Hearing And Submitter Evidence/Statements

Manawa Energy

586. In her opening remarks, Ms Styles noted that the pTTPP specifies that the INF rules do not apply to energy activities. She said that this separation is important to ensure that there is no unnecessary overlap in provisions for energy activities that also fit under the definition of infrastructure.

587. Ms Styles also addressed infrastructure scale issues, namely using terms such as '*small*' '*community*' or '*large scale*' in the rules. She contended these definitions should be removed and, if necessary, replaced with one definition of '*small and community scale*' to align with NPSREG Policy F, which encourages such activities.

588. Ms Styles also discussed renewable and non-renewable energy sources, seeking a clear separation between them and for the pTTPP to provide for REG specifically. She proposed a new rule for constructing, operating, maintaining, and upgrading community and large-scale renewable electricity generation activities. She also recommended an additional rule within

the ENG relating to non-renewable electricity generation activities, seeking to ensure those activities had a non-complying activity status.

589. Ms Styles detailed concerns relating to activity status and rule layout. She was concerned that the activity status applied to REG activities did not adequately give effect to the NPSREG and that the rule provisions were unnecessary and complex, which would, in turn, lead to confusion in the interpretation and application of the pTTPP. She was particularly concerned about the activity status structure, and she detailed in Appendix 4 an activity status structure she considered appropriate for REG activities. She considered Appendix 4 comparable to other district plans and gave effect to national guidance. She provided a helpful 'line-of-sight' table within Appendix 5 detailing how she considered the provisions should fit together to give effect to higher-order documents and national direction.

590. Regarding ENG-R5, Ms Styles noted a lack of analysis on the submission point seeking an increase in the permitted area/footprint for buildings, structures, and services associated with hydroelectricity generation to increase from the notified 25m^2 to 100m^2.

591. Concerning ENG-R10, which dealt with monitoring and meteorological facilities, Ms Styles sought an increase in the permitted scale for masts and towers. She recognised that the notified height restriction of 4m was very low and insufficient to provide meaningful investigations into meteorological conditions. Her preferred position was 10m.

592. Regarding the methods of discretion that apply to restricted discretionary activities for REG, Ms Styles noted that they could be better refined to reflect appropriate considerations. She used '*landscaping measures'* as an example, which she considered unhelpful because that term was unclear, as to what is expected to be achieved or what would be assessed. She refined these matters in her Appendix 3.

593. Ms Styles was critical of how the notified provisions treated wind farms differently from other forms of electricity generation, especially concerning noise generated by a wind farm. She noted that this difference was expressed by excluding wind from the permitted activity rule ENG-R5, discretionary activity rules ENG-R15 and ENG-R16 and the wind farm noise-specific non-complying activity ENG-R17. She believed placing a more restrictive activity status on wind farms was inappropriate, and she noted this differentiation is not common in other comparable district plans. She further stated that other activities that exceeded noise standards within the TTPP are not treated as non-complying but as restricted discretionary. Again, she noted that this approach to wind farm noise differs from that in comparable district plans.

Buller Conservation Group and Frida Inta

594. Ms Inta criticised many of the energy rules primarily because she considered the standards in those rules unduly permissive. In relation to the proposed new rules, she expressed concern about the lack of certainty regarding default status, where compliance with permitted activity was not achieved. She did not support the new permitted activity rule enabling the construction, operation, maintenance, and upgrade of community and large-scale energy activities, excluding wind. She considered that any large-scale energy activity should require a consent process.

Paul Finlay

595. Mr Finlay sought provisions in the pTTPP to enable the use of the DOC land, including National Park land, for a water inlet and tunnel irrigation and power generation scheme supplying the West Coast and other areas with electricity and irrigation water. He noted pTTPP provisions would need to include proven need be demonstrated along with acceptable reinstatement of such works, including bond requirements.

Martin and Lisa Kennedy

596. Mr Kennedy detailed his concerns about ENG-R7 regarding building structures and activities within the National Grid Yard. He was particularly concerned about the scope of the permitted activity standards, wanting to ensure that activities on his land would not be unduly constrained.

Buller Electricity Limited

597. Mr Lile's evidence on the energy rules supported recommendations and amendments included within the s42A Report. His evidence focused on a limited number of discrete matters that he considered would improve the workability and efficiency of the energy provisions. He noted that while BEL supported ENG-R3 as notified, '*Zone*' should be replaced with *'Distribution'* in the heading to clarify the difference between ENG-R2 and ENG-R3.

New Zealand Energy Limited

598. Mr David Inch and Mr Peter Mulvihill presented evidence through PowerPoint slides focusing on the power systems at the Turnbull River near Haast and the Fox Glacier. They noted these power schemes were included in Schedule 13 of RPS and that under RPS Rule 54, a separate criterion for re-consenting is provided. They requested the provision of a Special Purpose Zone or highlighting existing hydroelectric schemes as a scheduled activity within the pTTPP to be consistent with RPS. This would support the ongoing management of such schemes, further development, and new opportunities. They referenced other district plans that provided specific provisions for hydro schemes and queried whether these schemes should be scheduled under the pTTPP so they could become a controlled activity. A query also arose about whether a designation should cover these power schemes.

599. Mr Inch and Mr Mulvihill questioned whether the two power schemes highlighted should be recognised as RSI despite their small scale. They noted that the definition of RSI only captures schemes generating more than 1 MW, which would exclude these important community schemes. They also emphasised the power schemes at Griffen Creek, Harold Creek, and Littleman Creek, as well as extensions to the Turnbull Hydro Electric Scheme. They considered all these schemes to be exceedingly small and had minor impacts. They considered these were regionally significant for those who derive electricity from them and serve isolated settlements and tourism.

Transpower

600. Ms Whitney noted discussions with the Reporting Officers had resulted in many of Transpower's submission points being satisfied through amendments recommended by the

Reporting Officers in the Addendum. Her addendum evidence confirmed there were only two outstanding provision points and one point of clarification. The outstanding points related to Rule ENG-R4 clause (4) and Rule ENG-R7 clause (1)(iv), and a point of clarification about Rule ENG-RX3.

601. Ms Whitney explained the issue with Rule ENG-RX3 was that there is no clear, specific discretionary rule for the construction of new lines, so the concern was that the default non-complying activity rule ENG-R11 would apply. She understood the Reporting Officers had no concerns with a discretionary activity status and would support providing a specific discretionary role to provide clarity. She provided suggested rule drafting to address this.

602. Concerning ENG-R4, Ms Whitney explained that the West Coast region is unique in that it has a line that is not subject to NESETA (as the line was not owned and operated by Transpower when the NESETA came into effect). This line is the 110kv Dobson Tee A line, which runs from the Dobson substation east of Greymouth to Reefton and is significant in length, as shown in light blue in her Figure 1. She noted that ENG-R4 is very important to ensure an appropriate rule framework is provided in the pTTPP for Transpower to undertake work on the line to ensure safe and efficient electricity transmission (as required by the NPSET). She noted that apart from clause (4), she was comfortable with all the clauses within ENG-R4, noting that the majority aligned with the regulations within the NESETA. She explained the issue with clause (4) was clarifying what effect the standard sought to manage, and interpretation issues as to how the standard would be applied. Ms Whitney proposed two solutions that involved additional wording to clause (4).

603. Ms Whitney explained that the second outstanding issue related to the Reporting Officers' recommendation to delete clause (1)(iv) of ENG-R7, which excludes commercial greenhouses, protective canopies, wintering barns, produce packing facilities, and dairy and milking sheds. Having read the Hort NZ submission, she understood they sought to permit sorting and packing sheds and not to delete references to farm and horticultural buildings. Ms Whitney noted that, as outlined in the evidence of Ms Eng and Mr Shortland-Witehira, Transpower takes a risk-based approach to determining whether a particular type of building or structure may be safely located underneath high voltage conductors. She explained that such an approach included consideration of not just the scale of the building but also the intensity of the activity, the structure/typical construction material, and the extent of human occupation or use of the building. She noted when the building is used for longer durations; is more frequently accessed; is used by more people; and/or includes more sophisticated services (water, fibre, power supply); the effects in respect of disruption to the activities within the building (where Transpower needs to undertake maintenance or repair works) and risks associated with electrical hazards such as step and touch voltages and earth potential rise are more significant. In this way, she said a produce packing facility's characteristic can be distinguished from a (complying) hay barn or implement storage shed.

604. Ms Whitney provided alternative wording and explained the substantive change to the rule was to replace the term '*non-habitable farm or horticultural buildings or structures*' with '*Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time)*'. She said the latter is derived from the pTTPP definition of '*Agricultural, Pastoral and Horticultural Activities*' and therefore provided alignment to the terminology used in the pTTPP. She explained the second substantive change to the clause

was to provide guidance/clarification as to what is '*non habitable*' (i.e. meaning they are not usually occupied but may be accessed from time to time). The Panel questioned the need to include 'wintering barns' given that their use on the West Coast was very unlikely, and she considered that this should be deleted.

605. Ms Whitney supported amendment to the default non-complying rule ENG-R19 to make it clear activities not otherwise provided for are non-complying, as follows:

> *ENG-R19 Activities in ~~and around~~ the National Grid Yard ~~and between the Significant Electricity Transmission Lines~~, that do not comply with Permitted Activity standards or not otherwise provided for.*

Poutini Ngāi Tahu

606. Ms Viskovic's legal submissions acknowledged that including Poutini Ngāi Tahu values as a matter of control and discretion for all controlled discretionary activities would create an additional step requiring an extra level of analysis to be undertaken by the resource consent applicant. She submitted that this was acceptable because the potential effects on those values meant that any costs associated with undertaking this work are justified. She considered the plan provisions needed to include a reference to these values, particularly where the activity status was restricted discretionary.

607. Ms Viskovic noted that the pTTPP does not comprehensively map or identify all Poutini Ngāi Tahu values so there may be an impact/effect on those values through an activity that is not located within a managed overlay such as a site in areas of significance to Māori (**SASM**).

608. Ms Pull outlined the relevant statutory direction supporting recognition of Poutini Ngāi Tahu as tangata whenua and as holding rangatiratanga within the takiwā of Ngāi Tahu Whenua, including the Mana Whakahono a Rohe, which recognises the principles of Te Tiriti o Waitangi and the NTCSA and, among other things, seeks incorporation of those principles into Council planning instruments. She also referenced how the RPS gives effect to those statutory directions and agreements, concluding that one of the roles of pTTPP is to recognise those values.

609. Ms Pull noted that one of the pTTPP's roles is to recognise Poutini Ngāi Tahu values and cultural landscapes and to provide for these values and landscapes across all pTTPP provisions by giving effect to Part 2 of the RMA, the NPS, and the RPS. She considered the s42A Report failed to give effect to the RPS because it has focused primarily on enabling efficient infrastructure.

610. Although the term *'sensitive activities'* is used within the ENG (including a recommended addition to ENG-R7 in the s42A Report), Ms Pull noted Poutini Ngāi Tahu is primarily concerned about how this term will be applied in relation to the plan's noise provisions.

611. Ms Pull noted Poutini Ngāi Tahu seeks the addition of a new matter of control/matter of discretion to the controlled activity and restricted discretionary activity rules throughout the pTTPP to ensure that Poutini Ngāi Tahu values, as identified in the Tangata Whenua Chapter can be considered in decision making on any relevant resource consents. She provided a full breakdown of Poutini Ngāi Tahu values as identified in the Regional Planning documents at her Appendix Three. She further noted that the s42A Report for hearing topics one and two

recommended this submission point is considered on a case-by-case basis in relation to the relevant rules in each chapter.

612. Ms Pull clarified that Poutini Ngāi Tahu's further submissions on the rules in the ENG, INF and TRN Chapters were limited to including the overlay chapters and sites listed in Appendix 10 in the matters of discretion for rules ENG-R11-R14. She noted the section 42A Report did not support this relief.

613. Ms Pull disagreed with the reasons outlined in the s42A Report to reject the submission because:

(a) The use of '*and*' does not restrict an assessment; it is an addition to the other matters of discretion;

(b) When considering a restricted discretionary activity, the consent authority's assessment is limited to the matters of discretion in the specific rule; the chapter overview is not a consent consideration;

(c) Adding the ability to consider the impact on the sites identified in Appendix 10 in any of the other matters of discretion is not considered to be a duplication of the advice note at the front of the Chapter (which has no legal weight); and

(d) No rules in the pTTPP specifically apply to sites identified in Appendix 10, meaning that the other Chapters cannot consider the impact of an energy activity on those sites. Appendix Ten informs that the area has historical and cultural associations to be considered.

614. For these reasons, Ms Pull sought the inclusion within Rules ENG-R11-R14 of the following matter of discretion be added:

> *The degree to which the proposed activity will cause significant adverse effects on Poutini Ngāi Tahu values.*

615. In her addendum evidence, Ms Pull noted the limitation to '*significant*' adverse effects was about providing for and enabling energy activities as identified in Chapter 6 of the RPS, while balancing the objectives, polices and Method 5 of Chapter 3 in the RPS to add conditions to resource consents where appropriate to avoid, remedy or mitigate adverse effects on iwi values. She was critical that the Reporting Officers had not correctly applied all the relevant Chapters of the RPS when considering how to provide for Iwi values.

616. Ms Pull noted ENG-O2 includes a requirement to minimise adverse effects on communities and the environment, and that to achieve this, regard must be had to Policies P2, P4 and P8 relating to Poutini Ngāi Tahu culture and values. As set out in her Table 1 in Appendix 1, Ms Pull identified that restricted discretionary activities could impact Poutini Ngāi Tahu values. However, she noted that discretion did not address the requirement to minimise adverse effects on the environment as set out by ENG-O2 and only has regard to Poutini Ngāi Tahu values within the limits of the identified SASM areas. She noted the Energy Chapter restricted discretionary activities that used the threshold of *'significant*' were ENG-R11 and ENG-R14.

617. Ms Pull noted that the benefits of including the matter of discretion for Poutini Ngāi Tahu values are better implementation of the RPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. She considered the costs would relate to a more detailed assessment being required on the potential cultural impacts and/or discussion with representatives of the relevant Rūnanga. However, given this is limited to only two ENG rules, which can potentially cause significant adverse effects on Poutini Ngāi Tahu values, then the cost is minimised and reasonable, as well as being efficient compared to the restoration of the values if damaged.

618. At the reconvened hearing, the Panel had a wide-ranging conversation with Ms Pull about including an additional matter of discretion for Rules ENG-R11 and ENG-R14. We discussed whether including a reference to Schedule 1-8 would suffice. Ms Pull considered there was a need to consider the effects of activities on sites not included in Schedules 1-8. She also considered that the reference to Poutini Ngāi Tahu in Chapter 3 would not be appropriate because Chapter 3 was very general in describing those values and how those values were impacted depending upon the nature of the application.

619. Discussion revolved around resource consent applicants needing to undertake or engage Poutini Environmental to undertake a cultural impact assessment and whether that approach would differ from applicants needing to undertake a landscape assessment. Discussion also explored the value of utilising advice notes to guide applicants regarding the Rule requirements.

Forest and Bird

620. Ms Snoyink's statement focused on the Addendum Report and Appendix 1. She provided comment on amended changes to Rules ENG R4, R5, R9, R15 and New Rules RX1, RX2, RX3 and RX9. Forest & Bird remain concerned the rules only address significant effects on identified values and do not give effect to the RMA and NZCPS.

Westpower

621. Mr Kennedy provided comprehensive and detailed evidence on many of the rules that Westpower had submitted upon and addressed submission points accepted, accepted in part and or rejected. The evidence also discussed further submissions made by Westpower. Attached to his evidence was Appendix 1, which provided a summary of the s42A Report recommendations relating to all Westpower submissions.

622. We invited Mr Kennedy to consider and respond to the Annotated s42A Report. He did so in writing on 8 December 2023. In relation to rules, he noted that a range of matters, including substations (zone), lines, generation, electricity cabinets, temporary activities, significant distribution lines, and aggregation of rules, were outstanding. He also provided a Westpower Network map and a marked-up version of the Energy provisions. He offered his preferred wording for plan provisions, dated 12 January 2023.

623. Regarding ENG-RX1, Mr Kennedy expressed concern that the recommended rule framework would force Westpower to underground all distribution lines to avoid a discretionary activity resource consent for the construction of new above-ground lines.

624. Before the reconvened hearing, the Panel issued several questions for discussion at that hearing. Mr Kennedy responded to a question relevant to Westpower, relating to ENG-R4(ii)(c), where the Panel noted that three new terms are introduced that do not appear anywhere else in the plan – *'earth wire', 'earth grid'* and *'earth peak'* ; and explored whether there was an alternative means of addressing the matter that did not introduce new terms and increase uncertainty. In response, Mr Kennedy recommended the following rewording:

> *(a) Wires and associated equipment, both above and below ground, for earthing (or grounding) required to ensure electrical safety to people and property. Such wires may also contain telecommunications lines.*

625. Mr Kennedy referenced his map of Westpower's assets and his marked-up version of the ENG rules. The Panel worked its way through the rules in sequence, asking questions of planners and asking the Reporting Officers to respond to matters within their reply.

626. In relation to new ENG-RX2, which permits the construction of distribution lines and transmission lines within the industrial zone, Mr Kennedy understood it to be acceptable for transmission lines. He noted there was no Westpower submission regarding transmission lines. However, he noted there was no corresponding discretionary rule.

627. Mr Kennedy noted that the new permitted activity rule for new distribution lines, including customer connections, as proposed by Mr Kennedy, included several performance standards to achieve permitted activity status. His document, dated 12 January 2024, contained additional comments on distribution and customer connections, the need for these performance standards, and removing the advice note from the standards.

Kair Lippiatt

628. Ms Lippiatt sought to amend ENG-R5 to ensure hydro generation is only permitted on rivers already modified by generation, mining, or other human modifications. She considered that where there is a proposal for installing hydro generation on a 'wild river', with no existing structures, this must be notified. She reasoned that even when water flow is removed from the river and piped to the generator this modifies the local flora and fauna environment.

Reporting Officers' Reply Evidence

ENG-R1- Energy Activity Performance Standards

629. The Panel noted at the reconvened hearing that many of the energy rules use compliance with ENG-R1 performance standard to trigger consent or a higher activity status and queried whether this one performance standard, formatted as a rule, could be deleted by incorporating it into any relevant rules.

630. The Reply considered that this amendment would improve the flow and readability of the pTTPP and recommended amendments to the rules accordingly. The Reporting Officers noted that although no submission point sought this amendment, they considered it a formatting change rather than a change in the rules' effect.

ENG-RX1 - Below Ground Energy Activities

631. The Reporting Officers noted in their Reply that establishing new distribution lines underground would ensure that potential effects would be mitigated, such that providing for these as a permitted activity was appropriate. They considered that new above-ground lines could result in adverse effects that warrant a discretionary activity status under new ENG – RX4.

632. Attachment 1 of the Reply recommended the following wording for new ENG-RX1:

> ***The construction, operation, maintenance and repair of Below Ground Energy Activities***
>
> ***Activity Status Permitted***
>
> *Where:*
>
> *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.*
>
> ***Activity status where compliance not achieved: Non-complying***

ENG-RX3 – The construction of new distribution lines and transmission lines

633. In their Position statement, the Reporting Officers responded to Mr Kennedy's point that rule ENG-RX2 does not have a corresponding default discretionary activity rule. The Reporting Officers rechecked the recommended provisions and provided updated provisions in Attachment 2. Essentially, the Reporting Officers now recommend that ENG-RX2 be renumbered to ENG-RX3 and that the default activity status, where compliance was not achieved, is discretionary, as provided for by ENG-RX4.

634. The Reply noted that due to establishing a clear differentiation between the ENG and INF, the Reporting Officers had identified that the INF had a permitted activity rule (INF-R8) '*new network utility customer connections'.* They highlighted that with the recommended separation of the ENG and INF Chapters, this permitted activity would not be available to Energy Activities and that to address this, they recommended including new ENG-RX3.

635. In response to Westpower's request to include '*customer connections*' within the ENG-R4 or to amend the definition of '*minor upgrading*' to clarify that distribution lines included customer connections, the Reporting Officers considered that this was unnecessary because a connection is simply part of the distribution network and was sufficiently provided for by new permitted activity rule ENG-RX3.

636. Attachment 1 of the Reply maintained this recommendation. It recommended the following wording for new ENG-RX3:

> ***The construction of new distribution lines and transmission lines***
>
> ***Activity Status Permitted***
>
> *Where:*

1. *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.*

2. *The line will comply with the requirements of NZECP 34:2001 3.*

3. *The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines that have a maximum height above ground level of 7. 4.*

4. *Installation or modification of a sign at a height no greater than 2m above ground level and no larger than 1m² associated with an electricity network utility.*

Activity status where compliance not achieved: Discretionary

ENG-R5 Renewable Electricity Generation

637. In Reply, the Reporting Officers recommended further rewording the heading of the rule to apply to all REG activities and removing the detail and reference to '*small scale'*, in response to the evidence and statements at the hearing.

638. Attachment 1 of the Reply recommended the following wording for new ENG-R51:

Activity Status Permitted
Where:

1. ~~*Performance standards in Rule ENG – R1 are complied with.*~~***An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;***[134]
2. ***The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:***
   a. ~~*Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically*~~
   b. ~~*Small scale wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise;*~~
      i. Wind turbines do not exceed 8m in height;
      ii Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with building height and scale performance standards:
         a. NOSZ – R1;
         b. OSZ – R1;
         c. SARZ – R1;

[134] Clause 16(2) of the First Schedule of the RMA

d. ***COMZ-R1;***
e. ***MUZ-R1;***
f. ***NCZ-R1;***
g. ***GIZ-R1;***
h. ***LIZ-R1;***
i. ***GRZ-R1;***
j. ***LLRZ-R1;***
k. ***MRZ-R1;***
l. ***GRUZ-R1;***
m. ***RLZ-R1;***
n. ***SETZ-R2;***
o. ***BCZ-R3;***
p. ***FUZ-R1;***
q. ***HOSZ-R1;***
r. ***MINZ-R3;***
s. ***MPZ-R1;***
t. ***PORTZ-R1;***
u. ***STADZ-R1; and***
v. ***SVZ-R1.***

3. ***The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with building and structure, height and scale performance standards:*** ~~*not exceed: a footprint of 25m² and*~~

i. ***NOSZ – R1;***
ii. ***OSZ – R1;***
iii. ***SARZ – R1;***
iv. ***COMZ-R1;***
v. ***MUZ-R1;***
vi. ***NCZ-R1;***
vii. ***GIZ-R1;***
viii. ***LIZ-R1;***
ix. ***GRZ-R1;***
x. ***LLRZ-R1***
xi. ***MRZ-R1;***
xii. ***GRUZ-R1;***
xiii. ***RLZ-R1;***
xiv. ***SETZ-R2;***
xv. ***BCZ-R3;***
xvi. ***FUZ-R1;***
xvii. ***HOSZ-R1;***
xviii. ***MINZ-R3;***
xix. ***MPZ-R1;***
xx. ***PORTZ-R1;***
xxi. ***STADZ-R1; and***
xxii. ***SVZ-R1.***

1. ~~*Any building or structure must not be located within an existing esplanade reserve or strip*~~[135]

[135] Manawa Energy Limited S438.049

***Activity status where compliance not achieved**:*

*Restricted Discretionary where performance standard~~s 1 – 3 or 5 – 6 are~~ **is** not complied with. Discretionary where performance standard 2 is not complied with.*
~~Non-complying where with performance standard 4 is not complied with.~~

ENG-R6-Significant Electricity Distribution Lines

639. As notified, under ENG-R6, activities in and around significant electricity distribution lines defaulted to a non-complying activity. The s42A Report considered that the non-complying activity default was onerous and recommended a discretionary activity default.

640. The Reply detailed the reasons why the Reporting Officers supported a discretionary activity default for the following reasons:

(a) RPS Chapter 6 Objective 1 and associated policies 1, 2, 5 and 6 do not direct avoidance;

(b) RPS Chapter 6, Policy 4: Recognise that RSI is important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.; and

(c) NPS-ET, Policy 10 directs avoidance: In achieving the purpose of the Act, decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

ENG-R7 - Buildings, Structures and Activities within the National Grid Yard

641. The Reply noted that Ms Whitney's evidence for Transpower had clarified the relief sought and had provided alternative wording in response to the s42A Report. The Reporting Officers considered that Ms Whitney's wording provided an appropriate balance to enable activities near the National Grid while protecting public health and safety.

642. The Reporting Officers also accepted Ms Whitney's view that because the rule protects the National Grid, the appropriate default activity status is non-complying, as notified.

643. Attachment 1 of the Reply recommended the following wording for ENG-R7:

Buildings, Structures and Activities within the National Grid Yard

Activity Status Permitted

Where:

1. *These are the following activities where they are also Permitted within the relevant zone and overlay:*

i. Fences less than 2.5m high;
ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint;
iii. *Infrastructure undertaken by a Network Utility* ***operation*** ~~*Operator within a transport corridor*~~ *or any part of electricity* ***generation*** ~~*infrastructure*~~ *that connects the National Grid;*
iv ~~*Non-habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds*~~ ***Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:***
a. Buildings and structures used for intensive indoor primary production,
b. Dairy and milking sheds
c. Commercial greenhouses
d. Produce packing facilities
e. Protective canopies; and
f. Wintering barns.

v. ***The activity is not a sensitive activity****;*
vi. An accessory building or structure associated with an existing residential activity that is less than 10m^2 and 2.5m in height;

2. All buildings, structures and activities permitted by 1. above must have:
i. A minimum vertical clearance of at least 10m below the lowest point of a conductor - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;
ii. Not result in the loss of vehicle access to a National Grid support structure;
iii. Be located ***at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure*** ~~*National Grid Yard*~~ *except where it is:*
a. Infrastructure undertaken by a network utility operator, or any part of electricity infrastructure that connects the National Grid;
b. A fence not exceeding 2.5m in heigh that is located at least:
I. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; or
II. 5m from the outer visible edge of a foundation of a National Grid transmission line pole;
c. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:
I. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and
II. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or
d. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.

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

ENG-R9 – Temporary Energy Activities

644. Due to s42A Report recommendations to add a new non-complying activity rule for non-renewable energy activities that do not meet permitted, controlled or restricted discretionary activity rules, submitters identified concerns that back-up generators providing electricity supply in emergency circumstances would be caught by this rule and would unintentionally be non-complying activities.

645. To address this concern, the Reporting Officers recommended the insertion of a clause in ENG-R9 Temporary Activities to provide for back-up generators as a permitted activity. The Reporting Officers acknowledged that, although they are not technical electricity experts, they recommended a permitted activity standard based upon the partially operative Selwyn District Plan's (Appeals Version) permitted activity rule for electricity generators (EI-R16). They recommended the addition of new clause (4), as shown in Attachment 1 of the Reply, based on this provision.

646. NZEL and Westpower's evidence raising concern that the recommended provision was too restrictive (noise standards and hours) to provide the ability to meet community needs, the Reporting Officers considered that ENG-R9 offered the ability to utilise backup generators in emergency circumstances with unlimited noise and operational hours, which was extremely permissive. They noted that submitters had not provided alternative recommendations supported by technical evidence; and that in the absence of specific changes to the provisions to consider, the Reporting Officers confirmed their recommendation was appropriate, efficient and effective.

ENG-R11 and ENG-R14 The inclusion of 'Poutini Ngāi Tahu values' within the matters of discretion and control

647. After further considering Ms Pull's evidence in particular limiting relief to ENG-R11 and ENG-R14 as well as linking matters of control or discretion to refer to the '*Poutini Ngāi Tahu values as described in the Tangata Whenua Chapter'* the Reporting Officers remained concerned that the relief sought would increase the complexity of resource consents for restricted discretionary and controlled activities under these provisions, having particular regard to the nature of these activities and their potential effects.

648. The Reporting Officers also considered that an informed and accurate assessment of a proposal's effects on Poutini Ngāi Tahu values would require Ngāi Tahu input into all applications. The Reporting Officers noted POU-P9 (also identified at paragraph 4.11 of the Ngāi Tahu legal submission) identifies that Poutini Ngāi Tahu, as specialists in tikanga, are best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga.

649. The Reporting Officers noted if the Panel are of a mind to include the matter of control/discretion as recommended by Ms Pull, they recommend that an information requirement clause be added to the listed rules, requiring that a cultural impact assessment must accompany any resource consent application. They considered that a clear information requirement affords clarity of process for plan users, further ensuring that potential cultural effects are assessed by Poutini Ngāi Tahu, as specialists in tikanga of the West Coast

650. The Reporting Officers also responded to Ms Pull's suggestion to include a notification advice note in the rules, like the Selwyn District Plan (Appeals Version), to notify plan users that consultation with iwi is required. The Reporting Officers agreed that a note identical to the above could afford direction to a plan user. However, it was the Reporting Officers' view that this solution would not be practical to resolve the abovementioned matters because Poutini Ngāi Tahu values are not explicitly identified or mapped, resulting in uncertainty for plan users. Furthermore, they noted that proposals must comply with the SASM Chapter requirements.

ENG-R11, ENG-R12, ENG-R13, ENG-R14-Impact on Overlay Matters, Matters of Control and Discretion

651. In their Position Statement, the Reporting Officers agreed with Ms Pull (for Poutini Ngāi Tahu) that *'Landscape Measures*' was unclear. They recommended its replacement with '*The effects of the proposal on the amenity, character and landscape values of the underlying Zone*" in rule ENG-R11 and ENG-R14.

652. In response to Ms Pull's request to add to the rules '*The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua Chapter',* as a matter of discretion, the Reporting Officers considered that, the *'Poutini Ngāi Tahu values'* as described in the Tangata Whenua Chapter, was broad and would reduce the certainty to plan users that is otherwise afforded by a controlled or restricted discretionary activity status. They remained concerned that the wording sought would increase the complexity of resource consents for restricted discretionary and controlled activities under these provisions, particularly given the nature of these activities and their potential effects.

653. The Reporting Officers noted that the POU-P9, also identified at paragraph 4.11 of the Ngāi Tahu legal submission, identifies that Poutini Ngāi Tahu, as specialists in tikanga, are best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga. They considered that an informed and accurate assessment of a proposal's effects on Poutini Ngāi Tahu values would require Ngāi Tahu input into all applications.

654. The Reporting Officers noted that if we were to include the recommended matter of discretion/criteria, they suggested adding an information requirement clause to these rules, requiring a cultural impact assessment to accompany any resource consent application.

655. The Reporting Officers noted that Ms Pull had identified that rules ENG R11-R14 had inconsistent language within matters of control or discretion, and referencing overlay matters. They agreed that consistent wording is effective and efficient, improving the plan users' readability. The Reporting Officers supported deleting the word '*significant*', and any necessary consequential amendments to ensure consistency of wording across these rules. They agreed, confirming in the Reply that specific reference to Schedules 1 – 8 would provide direction to plan users, be consistent with other provisions, and afford appropriate consideration of SASM.

ENG-R19

656. In Reply, the Reporting Officers change their recommended amendments to ENG-R19 from that shown in Attachment 2 of the Addendum, to remove reference to '*significant electrical transmission lines'* and to add '*or otherwise not provided for'* in recognition of the evidence and statements at the hearing.

New Rules

657. Attachment 1 of the Reply recommended the following wording for new permitted activity rule **ENG-RX1**:

> *<u>The construction, operation, maintenance, and repairs of Below Ground Energy Activities</u>*
> *<u>Activity Status Permitted</u>*

Where:

1. *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200715;*

Activity status where compliance not achieved: Non-complying

658. Attachment 1 of the Reply recommended the following wording for new permitted activity rule **ENG-RX3**:

The construction of new distribution lines and transmission lines

Activity Status Permitted

Where:

1. *Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200716;*

2. *The line will comply with the requirements of NZECP 34:2001*

3. *The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines that have a maximum height above ground level of 7.*

4. *Installation or modification of a sign at a height no greater than 2m above ground level and no larger than 1m² associated with an electricity network utility.*

Activity status where compliance not achieved: Discretionary

659. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX4**:

Renewable energy investigation

Activity Status Restricted Discretionary

Where:

1. *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836;*

2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;

Discretion is restricted to:

a. Impacts on resilience of the community to natural hazards and climate change;

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;

c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;

d. Functional, location, technical and operational constraints;

e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and

f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

Activity status where compliance not achieved: Non-complying

660. Attachment 1 of the Reply recommended the following wording for new restricted discretionary activity rule **ENG-RX5**:

Temporary energy activities not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200719;

Discretion is restricted to:

a. Impacts on resilience of the community to natural hazards and climate change;

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;

c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;

d. Functional, location, technical and operational constraints;

e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and

f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8. Activity status where compliance not achieved: Non-complying.

661. Attachment 1 of the Reply recommended the following wording for new **ENG-RX6**:

Environmental monitoring and meteorological facilities associated with Energy Activities not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;

Discretion is restricted to:

a. Impacts on resilience of the community to natural hazards and climate change;

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;

c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;

d. Functional, location, technical and operational constraints;

e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and

f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

Activity status where compliance not achieved: Non-complying

662. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX4**:

Construction of distribution lines and transmission lines not meeting Permitted Activity Standards

Activity Status Discretionary Activity status where compliance not achieved: N/A

663. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX10**:

Activities in and around Significant Electricity Distribution Lines, that do not comply with Permitted Activity standards

Activity Status Discretionary Activity status where compliance not achieved: N/A

664. Attachment 1 of the Reply recommended the following wording for new non-complying activity rule **ENG-RX9**:

Non-renewable Electricity Generation

Activities Activity Status Non-complying

Note: This rule shall not apply to back up generators that do not comply with permitted activity standards of ENG-R9. Activity status where compliance not achieved: N/A

665. Attachment 1 of the Reply recommended the following wording for new non-complying activity rule **ENG-RX11**:

Any Energy Activity which is not a Permitted, Controlled, Restricted Discretionary or Discretionary Activity

Activity Status Non-complying Activity status where compliance not achieved: N/A

666. The Panel notes the Reporting Officers recommended two new rules ENG-RX4, which are different new rules. The Panel has relabelled the recommended new non-complying rule ENG-RXX4 to distinguish between these new rules.

Hearing Panel's Evaluation

Permitted Activities

ENG-R1

667. The Panel acknowledges that it sought commentary on whether ENG-R1 rule could be deleted and the performance standard incorporated into the relevant rules. Having reviewed the amendments proposed by the Reporting Officers in the Right of Reply we now consider the change overall is not appropriate and would create higher levels of confusion, particular in relation to activity status. For these reasons, the Panel recommends retaining Rule ENG-R1, as notified.

668. Notwithstanding the above, in reviewing the issue of ENG-R1 the Panel have noted that restricted discretionary activity rules ENG-R12, ENG-R13 and ENG R14 all refer to compliance with ENG-R1 and have a non-complying default position. We consider that these are errors noting that:

i. non-compliance with Electric and Magnetic fields is determined within ENG-R1; and

ii. the matters of discretion all require subjective assessments and there is nothing which would necessitate defaulting to a non-complying status.

ENG-R2

669. This rule was both the subject of submitter evidence and agreement recorded in the JWS regarding additional wording in clause (3). The Panel agree that other minor wording changes under clause 16(2) of the First Schedule of the RMA are appropriate to improve readability. The Panel considers the new wording albeit with a further minor amendment is appropriate because it clarifies the rule is for upgrading an existing substation, whether it is located within an industrial zone or outside an industrial zone and requires that adverse visual effects are appropriately managed by landscaping, protecting views from roads and existing residential buildings. The Panel recommends that it be clarified that the visual screening from any existing residential building be in terms of such buildings located '*adjacent*' to the Industrial Zone, otherwise the rule could have a wide-ranging requirement well beyond the area of potential amenity impact. Subject to that change, we recommend amending Rule ENG-R1, as shown in Attachment 1 of the Reporting Officers' Reply, with a further amendment to clause (3)(ii) being '*Industrial Zone*', not plural.

ENG-R3

670. The Reporting Officers' Reply recommended a minor change to delete the words *'This is'* from clauses (2) and (3). The Panel accepts this recommendation as appropriate to improve the rule without changing the intent.

ENG-R4

671. The Panel notes that this rule (as notified) permits operating existing and new transmission and distribution lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundation not managed under NESETA.

672. The JWS records that all the planning experts, except Mr Kennedy, agreed that concerns about the term '*minor upgrade'* are resolved through the proposed deletion of *'minor*' in favour of the general term upgrading. There was agreement that, in the context of this rule, the extent of upgrading is provided for through the performance standards and limits on increases to scale, size and extent/number. The Reporting Officer's position remained that there should be no definition of minor upgrading, and that the definition of upgrade should instead be relied upon. The Panel notes, as mentioned above, that we have recommended a definition of '*minor upgrading*' be included in the Plan.

673. Mr Kennedy's view and the relief sought is detailed in the JWS. The Panel considers this requested amendment too detailed and unnecessary given the rule's wording.

674. The Panel agrees with the position of the planning experts recorded in the JWS and the Reporting Officers' recommendation that the definition of 'Upgrading', combined with standards in the rule, provides appropriate limits for upgrading distribution lines and transmission lines, with a clear permitted baseline for upgrading. We consider it not desirable to have multiple definitions for various scales of upgrade.

675. The Panel note that Ms Whitney, while supporting the rule, expressed a note caution in terms of the application of '*transmission lines*' as a defined term in the rule given the recommended definition defers to the NESETA because the West Coast was unique in having transmission lines which are not regulated by the NESETA. She said a solution would be to either retain the definition of Transmission line as notified, or to not hyper link it to the defined term within

rule ENG-R4. The Panel note that it is not possible to include the words '*Transmission Line*' without activating a hyperlink to the NESETA definition. We have resolved this issue by deleting the words transmission line within the rule and specifically identifying the Dobson Tee A line.

676. The Panel also accept the wording changes to the performance standards in clause (4) requested by Buller Electricity Limited and Frank and Jo Dooley and consider these provide clarification.

677. The Panel notes that Forest & Bird's request to delete '*building and minor utility structure'* from clause (2) was not addressed in the s42A Report. The Panel considers this is appropriate given it relates to distribution and transmission lines and includes structures. We agree that the reference to *'building or minor utility structure*' is not required.

678. The Panel recommends amending Rule ENG-R4, as shown in Attachment 1 of the Reporting Officers' Reply, with the exception that we consider clause 4 relating to replacement poles for distribution lines should be broken into two subclauses for clarity.

ENG- R5

679. As notified, the heading of this Rule relates to the construction, operation, maintenance, repair, and upgrade of renewable energy structures for small-scale use. Both *'small scale*' and *'large scale'* renewable energy definitions had capacity limits, and these attracted submissions seeking amendments to increase/decrease and delete capacity limits.

680. The Panel accepts the Reporting Officers' recommendation to remove capacity figures from both definitions and amend them to be consistent with the NPSREG. The primary concern regarding capacity figures is their accuracy. The Panel considers it preferable to implement the higher-order document while minimising debate about the numbers.

681. The Panel agrees with the Reporting Officers that Rule ENG-R5 establishes an appropriate permitted activity standard to manage the potential impacts of renewable electricity generation. We consider it is appropriate that, if an activity fails to comply with ENG-R5, small and community-scale generation activities will default to the restricted discretionary activity under Rule ENG-R14. This contrasts with large-scale generation activities, which will fall under the discretionary activity rule ENG-R15.

682. The Panel also supports including the pTTPP relevant zone building height and scale performance standards in the rule. This ensures that the activity will be appropriately regulated within the specified zone standards rather than setting height and scale performance standards separately, which is more conducive to a permitted activity status. We agree with Ms Styles that there was insufficient analysis regarding the submission to increase the permitted area or footprint for buildings, structures, and services associated with hydroelectric generation. Therefore, we consider this solution of referencing other zones for scale performance standards addresses that shortfall and is appropriate to deal with the effects of the activity within the context of the relevant zone.

683. However, the Panel considers it unnecessary to list all the potentially relevant zone rules in the rule and recommends simplifying it to add '*must comply with*' *the relevant performance standards in Rule R1 of the applicable zone or in the case of the:*

Settlement Zone - SETZ – R2

Buller Coalfield Zone BCZ – R3

Mineral Extraction Zone MINZ – R3

684. The Panel notes that this approach is also recommended for rule ENG-R10

685. In relation to wind turbine height, the Panel accept the evidence of Ms Styles and considers a small-scale wind farm would not exceed 8m in tower height and agrees with the amendment of this standard in clause (2)(b). We consider it is appropriate to clarify in the clause and recommend adding '*tower*' to the Reporting Officers' recommended wording for ENG-R5.

686. The Panel accept Ms Styles's evidence that the reference in clause (2) to the Acoustic Wind Farm Noise Standard should be deleted because it imposes a more restrictive activity status on wind farms, which is inappropriate and that such differentiation is uncommon in comparable district plans. We also accept her advice that other activities exceeding noise standards within the pTTPP are classified as restricted discretionary, rather than non-complying; and that such treatment of wind farm noise is inconsistent with similar district plans.

687. The JWS records that the appropriate activity status when compliance with standards is not achieved was discussed with the outcome being: restricted discretionary, where performance standard (1) is not complied with; discretionary, where performance standard (2) is not complied with; and non-complying, where performance standard (3) is not complied with. The Panel consider while this approach appropriately reflects the need for greater consideration of a proposal for the height and scale increase the activity status referred to in the JWS did not reflect the policy outcomes. As a result, we have made a consequential amendment to the default activity status for non-compliance with ENG-R5 provisions.

688. The Panel recommends amending Rule ENG-R5, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG-R6 Activities in and around Significant Electricity Distribution Lines

689. In terms of the Reporting Officers recommendation to delete reference to Energy Activities in clause 2, the Panel are of the view that having retained the definition of Energy Activities there is no scope from the submissions received on this rule to delete this clause and we therefore recommend it be retained.

690. The Panel notes that the Reporting Officers' recommendation was to reclassify the default status of this rule from non-complying, as notified, to discretionary. The Reporting Officers and Mr Lile (as recorded in the JWS) agree that having a discretionary status allows for complete assessment of a proposal, including its suitability for conditions in and around significant electricity distribution lines. A discretionary status recognises some, but not all, activities will be acceptable in these locations.

691. In contrast, a non-complying status, as requested by Mr Kennedy, requires an assessment under the gateway test of RMA s104D. While the Panel acknowledges that this level of protection may not be required, particularly given that the NPSET does not apply to significant electricity distribution lines, the notified status is non-complying and no submitter has actually sought to change that status and indeed Westpower have sought it be retained and subsequently provided for in the non-complying rules. Put simply we do not consider there is scope to amend the notified non-complying status.

692. The Panel therefore recommends amending Rule ENG-R6, as shown in Attachment 1 of the Reporting Officers' Reply but that the status remain non-complying.

ENG-R7 Buildings, Structures, and Activities within the National Grid Yard

693. ENG-R7 provides for limited activities within the National Grid Yard as a permitted activity. Several submitters requested amendments to the standards to increase the range of permitted activities.

694. The Panel accepts the Reporting Officers recommendation to add a clause (1)(v) to the standards to exclude sensitive activities, as sought by Transpower (S299.046). However, the Panel considers the wording of clause (1)(iv) can be simplified by replacing '*Agriculture, pastoral/livestock farming, dairying and horticulture activities*' with '*Agriculture and horticulture activities*'.

695. The Panel accepts the Reporting Officer's recommendation to amend clause (1)(iii) as supported by Ms Whitney and considers that these amendments should also be made as a consequential change to clause (2)(iii)(a) for consistency.

696. The Panel considers that the NPSET provides sufficient policy direction to justify maintaining a non-complying activity status.

697. The Panel noted that the s42A Report did not address Poutini Ngāi Tahu's request (S620.086) to correct the spelling of '*height*' in clause (2)(iii)(b). The Panel accepts this submission point and recommends this is corrected.

698. The Panel recommends amending Rule ENG-R7, as shown in Attachment 1 of the Reporting Officers' Reply, with the minor amendments in the recommendation box below.

ENG-R8 Installation of Electricity Cabinets

699. This Rule deals with the installation of electricity cabinets. The key issue was the appropriate limit for the maximum dimensions of a cabinet for a permitted activity status.

700. BDC requested adding 10m^2. The Panel agrees with the Reporting Officers that this footprint, combined with the maximum 2m height, is too permissive for a permitted activity given the potential for adverse effects. The Panel considers a maximum area of 1.4m^2 appropriate, given that this is consistent with the NESTF, as recommended by the Reporting Officers.

701. The Panel has considered the concern raised by Mr Kennedy that BDC did not seek 1.4m^2 and questioned the scope for this amendment. We consider the BDC submission provides scope to consider an appropriate maximum cabinet size limit, and that it is open to the Panel to

determine what size is appropriate. The Panel is satisfied that other parties could make further submissions in relation to a maximum size limit and had the opportunity to respond to the limit proposed in the s42A Report.

702. The Panel notes that the Reporting Officers recommended 1.4m^2, which Mr Lile (for BEL) supported.

703. The Panel notes that where compliance is not achieved, the default activity status is restricted discretionary under Rule ENG-R13. We consider this to be appropriate to enable oversize cabinets and their effects to be assessed against the limited matters provided within Rule ENG-13. We consider this approach does not pose an unreasonable barrier for installing new, larger electricity cabinets and provides an appropriate balance.

704. The Panel recommends amending Rule ENG-R8, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG – R9 Temporary Activities

705. The Panel agree with the Reporting Officers' recommendation to make wording changes to the standards to provide greater certainty as to what the scope and extent of '*temporary*' means within the context of the Rule and to provide for the use of backup generators.

706. The Panel is satisfied that the Reporting Officers have addressed concerns that back-up generators required in emergencies would inadvertently fall under Rule ENG-RX9 and be classified as non-complying activities if these are non-renewable energy activities. We received evidence regarding the operational duration of these generators and concur with the Reporting Officers' recommended wording, which allows generator use for testing, routine or scheduled maintenance, and emergencies.

707. The Panel consider the proposed new clause (4) provides appropriate limits for temporary activities and recognises this may be a longer period for emergencies. We note that the default position for activities not meeting INF-R9 is INF-R14 and in terms of standards to be met by back-up generators (hours and times of day) we consider as a consequential amendment there needs to be a further matter of discretion added to INF-R14 to address this. We have therefore recommended the following:

> *g. The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people*

708. The Panel agrees with the Reporting Officers that one month is a reasonable timeframe for removing any structure and rehabilitating the site after a temporary activity ceases.

709. The Panel recommends amending Rule ENG-R9 as shown below.

ENG – R10 Environmental Monitoring and Meteorological Facilities Associated with Energy Activities

710. While the Panel notes the reasoning provided by the Reporting Officers for retaining ENG-R10, we consider BDC has a point in that there is provision for environmental monitoring and

meteorological facilities within the Infrastructure Chapter and we see no need for the duplication and indeed the confusion that two separate rules will make.

711. The Panel agrees with the Reporting Officers that the Overview states that "*the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities".* However, we note that ENG-R10 actually requires that the "*all performance standards in Rule INF-R1 are complied with*" which seems in our view to contradict the Overview [emphasis added].

712. The Panel agrees with BDC that ENG-R10 is not necessary (and therefore proposed ENG-RX6 is not necessary) and that there is no specific need to single out environmental monitoring and meteorological facilities specifically for energy. We consider any such provision is better placed within the Infrastructure Chapter.

713. The Panel notes that BDC also have a submission on INF-R5 and INF-R6 requesting that no height or area standards are imposed and that the two rules be combined. We consider this provides sufficient scope to address the concerns of Manawa with regards the issue of height and we note that the default status for both INF-R4 and INF-R5 is already restricted discretionary which addresses their concerns on activity status.

ENG – RX1 Construction, Operation, Maintenance, Repairs, and Installation of Below Ground Energy Activities

714. The s42A Reporting Officers recommended accepting the BDC's submission (S538.023), which sought to include a new permitted activity rule for below-ground energy activities. They considered this addressed a gap in the notified Plan provisions.

715. The Panel notes Mr Kennedy's concern that Westpower would be required to place all new distribution lines underground due to the rule framework treating new lines as non-complying activities. While we note that the construction of new distribution lines and transmission lines is recommended to be permitted under new Rule ENG-RX3 which would address Mr Kennedy's concerns, we agree that ENG-RX1 could create uncertainty, and we are not convinced by its necessity.

716. The Panel is of the view that simply referencing '*above and below ground*' within the relevant rule headings would address BDC's concerns. While we acknowledge that almost all the standards will not be applicable to underground distribution and transmission facilities the amendments proposed will ensure a pathway for such facilities and we note that the earthworks provisions would still apply.

717. The Panel therefore recommends that proposed Rule ENG-RX1 is not include in the Plan and that amendments are made to Rules ENG-R4, ENG-RX3, ENG-R12 and ENG-RX4 to refer to both above and below ground distribution and transmission lines.

ENG – RX3 Construction of new distribution lines and transmission lines

718. New Rule ENG-RX3, as recommended in Attachment 1 of the Reply, permits the construction of new distribution lines and transmission lines subject to performance standards.

719. The JWS records disagreement between the planning experts on whether the rule should be amended to remove *'distribution lines'* because it is not subject to the NPSET. It records that Mr Kennedy (for Westpower) and Mr Lile (for BEL) considered *'distribution lines'* should stay in.

720. The Panel accepts and relies on Ms Whitney's evidence, which established the necessity for this new rule and its discretionary default status for constructing distribution lines, as a permitted activity. The Panel notes that the reporting officer's recommendation differs from Ms Whitney's in that it includes '*transmission lines*'. The Panel prefers the amendments recommended by Ms Whitney to amend ENG-RX3 by removing transmission lines and adding a new discretionary activity rule for new National Grid Assets and transmission lines not otherwise provided for, which is discussed below.

721. The Panel recommends amending Rule ENG-RX3, as shown in Attachment 1 of the Reporting Officers' Reply, with the minor correction shown in the recommendation box below

Other Rules

722. The Panel notes that three other permitted activity rules detailed in Attachment 2 to the Position Statement were not included within Attachment 1 of the Reporting Officers' Reply because those rules were no longer required based on evidence and statements received at the hearing, and the updated Reporting Officers' recommendations.

723. The Panel accepts the Reporting Officers' recommendation to reject the submissions seeking further new permitted activity rules. We are satisfied that the new rules recommended in Attachment 1 of the Reply address any gaps in the rule framework.

Restricted Discretionary Activities

ENG - R11 Substation (Zone and Distribution) Not Meeting Permitted Activity Standards

724. The Panel agree with the Reporting Officers' recommendation that clause (a) '*Landscape measures'* is unclear and should be replaced. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' because this provides clarity. Similarly, we also support the inclusion of '*functional*" in clause (b).

725. The Panel agree with the Reporting Officers' recommendation to delete clause (e) because discharges are a matter for the Regional Council and do not have a place within a district plan.

726. The Panel agree with deleting the word '*significant'* from clause (g) because this aligns with other plan provisions and acknowledges that all adverse effects must be assessed. The Panel also agrees with the inclusion of references in clause (g) to '*areas and values listed in Schedules 1-8'* because this will provide more explicit guidance to plan users, maintain consistency with other provisions, and ensure appropriate consideration of significant values and areas identified, including SASM.

727. The Panel asked other planners for their views on Ms Pull's request to include Poutini Ngāi Tahu's values as a matter of discretion for Rules ENG-R11 to ENG-R14. Those who responded noted concerns about certainty relating to the potential breadth of issues to be considered and uncertainty as to what values existed where.

728. The Panel agree with the Reporting Officers' recommendation not to add an additional matter of discretion '*Poutini Ngai Tahu values'*, as requested by Ms Pull. Having reviewed the submission we consider that there is no scope available to us to implement what is being sought by Poutini Ngāi Tahu in that submission given it restricted to incorporating reference to Appendix Ten. We have considered this submission in relation to rules ENG R11 to ENG R14 and determine that the approach should be consistent Plan wide. We consider it is appropriate to include Appendix Ten in all four of the rules as requested. We also note new rules ENG-RX4, ENG-RX5 and RX6 includes reference to Schedules One to Eight and consider Appendix 10 Ten should be included as a consequential amendment.

729. The Panel notes the Addendum Report changed the s42A Report recommendation and accepted Transpower's (S299.048) request to add '*or not otherwise provided for*' to the end of the heading. We note this was not included in either Attachment 2 of the Addendum or Attachment 1 of the Reply. The Panel accepts this is an oversight and recommends adding the words to the heading as requested but has also included "*in another rule*" to make it clear and deleted the words Permitted Activity which are considered to be unnecessary. However, given this is the only rule applying to substations, we consider there should be a broad matter of discretion relating to adverse effects generally and not only those identified in Schedules One - Eight to give effect to the RMA.

730. Forest & Bird (S560.126), opposed by Westpower (FS22.0242), request changes to the matters of discretion to include adverse effects on overlay matters, areas meeting the significance criteria in Appendix 1 of the RPS, and NZCPS Policy 11, Policy 13 and Policy 15 matters. The Panel considers this matter can be addressed by ensuring that the effects on the underlying zoning are assessed where activities are of a larger scale. Accordingly, we have amended the relevant rules to address this.

731. The Panel notes that the concerns raised in Ms Whitney's evidence regarding ENG-11 are addressed by the recommended changes to the definition of Substation (Zone).

732. The Panel recommends amending ENG-R11, as shown in Attachment 1 of the Reporting Officers' Reply, with the additional changes in the recommendation box below.

ENG-R12 Operation, maintenance, repair and upgrading of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission Activities or not meeting Permitted Activity standards

733. The Panel accepts the evidence of Ms Whitney and the Reporting Officers' recommended amendments to ENG-R12 to clarify that the rule applies to distribution and transmission lines not managed by the NESETA. We are satisfied these changes are consistent with the NPSET because the higher order direction distinguishes between different distribution lines and transmission lines.

734. The Panel accepts consequential amendments to the provision to provide consistency across the rules.

735. The Panel recommends amending Rule ENG-R12, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG-R13 Installation of electricity cabinets not meeting Permitted Activity Standards

736. The Panel accepts consequential amendments to the provision to provide consistency across the rules.

737. The Panel recommends amending Rule ENG-R13, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG – R14 The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation not meeting permitted activity standards Construction of distribution lines and transmission lines not meeting Permitted Activity Standards

738. The Panel accepts the Reporting Officers' recommendation to ensure the Rule covered repairs.

739. This rule also attracted discussion of minor upgrades and upgrading. The submission also sought to include the word 'small' to particularise the scale of community renewable electricity generation and distinguish it from 'large scale'. The Reporting Officers' recommendation was to deal with that issue via the definitions and by amending '*upgrade*' to '*upgrading*'.

740. The Panel accepts the Reporting Officers recommendation to amend clause (c) to include recognition of the benefits to the local and regional communities and resilience for the West Coast.

741. The Panel notes the Reporting Officers recommendation to clause (d) to add '*location, technical'* for consistency with other rules; and to replace *'landscape measures*'. However we Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects'.

742. Finally, the Panel accepts that the clause (f) requires consequential amendments to delete the word '*significant'* and add the words '*areas and values listed in Schedules One to Eight'.*

743. The Panel recommends amending Rule ENG-R14 as shown below.

ENG – RX4 Renewable energy investigation

744. The Panel note that the s42A report initially recommended, in response to Manawa's submission to delete ENG-14, that '*renewable energy investigation activity*' be deleted from the rule heading of ENG-R10 as it could be captured by temporary energy activities or energy activities generally. Subsequently, in the Addendum it was recommended that Renewable

energy investigation be introduced as a restricted discretionary activity, however there was no reasoning provided for that amendment.

745. As noted by Ms Styles energy investigation would most commonly be meteorological measurements which would be covered by ENG-R10.

746. Given other amendments, in particular our recommendation to delete ENG-R10 and rely upon rules in the Infrastructure Chapter, the Panel considers proposed ENG–RX4 is also not necessary, and we recommend it not be included in the Plan.

ENG-RX5 Temporary energy activities not meeting Permitted Activity standards

747. The Reporting Officers have proposed to separate out '*Temporary energy activities*' from ENG-R14 into a new restricted discretionary rule on their own (ENG-RX5). The Panel have been unable to establish any reason for this amendment within the material provided by the Reporting Officers, and we note the change simply appeared in their position paper dated 8th February 2024 without any explanation. Given that the assessment matters for ENG-R14 and ENG-RX5 duplicate each other the Panel see no reason for making this amendment and recommend that '*Temporary energy activities*' remain a part of ENG-R14.

Discretionary Activities

ENG–R15 New large scale renewable electricity generation activity and large-scale renewable electricity generation activity excluding wind not meeting Permitted Activity standards.

748. The Panel accepts the Reporting Officers' recommendation to amend ENG-R15 as a consequential amendment to the recommendation to amend ENG-R5 to apply to renewable electricity generation activities generally by deleting '*small scale'* and requiring compliance with the relevant zone building and structure height and scale performance standards. The Panel considers having one rule for new and existing large-scale REG, including wind, is appropriate.

749. The Panel considered Ms Styles evidence that upgrades (that are not minor) and new REG activities (that are not domestic in scale) should be treated as a restricted discretionary activity. While we have some sympathy for that approach, we consider the matters of discretion Ms Styles proposed are somewhat broad in their nature and this leads us to a conclusion that a discretionary status would be more appropriate. We acknowledge Ms Styles supports this as an alternative.

750. The Panel accepts the recommended wording for ENG-R15, shown in Attachment 1 of the Reporting Officers' Reply, but considers this can be simplified as follows:

> *New **and existing** large scale renewable electricity generation activity ~~and Large-scale renewable electricity generation activity excluding wind~~ not meeting Permitted Activity standards*

ENG-R16 Large-scale renewable electricity generation activity excluding wind

751. The Panel accepts the Reporting Officers' recommendation to delete ENG-R16 as a consequential amendment to the recommendation to amend ENG-R15 to include all large-scale renewable energy generation activities.

ENG-RX4 Construction of distribution lines and transmission lines not meeting Permitted Activity Standards

752. The Panel accepts the Reporting Officers' recommendation to a new rule ENG-RX4 at a discretionary activity status to address the construction of distribution lines not meeting the permitted standards. However, as addressed above in ENG-RX3 we agree with Ms Whitney that transmission lines should not be included in this rule and should be addressed separately.

ENG-RXX4 The construction of National Grid assets and transmission lines, not otherwise provided for

753. The Panel accepts Ms Whitney's evidence concerning the need for a new discretionary activity rule for new National Grid assets, including transmission lines, which is not otherwise provided for in the rules. This is a consequential amendment related to amending ENG-RX3 to only apply to distribution lines.

754. The Reporting Officers did not specifically address this; however, the Panel accepts Ms Whitney's evidence that the National Grid assets and transmission lines should have a separate discretionary activity rule given the direction of the NPSET.

755. The Panel recommends the following wording for new Rule ENG-RXX, based on Ms Whitney's version but with the inclusion of "*in another rule*" for clarity:

> ***The construction of National Grid assets, including transmission lines, not otherwise provided for in another rule.***
>
> ***Activity Status: Discretionary***

Non-Complying Activities

ENG - R17 Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics - Wind Farm Noise

756. The Panel accepts the Reporting Officers' recommendation to delete ENG-R17 as a consequential amendment to the recommendation to amend ENG-R15 to include all large-scale renewable energy generation activities. The Panel is satisfied that the new Rule ENG-RX11 addresses any gap created by this deletion.

ENG - R18 Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1

757. The Panel recommend that ENG-R18 remain as notified.

ENG - R19 Activities in and around the National Grid Yard and between the Significant Electricity Transmission Lines, that do not comply with Permitted Activity standards.

758. The Panel accepts the evidence of Ms Whitney and the Reporting Officers that the policy direction of the NPSET supports a default activity status of non-complying to protect the National Grid. We consider that where buildings, structures and activities within the National Grid Yard cannot achieve compliance with permitted activity Rule ENG-R7, it is appropriate to consider the proposal under the gateway tests in RMA s104D.

759. The Panel noted the Reporting Officers' recommended amendments do not quite reflect the amendment sought by Transpower's (S299.049) to replace '*in and around*' with '*within*' the National Grid Yard. The Panel recommends making this correction. We also consider adding the words '*or not otherwise provided for*' will clarify the situation stemming from ENG-R7.

760. The Panel recommends amending Rule ENG-R19, as shown in Attachment 1 of the Reporting Officers' Reply, with minor amendments we now propose shown in the recommendation box.

ENG – R20 Energy Activities that do not meet Rules ENG - R12, ENG - R13 or ENG - R14.

761. Given the errors the Panel has identified in ENG-R1 we consider that reference to ENG-R12, ENG-R13 and ENG R14 in ENG-R20 is no longer necessary and we recommend it is deleted.

ENG – RX9 Non-renewable Electricity Generation Activities

762. The Panel accepts the Reporting Officers' recommendation to include new Rule ENG-RX to make non-renewable electricity generation activities a non-complying activity as requested by Transpower Limited (S299.051) (and supported by NZEL FS127.037). We agree with Ms Whitney that non-renewable electricity generation activities should not be included with REG activities. Given our findings in relation to the ENG Policies above, we consider it appropriate for any new non-renewable electricity generation activities to be considered under the gateway tests in RMA s104D, as a non-complying activity.

763. The Panel considers it appropriate to include '*Note: This rule shall not apply to backup generators that do not comply with permitted activity standards of ENG-R9*' as a consequential amendment to address concerns raised about the use of backup generators, particularly in emergency situations.

764. The Panel recommends adding new Rule ENG-RX9, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG – RX10 Activities in and around Significant Electricity Distribution Lines, that do not comply with Permitted Activity standards

765. This new rule proposed by Westpower deals with activities in and around Significant Electricity Distribution Lines that do not comply with Permitted Activity standards. The issue was whether the activity status should be discretionary or non-complying. As discussed above, the Panel considers there is no scope to amend the status shown in ENG-R6 to discretionary from non-complying. The Panel recommends ENG-RX10 is a necessary insertion to address a gap in the provisions.

ENG – RX11 Any Energy Activity which is not a Permitted, Controlled, Restricted Discretionary or Discretionary Activity

766. The Reporting Officer's recommended a 'catch-all' non-complying activity status for Energy Activities not otherwise identified as Permitted, Controlled, Restricted Discretionary or Discretionary Activities. The amendment stems from a submission by Transpower, however the Panel notes, as pointed out by Ms Whitney in her evidence, that the submission sought a default discretionary rule for energy activities not otherwise provided for. While Ms Whitney said that there was no commentary provided on Transpower's submission, the Panel notes that the s42A Report at paragraph 321 did address the submission and recommended it be accepted and to ensure consistency across the Energy, Infrastructure and Transportation chapters recommended that the same rule be included in the Infrastructure and Transportation chapters.

767. What is unclear to the Panel is why the default position for this 'catch-all' rule became non-complying in the s42A Report. In our view there is no submission seeking a non-complying status and it is therefore beyond scope to include one. Further, there seems to be no justification provided for such an approach and we agree with Ms Whitney that a non-complying activity status does not give effect to the NPSET or the RPS.

768. The Panel recommends that a catch-all rule for Energy Activities be introduced as Rule ENG-RX11, as a Discretionary Activity. We consider the rule title can be simplified to "*Any Energy Activity not provided for in another rule*".

S32AA Evaluation for Rules

769. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case, TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation be undertaken in a level of detail that corresponds to the scale and significance of the changes.

770. The Panel considers that the new and amended Rules will implement the policies and that they are the most appropriate when measured against the objectives considered as a whole. We consider the amended Rules efficient and effective for achieving the objectives.

Hearing Panel's Recommendation

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

Permitted Activities	
ENG - R1	**Energy Permitted Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.	

Activity status where compliance not achieved: Non-complying	
ENG - R2	**Substations (Zone)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is t~~ [136]**T**he operation, maintenance, repair and upgrade **is** of an existing substation (zone) where any upgrades are undertaken within existing switchyards or buildings, in any zone; or 3. ~~This is a~~[137]**A** new substation (zone) **is** ~~or upgrade to an existing substation (zone)~~:[138] i. Located in an Industrial Zone; and ii. The substation will be visually screened from the road and any **existing**[139] residential building **located adjacent to the Industrial Zone**[140] by fencing and / or landscaping.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R3	**Substations (Distribution)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is~~ t [141]**T**he maintenance, repair, upgrade and operation **is**[142] of an existing distribution substation; or 3. ~~This is a~~ **A**ny[143] new distribution substation.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R4	**~~Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations~~ The operation, maintenance, repair and upgrading of distribution lines and 110kv Dobson Tee A line** [144] **above and below ground**[145] **not managed by the National Environmental Standard for Electricity Transmission Activities**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; **and** 2. Any realignment, relocation or replacement of a network utility pole, pipe, tower, and structure, ~~building or minor utility structure~~ is within 5m of the alignment or location of the original existing pole, tower, **and** structure, ~~building or minor utility structure~~;[146]	

[136] Clause 16(2) of the First Schedule of the RMA
[137] Clause 16(2) of the First Schedule of the RMA
[138] Westpower S547.100
[139] Westpower S547.102
[140] Westpower S547.101
[141] Clause 16(2) of the First Schedule of the RMA
[142] Clause 16(2) of the First Schedule of the RMA
[143] Clause 16(2) of the First Schedule of the RMA
[144] Transpower Limited S299.045, Buller District Council S538.022, New Zealand Energy Limited FS127.003
[145] Buller District Council S538.023
[146] Royal Forest & Bird Protection Society S560.462

3. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation; 4. **Specific to distribution lines,**[147] ~~T~~ **t**he diameter or width of the replacement pole **structures, at its widest point:**[148] a. does not exceed twice that of the replaced pole at its widest point; and b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point; 5. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent of the original; 6. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided above; 7. The face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent; 8. There are no~~t~~ additional towers; and[149] 9. A pole is not replaced with a tower.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R5	~~**The construction, operation, maintenance, repair and upgrade of renewable energy structure for small scale use**~~ **Renewable Electricity Generation Activity**[150]
Activity Status Permitted Where: 1. Performance standards in Rule ENG – R1 are complied with; and 2. ~~Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically~~ **The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:** ~~3. Small scale w~~ i. a. **Wind turbines do not exceed 8m in tower height**;~~Small scale wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise;~~[151] b. **Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:** **Settlement Zone - SETZ – R2** **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** [152] 3. ~~Land based structure, building or impermeable surface for hydroelectricity generation must not exceed~~: ~~a footprint of 25m^2 and~~ **The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:**	

[147] Clause 16(2) of the First Schedule of the RMA
[148] Buller Electricity Limited S451.039, Frank and Jo Dooley 4S78.096, New Zealand Energy Limited FS127.016
[149] Clause 16(2) of the First Schedule of the RMA
[150] Manawa Energy Limited S438.049
[151] Manawa Energy Limited S438.049
[152] Manawa Energy Limited S438.049

	Settlement Zone - SETZ – R2 **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** [153]
6. ~~Any building or structure must not be located within an existing esplanade reserve or strip~~[154]	
Activity status where compliance not achieved: **Restricted Discretionary where this is new small and community scale renewable electricity generation subject to Rule ENG – R14** **Discretionary where this is new large scale renewable electricity generation subject to Rule ENG – R15** [155] ~~Restricted Discretionary where performance standards 1 - 3 or 5 - 6 are not complied with.~~ Non-complying where with performance standard 4 **1** is not complied with.	
ENG – R6	**Activities in and around the Significant Electricity Distribution Lines**
Activity Status Permitted Where: 1. Performance standards in Rule ENG - R1 are complied with; and 2. These are Energy Activities; 3. The following other activities are able to occur under the conductors where these are Permitted within the relevant zone and overlay: i. Fences less than 2.5m high; **or**[156] ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building envelope; **or**[157] iii. Network Utilities within a transport corridor or any part of electricity infrastructure; **or**[158] iv. Structures used for agricultural and horticultural activities excluding buildings for sensitive activities; **and**[159] 4. The only buildings or structures erected within 12m of any support structure are: i. Network Utilities within a transport corridor; or ii. Any part of electricity infrastructure; **or**[160] iii. Fences more than 5m from the support structure and less than 2.5m in height; and 5. Structures and activities located near ~~transmission~~ **distribution**[161] lines must comply with the safe distance requirements in the NZECP 34:2001.	
Activity status where compliance not achieved: Non-complying	

[153] Manawa Energy Limited S438.049
[154] Manawa Energy Limited S438.049
[155] Consequential amendment Manawa Energy Limited S438.049
[156] Clause 16(2) of the First Schedule of the RMA
[157] Clause 16(2) of the First Schedule of the RMA
[158] Clause 16(2) of the First Schedule of the RMA
[159] Westpower S547.107
[160] Clause 16(2) of the First Schedule of the RMA
[161] Westpower S547.107

ENG – R7	Buildings, Structures and Activities within the National Grid Yard

Activity Status Permitted
Where:

1. These are the following activities where they are also ~~P~~**p**ermitted[162] within the relevant zone and overlay:
   i. Fences less than 2.5m high;
   ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint;
   iii. Infrastructure undertaken by a Network Utility **operation** ~~Operator within a transport corridor~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid;
   iv. ~~Non - habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds~~ **Agriculture and horticulture activities, and associated non-habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:**
   a. **Buildings and structures used for intensive indoor primary production;**
   b. **Dairy and milking sheds;**
   c. **Commercial greenhouses;**
   d. **Produce packing facilities;**
   e. **Protective canopies; and**
   f. **Wintering barns.** [163]
   v. **The activity is not a sensitive activity**; [164]
   vi. An accessory building or structure associated with an existing residential activity that is less than 10m^2 and 2.5m in height;
2. All buildings, structures and activities permitted by 1. above must ~~have~~[165]:
   i. **Have a** ~~A~~[166] minimum vertical clearance of at least 10m below the lowest point of a conductor
   - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;
   ii. Not result in the loss of vehicle access to a National Grid support structure;
   iii. Be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure ~~National Grid Yard transmission support~~ except where it is:
      a. Infrastructure undertaken by a network utility **operation** ~~operator~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid;
      b. A fence not exceeding 2.5m in height**t**[167] that is located at least:
         i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; ~~or~~**and**[168]
         ii. 5m from the outer visible edge of a foundation of a National Grid

[162] Clause 16(2) of the First Schedule of the RMA
[163] Transpower Limited S299.046
[164] Transpower Limited S299.046
[165] Clause 16(2) of the First Schedule of the RMA
[166] Clause 16(2) of the First Schedule of the RMA
[167] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.086
[168] Clause 16(2) of the First Schedule of the RMA

transmission line pole; **or**[169] c. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that: I. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and II. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or d. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001. **Activity status where compliance not achieved**: Non-complying	
ENG – R8	**Installation of electricity cabinets**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. The cabinet has a maximum height above ground level of 2m **and a maximum area of 1.4m²**.[170]	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R9	**Temporary Energy Activities**
Activity Status Permitted Where: 1. The temporary energy activity is for up to a period of 24 months following a national, regional or local state of emergency declaration; 2. All performance standards in Rule ENG - R1 are complied with; and 3. Any temporary structures are removed from the site ~~when operation ceases and the sites is rehabilitated~~ **and the site is rehabilitated within one month of the operation ceasing;**[171] 4. **The temporary energy activity is a back-up generator, provided this equipment is:** i. **Being tested and maintained for a period not exceeding 48 hours in duration; or** ii. **To provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the underlying zone; or** iii. **For emergency purposes only and operates for a maximum of 12 months.**[172]	
Activity status where compliance not achieved: Restricted Discretionary	
~~**ENG – R10**~~	~~**Environmental monitoring and meteorological facilities associated with Energy Activities**~~

[169] Clause 16(2) of the First Schedule of the RMA
[170] Alternative relief to Buller District Council S538.028
[171] Transpower Limited S299.047
[172] Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021

~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. All performance standards in Rule INF-R1 are complied with; and~~ ~~2. Monitoring equioment is not more than 4m in height and 25m^2 in area.~~
~~**Activity status where compliance not achieved**: Non-complying~~[173]

ENG – R10	**The construction of new distribution lines above or below ground**[174]
Activity Status Permitted **Where:** **1. All performance standards in Rule ENG - R1 are complied with; and** **2. The line will comply with the requirements of NZECP 34:2001;** **3. The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines has a maximum height above ground level of 7m;** **4. The installation or modification of a sign is at a height no greater than 2m above ground level and is no larger than 1m^2 and is associated with an electricity network utility.**	
Activity status where compliance not achieved: Discretionary[175]	

Restricted Discretionary Activities	
ENG - R11	**Substations ~~(Zone and Distribution)~~ not meeting ~~Permitted Activity~~ standards, or otherwise not provided for in another rule**[176]
Activity Status Restricted Discretionary Discretion is restricted to: a. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[177] b. Locational, technical, **functional**[178] and operational constraints; c. Impacts on resilience of the community to natural hazards and climate change; d. The benefits of the proposal to Aotearoa New Zealand meeting its Greenhouse Gas targets; e. ~~Impacts of contamination from the substation on any overlay;~~ [179] f. Benefits to the community from the substation; and g. The degree to which the proposed activity will cause ~~significant~~[180] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~. [181]	
Activity status where compliance not achieved: N/A	

[173] Buller District Council S538.029
[174] Buller District Council S538.023
[175] Transpower Limited S299.045, Buller District Council S538.023
[176] Transpower Limited S299.048
[177] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[178] Westpower S547.112
[179] Westpower S547.113, FS127.080
[180] Royal Forest & Bird Protection Society S560.125
[181] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, Royal Forest & Bird Protection Society S560.125

ENG – R12	**~~Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations~~ Operation, maintenance, repair and upgrading of distribution lines and transmission lines above or below ground[182] not managed by the National Environmental Standard for Electricity Transmission Activities[183] not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with~~;[184] Discretion is restricted to: a. Degree of non-compliance with Rule ENG - R4; b. Locational, technical, **functional**[185] and operational constraints; c. Benefits to the community; and d. The degree to which the proposed activity will cause ~~significant~~[186] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~. [187]	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**[188]	
ENG – R13	**Installation of electricity cabinets not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~[189] Discretion is restricted to: a. Locational, technical, **functional**[190] and operational constraints; b. The degree to which the proposed activity will cause ~~significant~~[191] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~; [192] and c. Benefits to the community.	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**[193]	

[182] Buller District Council S538.023
[183] Transpower Limited S299.049, Buller District Council S538.031, New Zealand Energy Limited FS127.006
[184] Clause 16(2) of the First Schedule of the RMA
[185] Consequential amendment Westpower S547.116, New Zealand Energy Limited FS127.083
[186] Royal Forest & Bird Protection Society S560.126
[187] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.088, Royal Forest & Bird Protection Society S560.126
[188] Clause 16(2) of the First Schedule of the RMA
[189] Clause 16(2) of the First Schedule of the RMA
[190] Westpower S547.112
[191] Royal Forest & Bird Protection Society S560.127
[192] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.089, Royal Forest & Bird Protection Society S560.127
[193] Clause 16(2) of the First Schedule of the RMA

ENG – R14	**The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation ~~structures, renewable energy investigation activity~~ and ~~temporary~~ energy activities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~ [194] Discretion is restricted to: a. Impacts on resilience of the community to natural hazards and climate change; b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets; c. **The ~~B~~ benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast**; d. Functional, **locational, technical**[195] and operational constraints; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**; ~~and~~ f. The degree to which the proposed activity will cause ~~significant~~[196] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10 ~~Overlay Chapter matters~~ and**[197] g. **The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people**.[198]	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**[199]	

Discretionary Activities	
ENG – R15	**New and existing ~~L~~large scale renewable electricity generation activity ~~excluding wind~~ not meeting Permitted Activity standards**[200]
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
~~ENG – R16~~	**~~Wind farm construction and operation~~**
~~Activity Status Discretionary~~ ~~Where:~~ ~~1. This complies with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise.~~	
~~Activity status where compliance not achieved~~: ~~Non-complying~~[201]	

[194] Clause 16(2) of the First Schedule of the RMA
[195] Consequential amendment Westpower S547.117, New Zealand Energy Limited FS127.084
[196] Royal Forest & Bird Protection Society S560.128
[197] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.090, Royal Forest & Bird Protection Society S560.128
[198] Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021
[199] Clause 16(2) of the First Schedule of the RMA
[200] Consequential amendment Manawa Energy Limited S438.049, Westpower S547.118
[201] Consequential amendment to the recommendations to amend ENG-R15

ENG – R16	**Construction of distribution lines above and below ground**[202] **not meeting Permitted Activity Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A[203]	
ENG – R17	**Construction of National Grid assets, including transmission lines, not otherwise provided for in another rule**[204]
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
ENG – R18	**Any Energy Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A[205]	

Non-complying Activities	
~~**ENG – R17**~~	~~**Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics – Wind Farm Noise**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~[206]	
ENG - R1~~8~~9	**Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
ENG - R1~~9~~20	**Activities within ~~and around~~ the National Grid Yard ~~and between the Significant Electricity Transmission Lines,~~ that do not comply with Permitted Activity standards or are not otherwise provided for in a rule**[207]
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
~~**ENG – R20**~~	~~**Energy Activities that do not meet Rules ENG – R12, ENG – R13, or ENG – R14**~~

[202] Buller District Council S538.023
[203] Consequential amendment resulting from new Rule ENG-RX3 - Transpower Limited S299.045, Buller District Council S538.023
[204] Consequential Amendment stemming from Transpower Limited S299.045 regarding transmission lines
[205] Transpower Limited S299.051, Forest and Bird FS34.031
[206] Consequential amendment stemming from amendments to ENG-R15
[207] Transpower Limited S299.050

~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~[208]	
ENG – R21	**Non-renewable Electricity Generation Activities**
Activity Status Non-complying[209] **Activity status where compliance not achieved: N/A** **Advice Note: This rule does not apply to backup generators that do not comply with permitted activity standards of ENG-R9 and ENG-14 applies.**[210]	
ENG – R22	**Activities in and around significant electricity distribution lines, that do not comply with permitted activity standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**[211]	

5. INFRASTRUCTURE

5.1. Infrastructure – General/Whole Chapter

Submissions and Further Submissions

772. The s42A Report identified five submission points and two further submission points relating to general matters/whole INF Chapter.

773. David Ellerm (S581.012) supported the Energy, Infrastructure and Transport Chapters as notified, while the Director General (S602.036) was neutral on the INF Chapter as notified because they did not affect priority conservation values, biodiversity values, or their interests.

774. David Ellerm (S581.065) also sought the identification of the Te Kinga Potable Supply Bore, located on Lot 4 DP 3957, and the development of a Te Kinga Groundwater Source Protection Zone. Davis Ogilvie & Partners Ltd (FS154) and Cashmere Bay Dairy Ltd (FS142) opposed this amendment as there is no provision under the National Planning Standards for a new *'Groundwater Source Protection Zone'*. They considered that no scientific evidence had been provided to indicate that groundwater flows towards this privately owned bore, and water supply sources are already adequately protected by the WCRC (i.e., Rule 79 of the Regional Land and Water Plan) and the NES-SHDW.

775. Buller Conservation Group (S552.010) and Frida Inta (S553.010) sought to amend the infrastructure chapter to include general municipal waste and management.

[208] Consequential amendment stemming from errors identified in ENG-R1
[209] Manawa S438.057
[210] Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021
[211] Westpower S547.119

Section 42A Reports

776. The Reporting Officers, in recommending the rejection of David Ellerm's submission, considered it was out of scope of what can be considered within the pTTPP under the RMA and outside of the regulatory function prescribed to a territorial authority under section 31 of the RMA.

777. In terms of the Buller Conservation Group and Frida Inta submissions, the Reporting Officers considered they provided insufficient detail, and they encouraged clarification at the hearing.

Hearing and Submitter Evidence/Statements

778. Frida Inta, in responding to the s42A Report, considered that waste management should be provided for within the pTTPP because it was an issue for every household. She was unsure where the best place within the Plan was to locate provisions on waste. She also considered that the Plan should encourage zero waste and encourage the reducing, reusing and recycling.

Reporting Officer Reply Evidence

779. General matters/whole chapter issues did not receive further consideration in the Reply

Hearing Panel's Evaluation

780. The Panel agrees that the submission by David Ellerm is out of scope for the reasons advanced by the Reporting Officers, Davis Ogilvie & Partners Ltd and Cashmere Bay Dairy Ltd.

781. Regarding Ms Inta's views on waste management, we consider the focus of the Infrastructure Chapter is at a higher level than the more detailed and specific approach she requested.

Hearing Panel's Recommendation

782. The Panel does not recommend any changes in response to submissions.

5.2. Definitions

Submissions and Further Submissions

783. There were several submitters[212] and further submitters who submitted on various definitions. The submission points and further submission points were summarised in the s42A Report at paragraphs 345 to 357. The Panel has considered the relevant submissions and further submissions received and adopted the summaries provided within the s42A Report.

784. Submitters supported notified definitions, seeking retention; others sought amendments, and others sought the addition of new definitions, notably '*Land transport infrastructure*' and '*telecommunications kiosk*.'

[212] S442.003, S442.006, S442.015, S476.004, S476.007, S476.011, FS110.007, S478.06, S581.007, FS222.069, S538.051, S538.052, S488.001, S608.507, S608.514, S608.516, S608.517, S608.520, S608.521, S608.522

785. We record submissions and evidence were received in the context of the Energy Chapter regarding the definition of '*minor upgrades* and *upgrading'*. This matter is also relevant to the Infrastructure Chapter, as '*upgrade'* is used within the INF rules. We discuss this issue when considering the Reply below.

Section 42A Report

786. David Ellerm (S581.007) sought a new definition of '*infrastructure*'. Westpower (FS222.069) opposed this submission because '*infrastructure'* was already defined in the pTTPP. The Reporting Officers agreed with Westpower and did not support David Ellerm's submission request.

787. WCRC (S488.001) sought the insertion of a definition of '*resilience infrastructure'* in alignment with the Infrastructure Funding and Financing Act 2020. The Reporting Officers did not support the relief sought as this is appropriately provided for by the '*natural hazard mitigation structure*' definition within the pTTPP.

788. GDC (S608.512) sought to amend the definition of '*wastewater'* to include the generation of greywater or blackwater. They also sought to amend the definition of '*height'* to include the specified reference points from which height would be measured i.e. existing ground level.

789. The Reporting Officers rejected the relief sought because the National Planning Standards specify the definition of '*wastewater'* and '*height'*, and following mandatory direction 14, these definitions may not be amended.

790. BDC (S538.007, S538.051) sought a definition to be provided for '*telecommunication kiosk'*, as follows:

> *means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.*

791. The Reporting Officers supported the relief sought, as they considered this was a unique term that may not be familiar to a layperson.

792. BDC (S538.008, S538.052) and GDC (S608.516) sought a definition to be provided for '*small cell utility'*. The Reporting Officers rejected the relief sought as a small cell utility was provided for and defined by the NESTF, and in their opinion, it was unnecessary to duplicate this definition.

793. BDC (S538.053) sought a definition to be provided for '*omnidirectional whip'*. The Reporting Officers rejected the relief sought as the NESTF does not refer to that term.

794. GDC (S608.517) sought a definition for '*Land Transport Corridor',* which was referred to once in under INF-R12. Considering the one instance of use, the Reporting Officers recommend amending INF-R12 to remove it and replace it with *'within legal road boundaries'* to be consistent with the pTTPP overall.

795. KiwiRail (S442.004) sought a definition be provided for '*Land Transport Infrastructure'* to ensure the pTTPP is interpreted correctly, as follows:

> means the infrastructure, goods and services facilitating transport on land by any means. This includes coastal shipping and all fixed components of a transportation system, including roadways and bridges, railways, ports, cycle trails and other physical elements.

796. The Reporting Officers agreed that a definition for '*land transport infrastructure'* should be included to delineate between the Infrastructure and Transport chapters. However, they did not support the inclusion of coastal shipping because they considered this was not related to land and '*goods and services'* was too broad a term. The Reporting Officers recommended the following definition:

> Any infrastructure, building, equipment or devices that support the movement of people and goods by land, including:
>
> (a) Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;
>
> (b) Pedestrian facilities and accessways, including footpaths, footways and foot bridges;
>
> (c) Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;
>
> (d) Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;
>
> (e) Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;
>
> (f) Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;
>
> (g) Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle. monitoring devices;
>
> (h) Parking control devices;
>
> (i) Site access including vehicle crossings;
>
> (j) Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;
>
> (k) Ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets; and
>
> (l) Stormwater management facilities, ventilation structures, drainage devices and erosion control devices.

797. Westpower (S547.028) sought an advice note be added to clause (d) of the '*Infrastructure'* definition to alert plan users to the fact that electricity activities are provided for in the Energy Chapter and that reference should be made to the '*Energy Activities'* definition in that regard. The Reporting Officers rejected this request because they considered the pTTPP is intended to be read in its entirety, and these chapters would be assessed where required.

798. NZDF (S519.003) sought to amend the definition of '*infrastructure*' to include '*defence facilities'*, as the NZDF is undertaking a nationwide project to ensure strategic defence facilities and infrastructure are appropriately recognised and provided for in district plans. The

Reporting Officers agreed that defence facilities should be provided for; however, they did not support the amendment to the *'infrastructure'* definition because this would be inconsistent with section 2 of the RMA, which defines '*infrastructure*'. They noted that providing for infrastructure and defence facilities within the INF Chapter, where applicable would be appropriate. They also noted that defence facilities were not excluded from the current provisions, with the Temporary Activities Chapter also providing for the activities described by the NZDF.

799. For completeness, the Panel note that Mr Kennedy, in his evidence considered the Westpower submission points, which were referenced in the recommendations summary as 'rejected', were not considered in the s42A Report's text. We consider the issue concerning *Infrastructure* is addressed in the s42A Report, as we have noted above, and the issue relating to '*Network Utility Operator'* is addressed in the Addendum Report (paragraphs 63-64).

Hearing and Submitter Evidence/Statements

800. Having considered the s42A Report recommendation relating to a new definition for '*land transport infrastructure'*, Ms Grinlinton-Hancock for KiwiRail recorded in her tabled statement that coastal shipping should be included within the definition because KiwiRail's relief was based on the definition of '*Land Transport and Infrastructure'* within the West Coast Regional Land Transport Plan 2021-2031. She stated that coastal shipping required land-based infrastructure, and she therefore considered it important that this reference was included within the definition.

801. Ms Inta made comments on some of the definitions however, the Panel notes she did not make any submission on these definitions. Similarly, Ms Pull commented on definitions, but we note Poutini Ngāi Tahu did not submit on any definitions relevant to the INF Chapter.

802. Mr Kennedy focused on seeking to add an advice note to the definition of '*Infrastructure'* to assist plan users in navigating and interpreting the plan given the wide range of terms, definitions and provisions for similar activities.

803. NZDF in a tabled statement did not support the s42A Report recommendation. They noted that there is no requirement to limit what is defined as '*infrastructure*' in the pTTPP, to the definition of '*infrastructure*' in Section 2 of the RMA. They noted there are a number of plans across New Zealand (such as the Auckland Unitary Plan and the Selwyn District Plan) that have used the RMA definition of '*infrastructure*' as a base, and expanded the definition to include other infrastructure, such as defence facilities. NZDF noted that defence facilities are nationally and regionally significant, playing an important role in both military training and civil defence.

Reporting Officer Reply Evidence

804. The Reporting Officers did not support Mr Kennedy's proposed new advice note under the infrastructure definition, considering that it was the role and purpose of the "How the Plan Works" Chapter to provide navigation direction. They considered the Overview of both the Energy and Infrastructure chapters clarified the scope of each chapter. They recommended rejecting Westpower's submission, but provided the following wording if the Panel were to disagree with their recommendation:

Note:

Electricity activities are addressed in the Energy Activities Chapter of the Plan.

805. The Reporting Officers noted that the definition of '*Infrastructure'* as notified did not correctly reflect the RMA definition, as clause (k) of the definition reads:

> *k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section2(1) of the Port Companies Act 1988.*

Hearing Panel's Evaluation

806. For the reasons advanced by the Reporting Officers in their various reports, the Panel generally agree with the recommendations regarding amendments to the definitions relating to the Infrastructure Chapter.

807. The amendment to the definition of '*Infrastructure*' highlighted by the Reporting Officers in the Reply addresses an error in the notified Plan and we recommend this is corrected by including the missing clause (k) and making existing clause (k) clause (l) to reflect the RMA. In our view, adoption of the RMA definition within the Plan also addresses some of Ms Pull's concerns.

808. The Panel accepts there is no requirement for a definition of '*Land Transport Corridor*', as sought by GDC. While we acknowledge the Reporting Officers suggested amendment to INF-R12 may overcome the need for such a definition, we consider due to our recommendation in the Transport Chapter to include a definition of '*Transport Corridor*' it is more efficient and pragmatic to simply delete the word '*Land*' from INF-R12, which ensures that GDC's concerns are addressed.

809. The Panel agrees with the Reporting Officers conclusions in relation to the WCRC, GDC and BDC submissions on '*resilience infrastructure'*, '*wastewater*' and '*height*', '*small cell utility'* and '*omnidirectional whip'* respectively and recommends these be rejected. The Panel notes there is no definition of '*wastewater*' in the Interpretation Chapter under Part 1 of the Plan. The issue lies with the e-Plan as the word '*wastewater'* has been hyperlinked automatically to a definition because '*wastewater*' is a standard National Planning Standards definition. We understand this is to be corrected in the e-Plan and do not recommend any change.

810. The Panel agrees with BDC regarding the need for a definition of '*telecommunication kiosk*' and recommends it be included.

811. In relation to the KiwiRail submission seeking a definition for '*Land Transport Infrastructure*', the Panel acknowledges the definition provided by the Reporting Officers. We agree that a definition could clearly delineate between the Infrastructure and Transport chapters. We have also given consideration to the issue of coastal shipping raised by Ms Grinlinton-Hancock and the West Coast Regional Land Transport Plan 2021-2031. We note that the definition of '*Land Transport'* in that document means:

> *(a) transport on land by any means,*

(b) the infrastructure, goods and services facilitating that transport. The definition also includes coastal shipping.

812. The Panel notes that the TTPP has no jurisdiction in relation to coastal shipping itself, however, we consider Ms Grinlinton-Hancock has a point in relation to land-based infrastructure associated with coastal shipping. We therefore recommend that a definition for '*Land Trasport Infrastructure*' be included in the Plan and it be amended to be the same as the RMA definition to read as follows:

> Any infrastructure, building, equipment or devices that support the movement of people and goods by land **or water**, including:
>
> (m) Land based Port facilities

813. In relation to the NZDF submission, the Panel notes we have recommended that defence facilities are included in the definition of Regionally Significant Infrastructure, which addresses the concern raised.

814. The Panel disagrees with Mr Kennedy that a new advice note cross referencing the Energy Chapter is necessary.

Hearing Panel's Recommendation

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

INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below) means … k. **facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;** [213] **l.** anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.
TELECOMMUNICATION KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**[214]
LAND TRANSPORT INFRASTRUTURE	**Means any infrastructure, building, equipment or devices that support the movement of people and goods by land or water, including:**

[213] RMA First Schedule, clause 16
[214] Buller District Council S538.007 & S538.051

	(a) **Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;** **(b)** **Pedestrian facilities and accessways, including footpaths, footways and foot bridges;** **(c)** **Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;** **(d)** **Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;** **(e)** **Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;** **(f)** **Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;** **(g)** **Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices;** **(h)** **Parking control devices;** **(i)** **Site access including vehicle crossings;** **(j)** **Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;** **(k)** **Ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets;** **(l)** **Stormwater management facilities, ventilation structures, drainage devices and erosion control devices; and** **(m)** **Land based Port facilities.**

5.3. Overview

Submissions and Further Submissions

816. There were five submission points[215] received on the text of the Infrastructure Overview detailed in paragraphs 358 to 363 in the s42A Report. The Panel has considered the relevant

[215] S140.011, S299.052, S560.132, S560.463, S608.500, S663.007

submissions and further submissions received and adopted the summaries provided within the s42A Report.

Section 42A Reports

817. GDC (S608.500) sought the correction of grammatical errors, regarding the bullet point for transport ('*in an around*'). The Reporting Officers accepted this submission request for reasons of planning efficiency and accuracy.

818. GDC (S608.009) sought the Overview remove reference to '*Site or Area of Significance to Māori'* because it had requested to remove the overlay and have the sites reassessed. Poutini Ngāi Tahu (FS41.2) opposed this submission on the basis cross-referencing within the Plan was essential for clarity. As there are specific rules concerning infrastructure activities in the SASM Chapter, the Reporting Officers considered it was appropriate to retain the reference within the Overview.

819. Transpower (S299.052), Forest & Bird (S560.132), and Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd (S663.007) sought clarification regarding the activities addressed within the INF Chapter to avoid confusion. Transpower specifically requested wording to ensure that National Grid activities are addressed in the Infrastructure Chapter. Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd specifically requested wording to outline that the zone chapters do not apply. The Reporting Officers accepted the rationale provided by these submitters to amend the Overview to clarify the activities covered within the INF Chapter.

Hearing and Submitter Evidence/Statements

820. Forest & Bird had considered the Reporting Officers amended Overview wording but remained concerned that the scope of the chapter was still not clear because:

(a) The Overview refers to regionally significant infrastructure but does not explain what aspects of RSI are addressed in this chapter.

(b) The "*range of specified infrastructure*" addressed in the INF Chapter is not set out and can only be determined by subtracting the activities addressed in other chapters from the definition of '*Infrastructure*'.

(c) The definition for '*Energy activities*' remains uncertain and that definition is relied on to understand the scope of the Infrastructure Chapter.

821. Forest & Bird considered that the INF Overview needed to be written to explain the scope of the chapter and how it addresses the differences with the Energy Chapter using different terms. As the Panel understood it, the breadth of infrastructure captured by the term "*Energy activity*" and the scope of the INF Chapter were the concerns for Forest & Bird.

Hearing Panel's Evaluation

822. For the reasons advanced by the Reporting Officers, we recommend the Overview is amended as detailed below. We acknowledge the concerns of Forest and Bird and note that we have recommended a definition Regionally Significant Infrastructure be included in the Plan which

goes some way towards addressing those concerns. Further, we consider sufficient clarity has now been provided around '*specified infrastructure activities*' and '*Energy activities*'.

Hearing Panel's Recommendation

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

Infrastructure - Te Tūahanga

Overview

Infrastructure is critical to the social, cultural and economic wellbeing of people and communities, including providing for their health and safety, and has national, regional and local benefits. The West Coast Regional Policy Statement requires specific recognition and protection of regionally significant infrastructure.

While infrastructure is often seen as a necessary and normal part of urban and rural environments, it can also have adverse effects on surrounding land uses and the environment. The sustainable management of natural and physical resources requires a balance between the effects of different land uses.

However, infrastructure also needs to be protected, where possible, from encroachment by incompatible activities that may result in reverse sensitivity effects. Some infrastructure has specific operational and functional needs that need to be accommodated for its operation.

Infrastructure includes a range of structures, services and activities as defined in Definitions – Ngā Tautuhinga.[216] The Infrastructure Chapter contains the objectives, policies, rules for managing a range of specified Infrastructure activities**, such as three waters, telecommunications networks and radio communication networks**.[217] Port Activities are however managed in the Port Zone and Airport Activities are managed in the Airport Zone. The Infrastructure Chapter also does not apply to energy activities **nor National Grid activities**[218] as these are addressed in the Energy Chapter nor does it apply to Transport Activities that are addressed in the Transport Chapter.

The Area Specific Provisions (Zone chapters) do not apply to the Infrastructure activities managed in the Infrastructure chapter. The Overlay chapters and other District-Wide rules do apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport chapter sets out the requirements for activities in and around transport corridors that may be relevant to infrastructure.
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and

[216] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.007
[217] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.007
[218] Transpower Limited S299.052

Landscape; Natural Character and Margins of Waterbodies; Natural Hazards; Historic Heritage, Notable Trees and the Coastal Environment. Where an infrastructure activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

- **General District Wide Matters -** provisions in relation to Activities on the Surface of Water and Earthworks in particular may be relevant to infrastructure activities.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

5.4. Objectives

Objectives as a whole

Submissions and Further Submissions

824. Nine submissions were received on the Infrastructure objectives, as a whole. Several submitters supported the infrastructure objectives as notified and others requested amendments to some provisions.

825. These submissions are detailed in s42A Report at paragraphs 364 to 368. The Panel has considered the relevant submissions and further submissions received and adopts the summaries provided in the s42A Report.

Section 42A Reports

826. BDC (S538.040) sought that reference to '*utility'* was removed from the objectives and policies as the definition of *'infrastructure'* encompasses network utility operations, therefore, references to *'utility'* were unnecessary. The Reporting Officers agreed that using the term '*utility'* within the Infrastructure Chapter may result in uncertainty and potential for misinterpretation by plan users, as it is captured by the definition of *'infrastructure'*. They supported BDC and RNZ's request and recommended amending policies INF-P4 and INF-P6 to address this.

827. RNZ (S476.044) sought that the objectives better recognise the following:

a) The critical contribution that infrastructure and network utility operations make to the social, economic and cultural well-being of the West Coast;

b) The technical and operational constraints that limit the geographic location in which network utilities in general can operate, particularly in relation to land use, subdivision and development; and

c) The need to avoid reverse sensitivity effects on network utilities to benefit the community.

828. The Reporting Officers did not support these submissions for the following reasons:

a) INF-O1 already recognises the contribution of infrastructure and network utilities on the West Coast;

b) INF-O5 provides for infrastructure and network utilities' functional and operational needs; and

c) INF-O3 affords appropriate protection of network utilities.

Hearing and Submitter Evidence/Statements

829. No specific evidence was received on the above matters.

Hearing Panel's Evaluation

830. The Panel agree with the Reporting Officers' recommended changes to INF-P4 and INF-P6 for the reasons advanced within the s42A Report. We note that these amendments are shown in the relevant policies themselves below.

831. The Panel accepts the conclusions of the Reporting Officers with regards the submissions of RNZ and further submission of NZEL and recommends these be rejected.

Hearing Panel's Recommendations

832. The Panel recommend no changes to the Objectives in response to submissions on the objectives as a whole. However, we agree with BDC that the word '*utilities*' is superfluous given this is included within the definition for '*Infrastructure*' and therefore recommend this is deleted from INF-O1 and INF-O2.

Objectives

Submissions and Further Submissions

INF-01

833. There were nine submission points[219] who submitted on Objective INF-O1. Several submitters supported INF-O1 as notified, however, the Panel notes there are recommended amendments in response to submissions as outlined below.

834. Forest & Bird (S560.135) sought that INF-O1 be amended as follows:

> *…to meet the needs of the West Coast/Te Tai o Poutini, where adverse effects can be appropriately managed in accordance with the Natural Environment and District Wide chapters of this Plan*.

835. BDC (S538.040) and RNZ (FS141.015) sought to amend INF-O1 to ensure the infrastructure meets both current and future needs.

[219] S538.040, S190.072, S442.020, S450.024, S476.014, S519.009, S560.135, S608.501, S663.009, FS141.015

INF-O2

836. Six submitters[220] submitted in support of Objective INF-O2. GDC (S608.502) sought for INF-O2 to be amended to clearly define '*incompatible*' in terms of the protection of utilities and infrastructure

INF-O3

837. There were four submission points[221] on INF-O3, which were mainly in support. GDC (S608.503) sought that INF-O3 be amended to clearly define this section as to where the onus is put (i.e., on the developers when subdividing).

INF-O4

838. There were eight submission points[222] in support of Objective INF-O4. Forest & Bird (S560.136) sought INF-O4 be amended as follows:

> *To consider natural hazard and biodiversity resilience and impacts of climate change in infrastructure location, design and provision*.

INF-O5

839. There were nine submission points[223] on Objective INF-O5.

840. Forest & Bird (S560.137) sought to amend INF-O5 as the RPS provides specific direction for considering biodiversity adverse effects as follows:

> *...~~minimised~~ avoided, remedied, and mitigated in accordance with the Natural Environment and District Wide chapters of this Plan, while recognising:*

841. RNZ (FS141.017) and KiwiRail (FS236.007) opposed the Forest & Bird submission as they considered '*minimise*' a more appropriate term because this recognised the importance of infrastructure and it would not always be possible to '*avoid, remedy or mitigate'* the effects of infrastructure.

842. Poutini Ngāi Tahu (S620.091) sought amendment to Objective INF-O5 to clarify that effects on the environment include Poutini Ngāi Tahu values and to ensure consistency with Policy INF-P2. They sought a further subclause as follows:

> *Poutini Ngāi Tahu requirements for discharge of wastewater to land*

843. Forest & Bird (S560.136), RNZ (FS141.017), and KiwiRail (FS236.007) sought to include the word '*needs"* after the word functional in clause (a).

[220] S190.073, S442.021, S450.025, S476.015, S519.010, S608.502, FS34.047
[221] S190.074, S450.026, S608.503, S663.011
[222] S190.075, S442.022, S450.027, S560.136, S608.504, S612.008, S663.012, FS34.052
[223] S190.074, S442.023, S450.028, S476.016, S519.011, S560.137, S608.505, S620.091, S663.013, FS141.017, FS236.007

Section 42A Reports

844. The Reporting Officers rejected the amendment sought by Forest & Bird on INF-O1 because they considered that specifying particular chapters of the pTTPP would limit and restrict the assessment and consideration required. They noted the Plan should be read in full and that the Infrastructure Chapter Overview provided guidance regarding what other chapters are to be read. They considered it would be a duplication to include it under specific standards.

845. In terms of the submission by BDC to amend INF-O1 to ensure infrastructure provides for both '*current and future needs',* the Reporting Officers were supportive of the wording requested.

846. In response to the GDC request to clearly define '*incompatible'* in INF-O2, the Reporting Officers noted that the pTTPP lacked provisions to enforce INF-O2, specifically what defines '*incompatible*'. For that reason, they recommended deleting '*incompatible*' which would be consistent with INF-P3.

847. The Reporting Officers considered that no amendment was required to INF-03. They noted in response to the GDC submission that the intent of the objective was the efficient and proficient use of infrastructure, which was achieved by coordinating the provision of utilities and infrastructure. Further, they noted that INF-P4 and INF-P5 enforce INF-O4; and that this policy direction was given effect to by both private development in accordance with Subdivision Chapter provisions and public development in accordance with the infrastructure provisions. They considered the relief sought by GDC would reduce the scope and intent of INF-03, consequently reducing the scope of standards that could be imposed.

848. The Reporting Officers did not support Forest & Bird' request to provide for '*biodiversity*' within INF-O4. In their opinion, the district-wide ECO Chapter would apply and provided sufficient direction on this matter. They considered Forest & Bird had not provided specific reasoning to outline the issue with INF-O4 and why this amendment was required. The Reporting Officers did accept the inclusion of *'location',* which was a key factor when considering how infrastructure may be affected by natural hazards and climate change.

849. In response to Forest & Bird's requested amendment to INF-O5, the Reporting Officers considered the district-wide ECO Chapter would apply to all activities and the pTTPP was intended to be read as a whole document. In their opinion, '*avoid, remedy or mitigate'* was inconsistent with the RPS, and therefore they did not support this amendment.

850. The Reporting Officers did not support the relief sought by Poutini Ngāi Tahu to INF-O5 because they considered INF-P2 provided appropriate recognition for Poutini Ngāi Tahu values. Further, they noted that INF-O5 was clear and provided a proper direction as an objective, setting out a direction for the effects on the environment. It is supported by INF-P2, which provides details as required.

851. While there is no discussion in the s42A Report of the submissions seeking to include the word '*needs*' INF-05 as sought by submitters, the word was included in the changes shown to INF-O5. However, when considering submission points[224] and evidence on other provisions that

[224] Manawa (S438.044), NZ Energy (FS127) at paragraph 217 of the s42A Report

included the words operational and or functional the Reporting Officers supported the inclusion of the word '*needs*' as doing so was consistent with the National Planning Standards.

Hearing and Submitter Evidence/Statements

852. Forest & Bird considered it was important to ensure appropriate wording was used to distinguish between and capture different types of infrastructure in provisions to give effect to higher order documents, including the NPSET, NPSREG, the NZCPS and the RPS, to effectively manage adverse effects and locational considerations.

853. Mr Leckie's legal submissions[225] noted that, while not directly relevant to Bathurst's relief, Bathurst supported consistent language where functional and operational needs formed part of the plan provisions. He noted these were defined in the National Planning Standards and that definition encompasses technical and locational needs.

854. Forest & Bird agreed that the ECO Chapter should be relied on with respect to adverse effects of ENG, INF and TRN activities on ecosystems and indigenous biodiversity. Ms Snoyink noted their submission sought to ensure that provision for activities in these chapters was made in the context of recognising that adverse effects would need to be "*avoided, remedied or mitigated*". She considered using these words provided for integration and avoided potential conflicts with provisions in other chapters. She noted their submission sought to replace the word "*minimise*" with "*avoid, remedy or mitigate".*

855. Ms Snoyink was critical of the Reporting Officers' approach, where in some circumstances they considered '*minimising'* as an alternative to '*avoiding, remedying or mitigating'*, and in other circumstances equated '*minimise*' with *'avoid, remedy or mitigate'*. She noted in paragraph 173 of the s42A Report in relation to ENG provisions they considered '*minimise*' reflected that there were scenarios where it was not possible or practical to avoid, remedy or mitigate all effects from energy activities. Also, in paragraph 175, she noted that the Reporting Officers consider that "*the RMA requires adverse effects on communities and the environment of activities to be minimised.*" She disagreed with these approaches.

856. Ms Snoyink noted that at paragraph 385, of the s42A Report concerning INF-O5, the Reporting Officers considered that "*In our opinion, 'avoid, remedy or mitigate' is inconsistent with the RPS and we therefore do not support this amendment."* She considered that it was not clear how they had reached that conclusion. However, she said, presumably it related to their interpretation of RPS Chapter 6 Regionally Significant Infrastructure provisions. However, even on that basis, she considered "*such reasoning does not stack up".* She noted that RPS Chapter 6 specifically states that *"All relevant provisions in this RPS must be considered in managing the adverse effects of RSI activities*." She considered this meant that any Plan provisions giving effect to the RPS provisions for RSI must be in the context of addressing adverse effects as directed under other chapters of the RPS, including Chapter 7 Ecosystems and Indigenous Biological Diversity. She noted all three effects management measures *"avoid, remedy or mitigate"* were relevant in this context. She noted '*Infrastructure*' as defined by the RMA, was broader than RSI (as defined by the RPS) and that INF-O5 refers to "*the adverse*

[225] Legal Submissions for Bathurst dated 13 November 2023 paragraphs 16 to 17

effects of infrastructure on the environment …". She noted RMA section 5 requires *"avoiding, remedying or mitigating*" adverse effects of activities on the environment.

857. Ms Snoyink noted in the updated Addendum s42A Report suggested that "*avoid, remedy or mitigate*" was not appropriate in Objective ENG-O2 because objectives should be directing an outcome sought and because of the wording of objectives in the NPSREG. She said Forest & Bird's position was that adverse effects being "*avoided, remedied or mitigated*" was a more appropriate outcome than "*minimised*". The former, she contended, was consistent with the RMA and the latter was uncertain as to how adverse effects would be "*avoided, remedied* or mitigated". She considered this uncertainty was reinforced in the case of INF-O5 by the lack of INF policy direction to "*avoid, remedy or mitigate*" adverse effects of infrastructure activities on the environment.

858. Ms Pull detailed how provisions of the RPS Chapter 3, notably Policies 2 and 3, recognised and provided for Ngai Tahu values, particularly in managing discharges, including wastewater. She noted the RPS provisions record that discharge to land, particularly when the discharge was sewage effluent, was preferred where practicable and where the effects are less than if the discharge were to water. Building on those provisions and to give effect to the RPS, she considered the pTTPP would need to include provisions relating to the cultural impacts of discharges.

859. Ms Pull sought that INF-O5 be amended to include Ngāi Tahu requirements for wastewater discharge to land as a new clause. She noted that the s42A Report recommended rejection because INF-P1 and INF-P2 recognised the importance of the wastewater discharge issue for Poutini Ngāi Tahu. However, Ms Pull noted these policies exist to implement infrastructure objectives, which are focused on the efficiency and positive effects of infrastructure rather than recognising or providing for environmental considerations.

860. Ms Pull recognised that INF-O5 aimed to minimise adverse environmental effects while recognising infrastructure needs and positive effects. However, she said it only stated '*environment'*, which she considered was an extensive term and it was unclear whether it included cultural wellbeing in this context. She further noted that INF-P2 clauses (a), (e) and (f) essentially repeated INF-O5 with the same wording, leaving the assumption that clause (c), which refers to Poutini Ngāi Tahu values, wis not connected to objective INF-O5. She therefore sought an amendment to INF-O5 to recognise Poutini Ngāi Tahu values, clarify that INF-O5 considers the well-being of communities in Te Tai o Poutini, and provide more clarity on the link between INF-O2 and the clauses of INF-P2.

861. Ms Pull sought was that INF-O5 was amended as follows:

> The adverse effects of infrastructure on the environment are minimised, while recognising:
>
> a. The functional and operational needs of infrastructure
>
> b. Poutini Ngāi Tahu requirements for discharge of wastewater to land; and
>
> c. The positive effects of infrastructure may be realised locally, regionally, or nationally.

Reporting Officers' Position Statement and Reply Evidence

INF-01

862. The Reporting Officers made no further recommendations in Reply.

INF-02

863. The Reply Report noted that the s42A Report recommendation and position discussed in the hearing was that the retention of the word '*incompatible*' in ENG-O3, ENG-P9 and INF-O2 was not supported due to the limitation of the scope of the objective or policy and the potential uncertainty of what was incompatible.

864. However, the Reporting Officers detailed their reconsideration of this recommendation[226] in light of the evidence presented[227] at the hearing and further discussions in EWC. They recommended that the word '*incompatible*' be included in these provisions, as it would provide the ability to enable compatible subdivision, use and development in specific circumstances, which they understood to be sufficient to afford protection of the relevant infrastructure. Furthermore, they considered retention of the word '*incompatible'* was consistent with RPS Chapter 6, Policy 4.

INF-03

865. The Reporting Officers made no further recommendations in Reply.

INF-04

866. The Reporting Officers made no further recommendations in Reply.

INF-05

867. The Reporting Officers stated that "*further to evidence and discussions at the hearing, we consider that replacing the term 'minimise' with 'manage' will provide a clear target whilst ensuring consistency with the Energy Chapter. Further manage can be achieved via avoidance, remediation or mitigation*." The Panel notes, however, that no wording change to that effect was shown in Attachment 1 of the Right of Reply.

868. Following EWC, the Reporting Officers and Ms Pull met online to conference outstanding issues raised by the Poutini Ngāi Tahu submission in relation to the Energy, Infrastructure and Transport chapters that were not addressed at the EWC. The outcome of that meeting was that Ms Pull produced a Position Paper, in which, among other things, she provided proposed wording for an amended INF-05.

869. The Reporting Officers (in their Position Statement of 8 February 2024) altered their position from that held in the s42A Report to acknowledge that the RPS requires district councils to manage land use, referring to Chapter 8 Policy 2, Chapter 8, Methods 2 and 3, and Objective 2 of Chapter 3. They noted that these provisions reference Ngai Tahu's preference for discharges to land over water where practicable; and also provide direction to district councils to consult and include in district plan policies, rules, guidelines and other information to avoid,

[226] Right of Reply Section 3.2 paragraph (18) page 6.
[227] Evidence of Stephanie Styles, paragraphs 7.1 - 7.4

remedy or mitigate the adverse effects of land use activities and management practices on water quality. The highlighted the subject of the direction to consult was to avoid, remedy or mitigate adverse effects originating from land and freshwater use on cultural values associated with fresh and coastal water, including by identifying significant mahinga kai and other taonga areas.

870. To give effect to the RPS, the Reporting Officers recommended amending INF-O5 as follows:

> The adverse effects of infrastructure on the environment are, minimised including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water, while recognising:
>
> a) The functional needs and operational needs of infrastructure; and
>
> b) That positive effects of infrastructure may be realised locally, regionally, or nationally.

871. The Reporting Officers noted that this wording differed from that detailed in Ms Pull's Position Paper but considered their wording reflected the RPS, whilst maintaining the intent of the objective.

872. The Reply Report confirmed this position.

Hearing Panel's Evaluation

INF-01

873. The Panel accepts the reasoning set out in the s42A Report[228] to reject the Forest & Bird submission to specifying particular chapters in INF-O1. We accept the BDC submission to add '*current and future needs'* to the objective which aligns with s5 of the RMA.

INF-02

874. The Panel accepts the reasoning, as set out in the Reply Report,[229] to reject the GDC submission to deal with the alleged uncertainty as to the meaning of the word '*incompatible'* by deleting it from the objective. We agree with the evidence of Ms Styles on this matter generally and the revised position of the Reporting Officers and recommend the word '*incompatible*' is retained.

INF-03

875. The Panel accepts the reasoning set out in the s42A Report[230] to reject the GDC submission.

INF-04

876. The Panel agree with Forest & Bird and Mr Leckie that the language in the plan provisions needs to be consistent and that it must also give effect to the National Planning Standards.

[228] S42A Report paragraphs 371 -372, page 113.
[229] Right of Reply paragraph 18, page 6
[230] S42A Report paragraph 378, page 114

The inclusion of the word '*location*' in INF-O4 enables consideration of the effects of a proposal on location and enables consideration of any technical and operational needs of a proposal that may have constrained or limited locational options due to those needs.

877. The Panel accepts the reasoning set out in the s42A Report[231] not to include biodiversity in INF-O4 as sought by Forest & Bird. We consider this objective is specific to natural hazards and associated infrastructure provision.

878. The Panel recommend accepting in part the Forest & Bird submission as a result of the above.

INF-05

879. The Panel agree in this context, retention of the word '*minimise'* within the objective is appropriate because it recognises the importance of infrastructure and that it will not always be possible to '*avoid, remedy or mitigate'* the effects of infrastructure.

880. The Panel agrees with the recommendation to include the word '*needs*' as it gives effect to the National Planning Standards and assists in making the objective clear.

881. The Panel agree with the Reporting Officers' revised recommendation and associated reasoning to address the Poutini Ngāi Tahu submission on discharge of wastewater to land. We consider the Reporting Officers' recommended wording better reflects the focus of the RPS provisions than that of Ms Pull. For example, she uses the word "*requirements*," which lacks clarity. Also, we consider the use of the word "*requirements*" is at odds with the RPS language, which uses words such as "*preference*" and "*where practicable*".

Panel's Recommendation

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

INF – O1	To enable the safe, efficient and sustainable development, operation, maintenance and upgrading of ~~utilities and~~ infrastructure, to meet the **current and future** needs of the West Coast/Te Tai o Poutini. [232]
INF – O2	To protect ~~utilities and~~ [233]infrastructure from the adverse effects of incompatible subdivision, land use and development.
INF – O3	To ensure the efficient provision and use of infrastructure for communities by co-ordinating the provision of utilities with subdivision, use and development of land.

[231] S42A Report paragraph 382, page 114
[232] Buller District Council (S538.040), Radio NZ (FS141.015)
[233] Buller District Council (S538.040)

INF – O4	To consider natural hazard resilience and impacts of climate change in infrastructure **location,**[234] design and provision.

INF – O5	The adverse effects of infrastructure on the environment are minimised, **including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water,**[235] while recognising: a. The functional **need** and operational needs[236] of infrastructure; and b. That positive effects of the infrastructure may be realised locally, regionally, or nationally.

5.5. Infrastructure Policies as a whole

Submissions and Further Submission

883. There were four submission points[237] in support of the infrastructure policies collectively.

884. RNZ (S476.045) sought that the infrastructure policies be amended to better recognise:

a) The critical contribution that infrastructure and network utility operations (such as RNZ's facilities) make to the social, economic and cultural wellbeing of the district, as well as health and safety;

b) The technical and operational constraints that limit the geographic location in which network utilities in general, and RNZ's facilities in particular, cooperate, particularly in relation to land use, subdivision and development; and

c) The need to avoid reverse sensitivity effects on network utilities for the benefit of the community.

Section 42A Reports

885. The Reporting Officers did not recommend amendments based on the RNZ submission because they considered that INF-P1 recognises the importance of infrastructure, INF-P2 recognises technical and operational needs, and INF-P3 recognises reverse sensitivity.

Hearing Panel's Evaluation and Recommendation

886. The Panel accepts the Reporting Officers' analysis and reasons. We do not recommend any changes in response to submissions on the policies as a whole.

Submissions and Further Submissions

[234] Forest and Bird (S560.136)
[235] Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Ruinanga o Makaawhio (S620.091)
[236] Forest and Bird (S560.137), Radio NZ (FS141.017), KiwiRail (FS236.007)
[237] S558.472, S566.472, S567.052, S574.472

INF-P1

887. There were eight submission points[238] on INF-P1, of which five were in support.

888. RNZ (S476) sought that INF-P1 be amended as follows:

> …utilities and infrastructure, <u>in particular critical infrastructure.</u>

889. Forest & Bird (S560.138) sought that INF-P1 be amended as follows because the RPS did not require the provision of RSI in all cases, nor for infrastructure in general:

> Recognise ~~and provide for~~ the positive social, economic, cultural and environmental benefits from the development, continued operation, and upgrading of utilities network and infrastructure.

890. RNZ (FS141.014) opposed this submission as it considered the inclusion of '*provide for'* was important.

891. GDC (S608.506) sought to amend Policy INF-P1 to provide for the maintenance of utilities and infrastructure to give effect to Objective INF-O1.

INF-P2

892. There were ten submission points[239] on Policy INF-P2 of which three were in support.

893. RNZ (S476.018) seek INF-P2 be amended as follows:

> The positive effects of infrastructure, <u>in particular critical infrastructure</u>;

894. This amendment is requested to support RNZ's relief sought in relation to the definition of *'critical infrastructure'*. RNZ specifically considers that INF-P2 ought to address the importance of critical infrastructure.

895. Forest & Bird (S560.139) sought Policy INF-P2 be amended as follows:

> Manage the design and location of network utilities and infrastructure, ~~including when sited in overlays,~~ in a way that considers:
>
> a. … ;
>
> b. <u>Whether there are alternative locations or a functional need to locate within an Overlay area or any Significant Natural Area (being areas meeting criteria in Appendix 1 of the WCRPS, whether mapped in the Plan or not);</u>
>
> c. Resilience <u>of the natural environment and of the infrastructure</u> to natural hazards and climate change;
>
> d. …

[238] S190.078, S442.023, S450.028, S476.016, S519.011, S560.137, S608.505, S663.013, FS141.014
[239] S190.079, S442.025, S476.018, S560.139, S594.003, S602.035, S608.507, S612.009, S620.411, S663.015, FS141.018, FS141.019, FS149.098

e. The need to minimise avoid, remedy, or mitigate adverse effects on the environment in accordance with the Natural Environment and District Wide chapters of this Plan.

f. …

896. Forest & Bird considered that '*minimise*' (in clause (e) above) was insufficient to give effect s5 of the RMA, which required adverse effects to be avoided, remedied, and mitigated on the environment. RNZ (FS141) oppose the relief sought by Forest & Bird as they considered '*minimise*' to be a more appropriate term, as it recognised the importance of infrastructure and also that it will not always be possible to '*avoid, remedy or mitigate'* the effects of infrastructure.

897. The Director General (S602.035) seek that the schedules, SNA and the overlay chapter areas were referred to concerning adverse environmental effects.

898. Janie Cook (S594.003) sought deletion of Policy INF-P2 as they considered homeowners would lose the right to consume rain that falls on their property

899. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.015) sought deletion of clause (a) and replacement with '*operational need and functional need'* to reflect the National Planning Standards and the pTTPP definitions.

INF-P3

900. There were seven submission points[240] on Policy INF-P3, of which of which five were in support.

901. KiwiRail (S442.026) and RNZ (FS141.020) sought Policy INF-P3 be amended to provide for maintenance, repair, upgrading, removal and development of infrastructure because the current wording did not apply to all activities (i.e., rail activities) and it was limited to the operation (i.e., operation of the rail network). Kāinga Ora (FS58.033) opposed this submission as they considered that this would result in the requirement for subdivision, use and development to manage reverse sensitivity effects from planned or unplanned future infrastructure, rather than the infrastructure provider needing to assess the effects at the time of planning or development. They considered that this provision should only require the management of reverse sensitivity effects from the current operations.

902. RNZ (S476.019) and NZDF (FS31.008) sought that INF-P3 be amended to specifically reference '*critical infrastructure'* and strengthen the policy wording to replace '*manage*' with '*avoid*'. The submitters considered that it is important to provide more stringent wording, as reverse sensitivity can have a significant effect on infrastructure, which is difficult to address once the effect arises. Kāinga Ora (FS58.034) opposed this submission as it considers that the requirement to avoid reverse sensitivity effects from all subdivision, use and development was too onerous and went beyond what was required in the RPS.

INF-P4

[240] S190.080, S450.030, S476.019, S519.013, S608.508, S663.016, FS31.008, FS58.033, FS58.034, FS58.084, FS58.085, FS141.020

903. There were six submission points[241] on Policy INF-P4, of which four supported the policy.

904. BDC (S538.041) sought to amend Policy INF-P4 to ensure that subdivision and development were serviced to meet '*current and future'* needs and to include '*Water Service Entity*' as one of the listed parties with whom infrastructure could be vested.

905. Forest & Bird (S560) sought Policy INF-P4 be amended as follows:

> Ensure that subdivision and development ~~is~~ can be adequately serviced including:
>
> In site selection and design considerations, assessing the adverse effects of subdivision and development as well as adverse effects of services when determining whether the subdivision or development should occur in that location in the first place; and that adequate services includes:

906. Forest & Bird sought this amendment because they considered that before subdivision and development, there should be consideration of constraints, including where adverse effects on natural values could and should be avoided.

INF-P5

907. There were seven submission points[242] received on Policy INF-P5, of which five supported the policy as notified.

908. Poutini Ngāi Tahu (S620.093) sought Policy INF-P5 be amended to provide for onsite treatment, in addition to detention, as this aligned with Poutini Ngāi Tahu values and safeguards the community wellbeing.

INF-P6

909. There were six submission points[243] on Policy INF-P6, all in support of the policy as notified.

New Policy

910. Te Mana Ora (S190.077) sought an additional policy be included as follows:

> Minimise the risk of adverse effects by subdivision, development and activities on drinking water sources through a Drinking Water Source Protection Zone.

911. This new policy was sought in accordance with the NES-SHDW along with a Drinking Water Source Protection Zone which would ensure any drinking water supply was protected from potential adverse effects. The policy was supported by GDC (FS1.340) but not the overlay.

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INF- P1

[241] S190.081, S450.031, S538.041, S560.140, S612.010, S620.412, S663.017
[242] S190.082, S442.027, S450.032, S608.510, S612.011, S620.092, S620.093
[243] S190.083, S442.028, S476.020, S560.141, S608.511, S663.018

912. The Reporting Officers did not support Forest & Bird's requested amendments to Policy INF-P1 because they considered them inconsistent with the RPS. They considered that the issue of including critical infrastructure sought by RNZ had already been addressed in their s42A Report.

913. In terms of the GDC amendment to introduce '*maintenance*' into the policy the Reporting Officers supported the relief sought and recommend its inclusion.

INF-P2

914. The Reporting Officers did not support RNZ's submission to include critical infrastructure within the policy due to adopting the definition for RSI.

915. In respect of the Forest & Bird submission and the related submission of the Director General, the Reporting Officers did not support the amendment to provide for biodiversity within INF-P2, noting that the district-wide ECO Chapter applied to all activities. Further, they noted the Infrastructure Chapter Overview provided guidance regarding other chapters to be read, and therefore it would be a duplication to include it under specific standards.

916. The Reporting Officers also considered '*manage*' more appropriate than '*minimise*' and '*avoid, remedy or mitigate*' becasue this provided greater certainty, was consistent with the approach taken throughout pTTPP, and aligned with the RPS.

917. In response to Janie Cook's submission, the Reporting Officers considered that the policy did not specifically limit the ability for landowners to have onsite rainwater tanks, so they recommended rejecting the submission.

918. In response to the submission from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd the Reporting Officers supported this submission to make amendments that would ensure consistency of language with definitions and the Energy Chapter, which will improve the Plan's effectiveness and efficiency.

INF-P3

919. The Reporting Officers did not support KiwiRail and RNZ and agreed with Kāinga Ora because the relief sought was inconsistent with the RPS (specifically Policy 4.5 and 4.8).

920. In relation to the amendments sought by RNZ and NZDF, the Reporting Officers did not support the changes proposed. They agreed with Kāinga Ora that '*manage*' provided appropriate policy direction because the RPS required protection, not avoidance, which was overly restrictive.

921. The Reporting Officers did not support the inclusion of '*critical infrastructure'* as sought by RNZ as the definition of infrastructure already encompasses critical infrastructure. They considered it was unnecessary to provide further wording within the policy to include this. They also noted that temporary military activities are provided for in the TEMP Chapter and considered it more appropriate that defence facilities continue to be managed in accordance with each zone's provisions.

922. The Reporting Officers recommended no amendments to the notified version of INF-P3.

INF-P4

923. The Reporting Officers supported BDC's request to include '*current and future'* needs because this was consistent with RPS Chapter 6, Policy 1. However, they considered it was not appropriate to include reference to '*Water Service Entity'* because it did not align with the policy wording (which did not refer to specific providers) and this entity did not currently exist.

924. The Reporting Officers did not support Forest & Bird's amendment because they considered the Subdivision Chapter policies SUB-P1 and SUB-P2 already addressed these matters, and the relief would result in unnecessary duplication of policy direction.

INF-P5

925. The Reporting Officers recommend retaining INF-P5 as notified. They did not support the Poutini Ngāi Tahu submission considering the current wording of INF-P5 already allowed for onsite treatment and detention and in their opinion no change was required.

INF-P6

926. The Reporting Officers recommended retaining INF-P6 as notified.

New Policy

927. The Reporting Officers did not support adding a new policy because they considered they did not have sufficient information, technical evidence or a section 32 evaluation to support the relief sought. Furthermore, they believed that the INF policies support the provision of safe drinking water. They left the matter open for Te Mana Ora to provide further information through evidence to support the relief sought.

Hearing and Submitter Evidence/Statements, including EWC

INF-P1

928. None of the submitters on INF-P1 presented evidence or appeared at hearings.

INF-P2

929. Ms Grinlinton-Hancock, for KiwiRail, opposed the Reporting Officers' recommendation to amend clause (a) to replace "*locational, technical and operational constraints*" with "*operational need and functional need*", relying on the reasons provided by Ms Heppelthwaite's evidence[244] for the Introduction and General Provisions and Strategic Direction hearing. Essentially, Ms Grinlinton-Hancock supported a more nuanced approach to operational and functional need and further considered these tests were more appropriately located in Part 2 Natural Environmental Values.

[244] Statement of Evidence of Catherine Heppelthwaite 2 October 2023 at 9.24 – 9.27

930. Ms Snoyink, for Forest & Bird, outlined preference and reasons for utilising '*avoid, remedy, and mitigate*' rather than using the word '*minimise*' within provisions such as clause (f) of INF-P2. She considered the interrelationship between the chapters and did not consider it was appropriate to rely on chapter overviews to provide guidance regarding what other chapters were to be read and considered when a proposal was being assessed. Forest & Bird sought to amend clause (b) to explicitly provide for that linkage.

931. Ms Inta supported retention of '*minimise*' in this policy because she considered it provided better protection than '*manage*' and wanted to see it retained.

932. Mr Horne, for the Telecommunication companies, noted the Reporting Officers supported their submissions on INF-P2.

INF-P3

933. Ms Grinlinton-Hancock disagreed with the Reporting Officers' position that KiwiRail's submission was inconsistent with RPS and noted RPS Chapter 6 Policies 4 and 8 were relevant. She suggested the RPS policy direction supported accepting the submission.

INF-P4

934. No submitter evidence was received on INF-P4.

INF-P5

935. Ms Pull agreed that if all development must comply with policies INF-P4 and INF-P5, stormwater treatment was covered in INF-P4. However, she sought clarification within INF-P5 regarding the required acceptable level of flooding risk and considered both policies should be amended to reference the treatment of stormwater.

INF-P6

936. No submitter evidence was received on INF-P6.

New Policy

937. No submitter evidence was received on the requested new policy.

Reporting Officers' Reply Evidence and Position Statement

INF-P1

938. INF-P1 was not addressed further in the Reply. The s42A recommendation remained unchanged.

INF-P2

939. In responding to evidence presented and discussion at the hearing regarding consistency with other Reporting Officers, the Reporting Officers, recommend that '*minimise*' in clause (f) be replaced with '*avoid, remedy, mitigate*' and that the Forest & Bird submission be accepted.

Furthermore, they considered that the range of potential adverse effects on the environment was very wide, and the wider action reflected this scope. However, the Panel notes this recommended change was not shown in Appendix 1 of the Reply.

940. The Reporting Officers also included the word "*all*' immediately before "*overlays*" in the Reply version of the amended Plan provisions to clarify that INF-P2 applied to all overlay chapters.

INF-P3

941. The Reply indicated that the Reporting Officers considered '*manage*' to be appropriate in INF-P3 as this was consistent with their recommendation for ENG-P3.

INF-P4

942. INF-P4 did not receive further consideration in Reply.

INF-P5

943. The Reports Officers did not alter their s42A Report recommendation to retain INF-P5 as notified. In Reply, they noted that no submissions have been received seeking to change '*minimise*' in this policy and as such considered there was no scope to recommend changes.

INF-P6

944. The Report Officers did not alter their s42A Report recommendation to retain INF-P6 as notified.

New Policy

945. The Reply did not address the inclusion of a new policy further.

Hearing Panel's Evaluation

946. In terms of the broader RNZ submission, the Panel agrees with the Reporting Officers that INF-P1, INF-P2 and INF-P3, collectively, sufficiently address the matters raised by RNZ. We agree and do not recommend any specific amendments in response to this submission.

INF-P1

947. The Panel have considered the deletion of '*provide for*' as sought by Forest and Bird. While we accept that '*provide for*' is utilised in the WCRPS specifically for energy supply (which is given effect to in the Energy Chapter), we agree that the WCRPS does not require the provision of Regionally Significant Infrastructure in all cases. In this context we note that Method 2 under Chapter 6 of the WCRPS refers to "*Through regional and district plan rules … recognise the positive benefits of RSI*". We therefore consider in relation to the Infrastructure Chapter '*provide for*' in INF-P1 should be removed.

948. We agree with the Reporting Officers reasoning and subsequent recommendations in relation to INF-P1 and recommend including '*maintenance*', as sought by GDC.

INF-P2

949. The Panel accept the recommendation to include '*all*' before reference to the overlays to clarify all overlays apply and consider this is an appropriate RMA Schedule 1, clause 16 in response to our questions that will improve clarity. While we agree with the Reporting Officers' reasons for rejecting both the Forest & Bird and Director General submission points and for explicitly including within the policy a reference to overlay areas and significant natural areas, the Panel notes that this change may in part address the concerns of Forest and Bird in relation to the overlays.

950. The Panel consider the amendment to clause (a) is appropriate and prefer '*operational need and functional needs*' over the notified '*locational, technical and operational constraints'* given the former terms are defined in the Plan. We also note that '*location*' is already covered in the opening paragraph. We consider the word '*technical*' is ambiguous and unclear and is encompassed by '*operational need and functional need*'. The Panel notes that alignment with the National Planning Standards also supports the recommended amendments and we do not consider a more nuanced approach, as sought by Ms Grinlinton-Hancock, is needed. We therefore agree with the Reporting Officers reasons within the s42A Report for accepting the telecommunications companies' submission to amend clause (a).

951. In terms of clause (f), the Panel agree with the revised recommendation of the Reporting Officers to replace '*minimise*' with '*avoid, remedy or mitigate*' to ensure consistency across the Plan. We consider this change addresses the concerns of Forest & Bird.

952. The Panel accepts the Reporting Officers' recommendation to reject Janie Cook's submission point for the reasons provided in the s42A Report.

INF-P3

953. The Panel considers INF-P3, as notified, assumes the utility or infrastructure is in place and that it is the potential reverse sensitivity effects from new subdivision, use and development that must be managed. Based on this intent, we agree with the Reporting Officers and Kainga Ora that the policy covers existing infrastructure, not new or proposed. We also agree that the word '*manage*' is preferred over '*avoid*' because avoid means not allowing, which excludes the ability to assess measures to manage potential reverse sensitivity effect. We consider that the assessment aspect of the policy is important and needs to be retained. We therefore recommend no changes to INF-P3.

INF-P4

954. The Panel agree the Reporting Officers' recommendation to accept in part the BDC submission and reject the submission of Forest & Bird, for the reasons set out in the s42A Report. We recommend deleting the words '*network utility*' from clause (i) in response to BDC's request.

INF-P5

955. The Panel accept the Reporting Officers' recommendation to retain INF-P5 as notified, for the reasons set out in s42A Report. We have considered Ms Pull's evidence but do not find the reasons outlined for amending the policy compelling. We consider that when an application

for resource consent is processed, both policies will need to be considered. Therefore, we consider stormwater treatment is provided for in both INF-P4 and INF-P5.

INF-P6

956. The Panel recommends the wording of this policy is retained as notified, except for recommending deleting the words '*network utilities*', sought by BDC.

New Policy

957. The Panel agree with the Reporting Officers' recommendation not to include a new policy, for the reasons set out in the s42A Report.

Hearing Panel's Recommendation

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

INF – P1	Recognise ~~and provide for~~[245] the positive social, economic, cultural and environmental benefits from the development, continued operation, **maintenance,**[246] and upgrading of ~~utilities and~~[247] infrastructure.
INF – P2	Manage the design and location of ~~utilities and~~ [248]infrastructure, including when sited in **all**[249] overlays in a way which considers: a. ~~Locational, technical and operational constraints~~ **Operational need and functional need**;[250] b. Resilience to natural hazards and climate change; c. Poutini Ngāi Tahu requirements for discharge of wastewater to land; d. Benefits of co-location of infrastructure; e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and f. The need to ~~minimise~~ **avoid, remedy and mitigate**[251] adverse effects on the environment.
INF – P3	Manage reverse sensitivity effects from subdivision, use and development, on ~~utilities and~~ [252]infrastructure to ensure their safe, secure and efficient operation.
INF – P4	Ensure that subdivision and development, is adequately serviced **to meet the current and future needs**[253] including:

[245] Forest and Bird (S560.138)
[246] Grey District Council, S608.505
[247] Buller District Council (S538.040)
[248] Buller District Council (S538.040)
[249] RMA First Schedule Clause 16
[250] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd, S663.015
[251] Forest and Bird (S560.139)
[252] Buller District Council (S538.040)
[253] Buller District Council (S538.041)

	a. Safe and efficient vehicle access; b. Drinking water compliant with Safe Drinking Water Standards; c. Adequate water supply for firefighting; d. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk; e. Treatment and safe disposal of wastewater with a preference for land-based treatment; f. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including consideration of off-grid supply / wireless /satellite; g. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; h. Where new infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakainga developments, that an ongoing hapū entity may be responsible for maintenance; and i. Financial contributions are provided where additional or upgraded ~~network utility~~[254] infrastructure is required to service development.
INF – P5	Minimise the effect of stormwater run-off associated with development activity, including requirements for onsite detention, upgrades to pump networks and roadside drainage networks where necessary, to reduce flooding risk to roads and property.
INF – P6	Provide flexibility for ~~network utilities~~ **<u>infrastructure</u>** to adopt new technologies that:[255] a. Improve access to, and efficient use of, networks and services; b. Allow for the re-use of redundant services and structures where they are safe and operating to required standards; c. Increase resilience, safety or reliability of networks and services; d. Result in environmental benefits and enhancements; e. Promote environmentally sustainable outcomes including green; or infrastructure and the increased utilisation of renewable resources.

5.6. INFRASTRUCTURE RULES

<u>Submissions and Further submissions</u>

All Standards and Notes to the Rules

[254] Buller District Council S538.041
[255] Buller District Council S538.041

959. Forest and Bird (supported by Poutini Ngāi Tahu)[256] sought to ensure that it was clear that the requirements of the Infrastructure Chapter, as well as other identified chapter plan provisions, needed to be complied with. Forest and Bird also sought that each of the restricted discretionary activities include an additional matter of discretion relating to the adverse effects on natural values.

960. BDC (S538.053) sought a different format for the performance standards without providing details.

961. Paul Finlay (S408.002) (supported by NZEL (FS127.046) sought that the performance standards provide for monitoring buildings and equipment to detect the movement of the plates and the Alpine Fault.

962. Forest & Bird (S560.134) sought that Advice Notes (2), (3) and (4) be amended to clarify the matters covered by the Infrastructure Chapter and those in other chapters.

963. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.019) sought that Advice Note (2) be amended to reflect that the NESTF does not regulate all new poles and antennas.

Permitted Activities

INF-R1

964. There were eight submission points[257] on Rule INF-R1, mostly in support.

965. BDC (S538.053) sought that the heading of Rule INF-R1 be amended to '*Infrastructure ~~Permitted~~ Activity Performance Standards'*.

INF-R2

966. Eight submission points[258] supported INF-R2 as notified.

967. Forest & Bird (S560.142) sought that INF-R2 be amended to a controlled activity to allow the Council to assess capacity.

968. Poutini Ngāi Tahu (S620.094) sought the addition of an advice note directed at controlling the volume of waterborne contaminants, litter, and sediments.

969. GDC (S608.512) sought clarification of what buildings are required to connect to reticulated services and proposed the inclusion of '*or structure in which human wastewater is generated*'

INF-R3

[256] S560.143, S560.144, S560.145, S560.146, S560.147, S560.148, S560.149, S560.150, S560.151, S560.152, S560.153, S560.154, S560.155, S560.156,S560.157, S560.158, S560.159, S560.160, S560.161, S560.162, S560.162, S560.163, S560.164,7 FS41.42, FS41.043, FS41.044, FS41.045, FS41.046, FS41.047, FS41.048, FS41.049, FS41.109, FS41.110, FS41.111, FS41.112, FS41.114, FS41.115, FS41.116, FS41.117, FS41.118, FS41.119, FS41.120

[257] S109.001, S190.085, S476.021, S538.042, S558.483, S566.483, S567.053, S574.483

[258] S190.086, S450.033, S538.043, S558.494, S566.494, S567.054, S574.494, & S612.012

970. Five submission points[259] supported Rule INF-R3 as notified.

971. BDC (S538.044) sought deletion of Rule INF-R3 because it was not relevant to the region. The Panel notes that this submission does not appear to have been covered in the s42A Report because it was assessed as a submission in support.

INF-R4

972. There were eight submission points[260] in support of INF-R4 as notified.

973. BDC (S538.045) sought INF-R4 be amended by deleting references to *'Activities'* and *'activity'* to provide consistency with the rule framework.

974. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.021) sought an additional clause to provide an increased period of 12 months for construction/re-construction activity.

INF-R5

975. Te Mana Ora (S190.089) supported Rule INF-R5 as notified.

976. WCRC (S488.008) (supported by NZEL (FS127.048)) sought that INF-R5 be amended to increase the height from 4m to 10m because 4m was unreasonable given the current provision of 30m in the Rural Zone and the minimal environmental effects of hydrology monitoring structures and aerials in remote locations.

977. BDC (S538.046) sought to incorporate the words '*environmental monitoring equipment*' into INF-R6 (meteorological facilities). BDC considered the reference to '*extreme weather event monitoring'* was unnecessary as it was captured within '*environmental monitoring'*.

INF-R6

978. There were five submission points[261] supporting Rule INF-R6 as notified.

979. BDC (S538.047) sought that INF-R6 be amended to give effect to the relief sought concerning INF-R5 as follows:

> Navigational aids/beacons, environmental monitoring equipment and Meteorological Facilities Activity Status Permitted ~~Where:~~
>
> ~~(1) These are located in a RURZ Zone or INZ – Industrial Zone~~.

INF-R7

980. There were seven submission points[262] supporting Rule INF-R7 as notified.

[259] S190.087, S558.505, S566.505, S567.055, S574.505
[260] S190.088, S442.029, S476.022, S558.516, S566.516, S567.056, S574.516, S608.513
[261] S190.090, S558.527, S566.527, S567.057, S574.527
[262] S190.091, S476.022, S558.538, S566.538, S567.058, S574.538, S663.022

981. KiwiRail (S442.030) sought to amend INF-R7 to ensure it applied to *'rail infrastructure'*, as it considered it was essential to capture rail activities within the permitted activity rule.

982. BDC (S538.048) sought to amend the heading of INF-R7 to '*Operation, maintenance, repairs and extension of existing network utilities'*.

983. GDC (S608.515) sought that INF-R7 be amended to exclude standard (5) from standard (7) to provide clarity.

INF-R8

984. There were six submission points[263] in support of Rule INF-R8 as notified.

985. BDC (S538.049) sought to remove the advice note relating to connections involving a heritage item and insert a new reference in the Energy Chapter that directs plan users to Rule INF-R8 when considering customer connections for electricity service.

INF-R9

986. There were six submission points[264] in support of Rule INF-R9 as notified.

987. BDC (S538.050) sought that INF-R9 be deleted and inserted into the Energy Chapter because it encompassed the electricity lines and telecommunication poles or towers. BDC suggested moving the electricity component to the Energy Chapter and removing the reference to telecommunications.

988. Frida Inta (S553.043) sought that INF-R9 be changed to a discretionary activity becasue it would allow a cell phone tower to be built without resource consent.

INF-R10

989. There were seven submission points[265] and one further submitter who supported Rule INF-R10 as notified.

INF-R11

990. There were nine submission points[266] received on Rule INF-R11. Several submitters supported INF-R11 as notified.

991. The Telecommunication Companies (S663.027) sought to include an additional standard to align with the NESTF as follows:

> the volume (including any ancillary equipment) but not including any cabling) is not more than 0.11m^3.

[263] S190.092, S558.549, S566.549, S567.059, S574.549, S663.024
[264] S190.093, S558.560, S566.560, S567.060, S574.560, S663.025
[265] S190.094, S558.571, S566.571, S567.061, S574.571, S663.026, S663.028, FS98.001
[266] S190.095, S558.582, S566.582, S567.062, S574.582

INF-R12

992. Te Mana Ora (S190.096) supported Rule INF-R12 as notified.

993. Several submitters (S558.593, S566.593, S567.063 & S574.593) sought that INF-R12 be amended to be more enabling and provide clarity.

994. The Telecommunication Companies (S663.029) sought that the heading of INF-R12 be amended to cover equipment that did not meet the permitted standards of the NESTF, as follows:

> New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NESTF, or regulated equipment not meeting the permitted standards of the NESTF.

995. The Telecommunication Companies also sought a 20m height limit for CMUZ – Commercial and Mixed-Use Zone (other than the NCZ – Neighbourhood Centre Zone) and a 25m height limit for the INZ – Industrial Zone to provide more consistency with the standards in other district plans and to better reflect the ability of these zones to absorb the effects of infrastructure.

Controlled Activities

INF-R13

996. There were seven submission points[267] in support of Rule INF-R13 as notified.

997. GDC (S608.518) sought to delete clause (4) from INF-R13 or include a separate clause because it referred to the requirements for dish antennae in zoned land and Rule INF-R13 was specifically for road reserve.

INF-R14

998. There were six submission points[268] supporting Rule INF-R14 as notified.

999. GDC (S608.519) sought that INF-R14 specify the requirements for the width of the panel antenna in the RESZ and SETZ if the limit was not 0.8m, so as to provide clarity on the width of the panel in these two zones. GDC noted the rule limited panel antennas to 0.8m in width, excluding those in the RESZ and SETZ.

Restricted Discretionary Activities

INF-R15

1000. There were seven submission points[269] supporting Rule INF-R15 as notified.

[267] S190.097, S538.054, S558.604, S566.604, S567.064, S574.604, S663.030
[268] S190.098, S538.055, S558.615, S566.615, S567.065, S663.031
[269] S190.099, S538.056, S558.626, S566.626, S567.066, S574.626, S663.032

INF-R16

1001. There were six submission points[270] supporting Rule INF-R16 as notified.

1002. BDC (S538.057) sought significant amendments to INF-R16 to include provisions relating to onsite stormwater management, wastewater, and water services.

INF-R17

1003. Te Mana Ora (S190.101) supported Rule INF-R17 as notified.

1004. BDC (S538.058) sought deletion of Rule INF-R17 because it was irrelevant to the region.

INF-R18

1005. Te Mana Ora (S190.102) supported INF-R18 as notified.

1006. BDC (S538.059) sought the deletion of INF-R18, seeking navigational aids and beacons to be permitted activities.

INF-R19 and INF-R20

1007. Te Mana Ora (S190.103 & S190.104) supported Rule INF R19 and Rule INF-R20 as notified, and Toka Tū Ake EQC (S612.014) supported INF-R19 as notified.

1008. BDC (S538.060 & S538.061) sought the deletion of INF-R19 and INF-R20 because environmental, extreme weather event monitoring and meteorological facilities should be provided for as permitted activities.

INF-R21

1009. There were three submission points[271] in support of Rule INF-R21 as notified.

INF-R22

1010. There were seven submission points[272] in support of Rule INF-R22 as notified.

INF-R23

1011. There were seven submission points[273] in support of Rule INF-R23 as notified.

Discretionary Activities

INF-R24

[270] S190.100, S558.637, S566.637, S567.067, S574.637, S612.013
[271] S190.105, S612.015, S620.095,
[272] S190.106, S538.062, S558.648, S566.648, S567.068, S574.648, S663.033
[273] S190.107, S538.063, S558.659, S566.659, S567.069, S574.659, S663.034

1012. There were six submission points[274] in support of Rule INF-R24 as notified.

INF-R25

1013. There were seven submission points[275] in support of Rule INF-R25 as notified.

INF-R26

1014. There were eight submission points[276] in support of Rule INF-R26 as notified.

1015. KiwiRail (S442.031) sought that INF-R26 be amended to provide for '*rail infrastructure'*.

1016. GDC (S608.523) sought that INF-R26 be amended to remove reference to *'minor'* as there is no other allowance for upgrading these structures.

INF-R27

1017. There were eight submission points[277] in support of Rule INF-R27 as notified.

Non-Complying Activities

INF-R28

1018. There were eight submission points[278] in support of Rule INF-R28 as notified.

New Rules/Standards

1019. GDC (S608.624) sought the insertion of a new permitted activity rule as follows:

> INF-R13 New lighthouses, navigational aids and beacons Activity Status Permitted
>
> Where:
>
> (1) This meets the performance standards in Rule INF-R1. Activity status where compliance not achieved: Restricted Discretionary.

1020. Branch 49 (Westland) of the New Zealand Association of Radio Transmitters Inc. (S109.001) noted that Rule INF-R1(2) states that Radio Frequency Fields shall not exceed the maximum exposure level of the general public in New Zealand Standard NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels - 3kHz to 300 GHz. They pointed out that that the Amateur General User Radio Licence lists permitted frequencies up to 1000 GHz; and therefore, questioned whether INF-R1(2) should be amended. They suggested a new section specifically for Amateur Radio Communications as a permitted activity as follows:

> Amateur Radio Communications.

[274] S190.108, S558.670, S560.165, S566.670, S567.070, S574.670
[275] S190.109, S538.064, S558.681, S560.166, S566.681, S567.071, S574.681
[276] S190.110, S476.024, S538.065, S558.692, S560.167, S566.692, S567.072, S574.692
[277] S190.111, S476.025, S538.066, S558.703, S560.168, S566.703, S567.073, S574.703
[278] S190.112, S476.026, S538.067, S558.714, S560.169, S566.714, S567.074, S574.714

(1) Amateur Radio Communication means that communication permitted by the General User Licence (Radio) (ZZ) for Amateur Radio Operators – issued Pursuant to Regulation 9 of the Radiocommunications Regulations 2001 ("Regulations") made under section 116(1)(b) of the Radiocommunications Act 1989 for the transmission of radio waves by amateur radio operators in New Zealand, for the purpose of communications in the amateur radio service in accordance with the applicable terms, conditions and restrictions of such licence. Operators must have: [1] a current General Amateur Operator's Certificate of Competency (GAOC), and [2] a callsign.

(2) The following equipment shall be permitted under Amateur Radio Communications:

a. A single tower with a maximum height of 25 metres.

b. Four supplementary poles each having a maximum height of 15 metres, or including an antenna or lightning spike, 20 metres

c. A transmission building (including ancillary buildings) with a maximum area of 250 square metres. This shall apply in cases where transmission equipment is not located in an existing building, such a house or shed/garage.

(3) The following equipment attached to or erected on the existing tower and buildings or at the site on a permanent basis (in addition to the masts referred to above:

a. Radio communication antennas including whip, grid, yagi, dipoles and panels or similar, and ancillary equipment, but no single dish or panel antenna shall have a solid frontal surface area greater than 7 square metres or 2.5 metres in diameter in the case of dish antenna unless otherwise coming within the abovementioned sections and/or Regulations.

(4) Any beacon or repeater established per the abovementioned Regulations shall be allowed.

a. Where such repeater or beacon is permanently established and colocated in the premises of another qualifying operator/service (such as Kiwirail, Chorus, Department of Conservation etc) it shall meet any necessary conditions as agreed with that operator/service - such as not creating any unwanted interference with the operation of the transmission equipment of the other operator/service.

(5) Temporary or emergency operation of radio transmission equipment and antenna systems shall be permitted for a period of 7 days without notification – so long as no undue interference is created. Periods of operation longer than 7 days should be notified to the Regional/District Council concerned, with the reason for the temporary/emergency operation provided an indication of timeframe the communication is needed.

a. With respect to any temporary or emergency operation of amateur radio equipment, the amateur radio operator(s) involved shall comply with any lawful direction from any officer if the Regional/District Council and/or Police or Civil Defence Officer.

1021. Poutini Ngāi Tahu (S620.096) sought a new rule for systems that discharge wastewater to water as a non-complying activity.

1022. Frank and Jo Dooley (S478.092) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.020) sought a new rule to allow underground lines and backup electricity generators as a permitted activity.

1023. Transpower (S299.051) and Forest & Bird (FS34.031) sought a new standard/rule to capture any energy activities not explicitly provided for within the Plan.

Section 42A Reports

1024. The Reporting Officers opened with a planning summary statement noting that they had recommended relatively minor changes to the Plan provisions to improve clarity, efficiency, and effectiveness. They noted the outstanding matters related to the amendment of Rule INF-05, including Poutini Ngai Tahu requirements for wastewater discharge to land and Rule INF-R2, which covered reticulated connections, particularly the certification that capacity was available.

New Standards for Permitted and Restricted Discretionary Activities

1025. The Reporting Officers rejected the Forest and Bird request (supported by Poutini Ngāi Tahu) that permitted and restricted discretionary activities include new standards, including an additional matter of discretion to allow for consideration of natural values, and requiring other provisions in other chapters, including the values of zone overlays and district-wide chapters to be met. They noted the pTTPP was intended to be read in its entirety, and other chapters and provisions would be assessed. They also considered the overview already provided guidance that other chapters must be read and considered, so, adding further provisions would be, in their view, unnecessary duplication. The Reporting Officers considered Advice Notes (2), (3), and (4) did not need to be amended as they were clear and address the relevant matters covered by the infrastructure chapter.

1026. The Reporting Officers were open to the submission to include monitoring equipment for movement of the Alpine fault. However, they noted that they had insufficient technical evidence and no section 32 evaluation to support the relief sought.

1027. The Reporting Officers recommended accepting the relief sought by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd to amend Advice Note (2) because it was consistent with the NESTF. The Addendum Report addressed Mr Horne's pre-circulated evidence and recommended amendments to Advice Note (2) to accommodate the relief sought.

1028. The Reporting Officers considered that Advice Notes (2), (3) and (4) were clear and appropriately addressed matters relevant to the Infrastructure Chapter; and therefore, recommended rejecting Forest & Birds submission.

INF-R1

1029. The Reporting Officers recommended accepting BDC's requested amendment to the rule heading, agreeing that the inclusion of '*Permitted*' was unnecessary and would be consistent with the recommendation made for equivalent Rule ENG-R1.

INF-R2

1030. The Reporting Officers recommended rejection in part of the Forest & Bird submission because they considered providing for the activity as a controlled activity created an unnecessary burden and cost to applicants seeking a consent that could not be declined based on capacity. They recommended an amendment to INF-R2 to enable connections as a permitted activity where certification was provided from the relevant Council that capacity was available. They also recommended that additional matters of discretion be added to INF-R16 to address the appropriate scale of activities.

1031. The Reporting Officers did not support the relief sought by Poutini Ngāi Tahu because they considered this issue a regional council function related to water quality.

1032. Regarding GDC's submission, the Reporting Officers accepted that the current wording of INF-R2 was unclear and recommended amendments to include '*certification*'.

INF-R3

1033. The Reporting Officers recommend retaining Rule INF-R3 as notified.

INF-R4

1034. The Reporting Officers did not support the BDC submission because they considered the inclusion of '*activity*' was needed to ensure Rule INF-R4 read correctly, and its retention was consistent with the Temporary Activities Chapter.

1035. The Reporting Officers did not support the relief sought by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd because it was part of construction or reconstruction and the Energy Chapter and INF-R7 would apply addressing the concern. They considered this amendment would result in unnecessary duplication.

INF-R5 and INF-R6

1036. The Reporting Officers did not agree with increasing height as sought by WCRC considering that within an area of 25m^2 it could result in structures of a significant scale, and there was no evidence to support such an amendment.

1037. The Reporting Officers accepted BDC's request to combine INF-R5 and INF-R6 because this was consistent with the Energy Chapter. They noted the resulted in a consequential amendment to Rule INF-R18 and Rule INF-R20.

1038. The Addendum Report responded to submitter evidence with the Reporting Officers agreeing to delete INF-R19 and make consequential amendments to Rule INF-R6. They noted that this was consistent with the recommendation made in relation to Rule ENG-R10.

INF-R7

1039. The Reporting Officers did not support KiwiRail's requested relief because rail infrastructure was appropriately provided for within the Transport Chapter.

1040. The Reporting Officers supported the relief sought by BDC to amendment the heading of INF-R7 on the basis that it simplified it for ease of reference. They noted that based on this, they had recommended consequential amendments throughout the Energy Chapter to ensure consistency in the pTTPP.

1041. The Reporting Officers rejected GDC's request to excluded standard (5) from standard (7) because they considered this would result in a gap in the standard.

INF-R8

1042. The Reporting Officers agreed with the BDC submission but recommended that the rule be removed and inserted into the Energy Chapter to remove the duplication with Rule INF-R2.

INF-R9

1043. The Reporting Officers rejected BDC's request to delete INF-R9 and insert it in the Energy Chapter. They considered the current wording was clearly limited to telecommunications and it was necessary to retain this to ensure the telecommunication component could be reinforced.

1044. The Reporting Officers did not support Frida Inta's request to alter the rule status to discretionary, as they considered Rule INF-R9 was consistent with the General Residential Zone and Industrial Zone outcomes defaulting to discretionary.

INF-R10

1045. The s42A Report recommended retaining Rule INF-R10 as notified.

INF-R11

1046. The Reporting Officers supported the Telecommunication Companies' request to amend and align Rule INF-R11 with the NESTF.

INF-R12

1047. The Reporting Officers did not support the submissions that sought amendments to INF-R12 to make it more enabling because no specific relief was provided.

1048. The Reporting Officers supported the Telecommunication Companies' request to increase the height limit of poles and antenna to 20m in the Commercial and Mixed-Use Zone (CMUZ) because this was consistent with the relevant zone chapters in the pTTPP. However, they did not support increasing the height limit to 25m in the Industrial Zone because this was inconsistent with Rule GIZ-R1.

INF-R13

1049. The Reporting Officers recommended rejecting the GDC's request to delete clause (4) or to include a separate clause because it referred to the requirements for dish antennae in zone. They noted Rule INF-R13 was specifically for road reserve and INF-R14 applies to zoned land, so they considered the Plan already addressed the issue.

INF-R14

1050. The Reporting Officers did not support the relief sought by GDC relating to clarifying the width of panel antenna in a RESZ or SETZ zone due to a lack of technical evidence on the need for such a change. They recommended retaining Rule INF-R14 as notified.

INF-R15

1051. The Reporting Officers recommended retaining Rule INF-R15 as notified.

INF-R16

1052. The Reporting Officers did not support the relief sought by BDC. They considered the amendment requested would completely change the intent of the rule, as notified, which addressed connections to reticulated services.

INF-R17

1053. The Reporting Officers did not support the deletion of Rule INF-R17, as sought by BDC, because was linked to INF-R3 and it could provide a gap in future if deleted.

INF-R18, INF-R19 and INF-R20

1054. Given the recommended amendments to INF-R5 and INF-R6, the Reporting Officers recommended the deletion of Rule INF-R18 and Rule INF-R20 and the amendment of Rule INF-R19. However, the Panel notes that Attachment 1 to the s42A Report retained INF-R18 as notified, with no amendments, but deleted INF-R20 and amended INF-R19. This is discussed further below.

1055. In relation to Rule INF-R19, the Addendum Report noted that both WCRC and BDC considered Rule INF-R19 should be deleted as a consequence of other recommended changes because if no permitted conditions were breached there was no basis for a restricted discretionary rule. The Reporting Officers agreed and supported deleting Rule INF-R19 but considered consequential amendments were required to Rule INF-R6 to be consistent with Rule ENG-R10. They therefore recommended adding new clauses to Rule INF-R6 to require compliance with height limits for structures or buildings in the relevant zone provisions. They noted this rule could change following the zone hearings.

INF-R21, INF-R22, INF-R23, INF-R24 and INF-R25

1056. The Reporting Officers recommend retaining rules INF-R21, INF-R22, INF-R23 INF-R24 and INF-R25 as notified.

INF-R26

1057. The Reporting Officers did not support the relief sought by KiwiRail because they considered rail infrastructure was appropriately provided for in the Transport Chapter. They did support the GDC amendment to remove '*minor*' in the heading because they considered it provided clarity and removed unnecessary wording.

INF-R27 and INF-R28

1058. The Reporting Officers recommended retaining rules INF-R27 and INF-R28 as notified.

New Rules

1059. Transpower (S299.051) and Forest and Bird (FS34.031) sought a new rule to capture any energy activities not specifically provided for within the Plan at a discretionary status. The Reporting Officers recognised that the notified Plan lacked such a catch-all rule and

recommended that the submissions were accepted. They recommended that the same rule be included in the Infrastructure and Transportation Chapters but at a non-complying status.

1060. The Reporting Officers did not support GDC's request for a new rule for new lighthouses, navigation aids and beacons because they considered these were already provided for within rules INF-R6 and INF-R19.

1061. The Reporting Officers accepted Branch 49 (Westland) of the New Zealand Association of Radio Transmitters Inc. request to include a new permitted activity rule for Amateur Radio Communications; however, this was not included in the amendments to the provisions.

1062. The Reporting Officers did not support Poutini Ngāi Tahu's request for a new rule for systems that discharge wastewater to water because they considered this was regional council function.

1063. The Reporting Officers did not support the submissions by Frank and Jo Dooley and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd, which sought a new rule to allow underground lines and backup electricity generators as a permitted activity because they considered Temporary Activity and Energy Chapter rules provided for underground lines and backup electricity generators.

Hearing and Submitter Evidence/Statements, including EWC

1064. Mr Horne, for the Telecommunication Companies, noted the s42A Report had not correctly set out the change in the Plan provisions, within Appendix 1, after recommending acceptance of their submission. He provided further wording to give effect to the relief sought. He disagreed with the Reporting Officers' response to the requested amendment to INF-R4 that rules INF-R7 or TEMP-R2 would provide relief. He highlighted the evidence of Mr McCarrison, Mr Kantor and Mr Clune detailing how temporary telecommunications facilities work and providing examples at Norsewood and Queenstown. He noted that they explain why INF-R2, INF-R4, INF-R4 and TEMP-R2 did not cover all situations entirely; and that the requested change to INF-R4 to provide for up to 12 months for the deployment of a temporary facility while an existing site was being reconstructed or replaced was required to ensure existing service disruption was minimised.

1065. Mr Horne considered permanent standby backup generators should be specifically provided for by INF rules as a permitted activity, noting that the district-wide noise rules would continue to apply. He noted the intent of the submission was for fixed standby generators rather than temporary generators that may for example be moved to a site during a natural disaster. He considered it was not necessary to include a permanent stand-by generator in the temporary activity provisions, and he supported adding wording for a 12-month period in Rule INF-R4.

1066. Mr Horne noted that Rule INF-R9 appeared to provide for telecommunication lines generally, notwithstanding that the standards were only relevant to above ground lines. He said that if this was the correct interpretation then no further change to the Plan would be necessary.

1067. Mr Horne addressed the Reporting Officers' position on Rule INF-R12 in relation to retaining a 20m height limit for poles and antennas in the Industrial Zone. He noted that their reasoning would be inconsistent with heights in the GIZ as provided by GIZ-R1. He referred to both his

experience with telecommunication projects and the evidence provided by Mr McCarrison, Mr Kantor and Mr Clune that a margin was required above local obstructions, such as buildings, to enable line of sight for effective coverage. He noted a height limit of 20m may result in telecommunication facilities being unable to provide coverage. He considered a height limit of 25m in the Industrial Zone would incentivise the Companies to utilise those zones to secure better height and coverage compared to other urban zones with higher amenities. He therefore considered a height of 25m appropriate, reasonable and standard within district plans; and would be consistent with INF-P2 by recognising operational and functional needs and recognising the benefits of the service provided while appropriately managing adverse effects on the environment using zones enabling larger and utilitarian building forms commonly associated with industrial activities.

1068. Mr Horne considered Rule INF-R14 did not make sense and noted the reference to the NESTF clause was incorrect. He also noted the rule standards addressed equipment in residential and industrial settlements and industrial zones where the NESTF did not regulate new poles and antennas. He considered the scope of the rule needed amendment but not the proposed standards and their intent. He considered clause 16 of the First Schedule RMA would be available to ensure the rule made sense and was workable without seeking to change the actual controlled activity envelope provided within the rule.

1069. Ms Pull, for Poutini Ngāi Tahu, challenged the Reporting Officers' response to the submission on INF-R2 that the amendment be declined as providing water quality was a regional council function. She referenced clause 3.5 of the NPS-FM to support her view that district councils have a role in addressing and providing for water quality. To resolve matters, she recommended that INF-R2 be amended to include an advice note as follows:

> Capacity for the purpose of this rule includes volume and the ability for the network to control the amount of water-borne contaminants, litter and sediments as set out in the consents for the network.

1070. Ms Pull position statement (dated 2 February 2024) records that conditional agreement was reached with the Reporting Officers to use an advice note regarding the water quality issue.

1071. In legal submissions for Poutini Ngāi Tahu, Ms Viskovic highlighted their strong desire for treated wastewater to not be discharged into water and sought that the Plan recognised this position to assist in deterring discharges into water. She submitted this could be achieved by providing planning support for the elements of wastewater discharge projects regulated through the district plan where the proposed project was for a discharge to land.

1072. Ms Pull contended that Poutini Ngāi Tahu values should be included as an additional matter of control or discretion for Rules INF-R13 to INF-R23. She noted Poutini Ngāi Tahu supported Forest and Bird's submission, particularly where that enhanced consideration of those values.

1073. Ms Viskovic acknowledged that including an additional matter of control/discretion would require an additional level of analysis to be undertaken by an applicant but considered the potential effects on Poutini Ngāi Tahu values was justified. In responding to questions from the Panel as to whether s104(1)(c) meant that the relief was not in fact necessary, she noted that the matters that can be considered in relation to controlled and restricted discretionary activities were specifically constrained by sections 104A and 104C respectively. She noted the

Plan did not comprehensively map or identify all Poutini Ngāi Tahu values and that the key concern was potential effects on Poutini Ngāi Tahu values (for example an adverse effect on mahinga kai) not located within identified SASM. She considered Ms Pull's refinement of the matter of discretion to only reference "*significant adverse effects*" on Poutini Ngāi Tahu values would limit the circumstances in which this matter of discretion would be engaged, while ensuring that the strategic direction objectives and policies in the Poutini Ngāi Tahu Chapter were achieved

1074. In her Addendum evidence, Ms Pull provided Table 2 identifying the relevant controlled and restricted discretionary rules that relate to activities that could potentially impact Poutini Ngāi Tahu values. She concluded that the rule which reached the threshold of '*significant*' potential effects on Poutini Ngāi Tahu values was INF-R16. She said the benefits of including Poutini Ngāi Tahu values as a matter of discretion included better implementation of the RPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. She noted the costs of undertaking a more detailed assessment of environmental effects and/or discussion with representatives of the relevant rūnanga only applied to the one rule identified and therefore the additional cost was minimised and reasonable, was efficient compared to restoration of the values if damaged. Ms Pull's proposed matter of discretion was as follows:

> <u>The management of impacts on Poutini Ngāi Tahu values as set out in the tangata whenua chapter.</u>

1075. Ms Pull noted the Reporting Officers acknowledged infrastructure could adversely affect cultural values if not inappropriately managed but that despite this, they opposed amending the controlled activity and discretionary activity rules as sought by Poutini Ngai Tahu.

1076. In relation to INF-R17, Ms Pull did not agree with the Reporting Officers approach of relying on the Overview to alert Plan users that other chapters may be engaged. She considered that the principles of the Te Tiriti o Waitangi and Poutini Ngāi Tahu values needed to be woven across the entirety of the Plan and not only considered within the context of the Māori Chapters.

1077. In relation to the overlays, Ms Pull noted that the Poutini Ngāi Tahu submission was limited to including the overlay chapters and/or sites listed in Appendix Ten. She identified several rules, including INF-R23, that contained inconsistent language in terms of matters of control or discretion in referencing overlays.

1078. Ms Inta noted concern about the lack of standards in Rule INF-R6, despite not making a submission on this rule. She also sought Rule INF-R9 be changed to a discretionary activity so that building a cell phone tower required a resource consent.

1079. WCRC's tabled statement noted it supported deletion of clause (1) because if it was retained meteorological facilities would only be permitted activities in the Rural Zone and the Industrial Zone and in the Natural Open Space Zone on conservation land and other zones it would be a restricted discretionary activity. WCRC considered this would be unnecessarily onerous.

1080. WCRC also provided context and examples to support their submission on Rule INF-R5 to increase the height limit to 10m for environmental monitoring and extreme weather event

monitoring facilities, noting that the lattice rainfall monitoring towers at alpine sites were between 3-4m in height but there were four alpine repeater towers which were between 9-10m tall and that at lowland sites, poles and posts with solar panels, antennae and a telemetry cabinet were up to 10-12m tall.

1081. KiwiRail accepted the Reporting Officers' position on INF-R7 that rail infrastructure was appropriately provided for within the Transport Chapter. KiwiRail also accepted this position for INF-R26.

Reporting Officers' Reply Evidence

General

1082. At the hearing the Panel questioned the language used within various rules in relation to compliance with Rule INF-R1. We highlighted inconsistent language in the standards, such as some rules requiring "*All performance standards in Rule INF - R1 are complied with*", while other rules require "*This meets the performance standards in Rule INF – R1*". The Reporting Officers agreed there was an inconsistency and recommended the former wording be used with amendments made using RMA Schedule 1 clause 16 (2).

INF-R2 and INF-R16

1083. The Reporting Officers recommended rewording and amending Rule INF-R2 and Rule INF-R16 as follows:

INF-R2 ~~Connections to w~~Water, wastewater, stormwater ~~and reticulated~~ systems

Activity Status Permitted

Where:

1. **Any proposed allotment or activity is located within 50m of a public reticulated water, wastewater or stormwater system:**

   a) The proposed allotment or activity shall be provided with a connection to the reticulated system; and

   b) ~~The building is serviced by, and~~ **Certification is provided from the relevant local authority that** capacity exists within the reticulated water supply, wastewater or stormwater **system** ~~networks~~ **to service the proposed allotment or activity**.

Note: Certification shall confirm that the system has the capacity to accommodate the additional connections, including confirmation that volume and treatment of the reticulated systems will continue to comply with resource consent requirements.

2. Any proposed allotment or activity is located further than 50m of a public reticulated water, wastewater or stormwater system.

Advice Note: Any discharge to land and/or water may require a discharge permit from the West Coastal Regional Council under the relevant regional plan.

Activity status where compliance not achieved: Restricted Discretionary

INF-R16 ~~Connections to w~~Water, wastewater and stormwater reticulated system not meeting Permitted Activity standards.

Activity Status Restricted Discretionary Matters of ~~control~~ **discretion**:

a) Level of flood hazard mitigation through stormwater control;

b) Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system;

c) Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards;

d) Provision for wastewater connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards.

e) Scope and scale of proposed activity and potential demand on reticulated services.

f) Cumulative effects on reticulated systems.

g) Any adverse effects on areas and values listed in Schedules 1-8.

Advice Note: Any discharge to land and/or water may require a discharge permit from the West Coastal Regional Council under the relevant regional plan.

1084. The Reporting Officers noted the purpose of INF-R2 was to ensure developers connected to reticulated services when they were available. They considered whether the permitted activity status for this rule was appropriate given the uncertainty as to capacity and the need for the Council to certify that capacity was available. They noted that, as notified, the rule did not include consideration of the proximity between the subdivision and the service; and that it applied to all zones. In assuming connection to a reticulated service was either not taken up or unavailable, they noted all onsite systems throughout the region would require a resource consent via the default rule INF-R16, which would lead to a duplication between the pTTPP and the West Coast Regional Land and Water Plan Rule 79, (On-site discharge of sewage effluent) and Rule 81 (Stormwater discharge). They acknowledged the scope to amend this was limited but considered the recommend rewording of both INF-R2 and INF-R16 overcame the issues identified by including three new matters of discretion in INF-R16.

1085. In terms of Ms Pull's suggested matter of control or discretion, the Reporting Officers expressed concerns that the relief sought would increase the complexity of resource consents for restricted discretionary and controlled activities, noting that Ngai Tahu's involvement would be needed as specialists in tikanga in all applications. They suggested that if the Panel were of a mind to include such matters, that an advice note also be included that a cultural impact assessment would need to accompany any resource consent application. They also noted Ms Pull had, during the reconvened hearing, offered a further solution of including a notification advice note to notify Plan users that consultation with iwi was required.

1086. The Panel note the recommended provision in Reply included '*Any adverse effects on areas and values listed in Schedules 1-8*' as a matter of discretion, which seemed to stem from the Reporting Officers agreeing with Ms Pull that specific reference to Schedules 1–8 would provide direction to plan users, be consistent with other provisions and afford appropriate consideration of SASM. However, the Panel notes Rule INF-R16 was not mentioned in the Reply as one of the rules to which this was recommended to apply.

INF-R4

1087. The Addendum Report records that the Reporting Officers now accepted the relief sought by the Telecommunication Companies to include a new clause in INF-R4 to add wording addressing the 12 months for reasons outlined in Mr Horne's evidence.

INF-R6

1088. The Reporting Officers recommended amendments to Rule INF-R6 within their Addendum Report to be consistent with amendment recommended for Rule ENG-R10. They recommended the rule require compliance with the structure or building height limits in relevant zone provisions.

INF-R8

1089. Subsequent to their s42A Report, which recommended that the INF-R8 be deleted and inserted into the Energy Chapter, the Reporting Officers further considered the differentiation between the Energy and Infrastructure Chapters. They identified that in the Infrastructure Chapter had permitted activity Rule INF-R8 "*new network utility customer connections*" and that with the separation of chapters this permitted activity would not be available to Energy Activities. They noted that Westpower had sought the inclusion of customer connections within their proposed definition of '*minor upgrading'* to clarify that distribution lines included customer connections. Further, they said that evidence at the hearing and further clarification during the EWC led them to reach the conclusion that separate provisions for customer connections were not necessary because a connection was simply part of the distribution network and sufficiently provided for by permitted activity Rule ENG-RX3 (now ENG-R10).

INF-R9

1090. In response to Mr Horne, the Reporting Officers indicated in the Addendum Report that they considered underground lines were provided for as a permitted activity under Rule INF-R9. However, subsequent to this, the Reporting Officers included the addition of a further requirement without explanation in Attachment 1 of the Reply, as follows:

> <u>The activity is located below ground.</u>

INF-R12

1091. Attachment 1 of the Reply included two further changes to Rule INF-R12 by recommending amending clauses (1) and (2) to delete "*This*" from the beginning of both clause and replace it with "*The telecommunication pole or antenna*", in response to the Panel's queries, to make it clearer by identifying the structures. Thye also recommended amending clause (2)(i)(c) to change the height limit in the General Industrial Zone (GIZ) to 25m, as sought by the Telecommunication Companies.

1092. The Addendum Report responded to Mr Horne's evidence for the Telecommunication Companies relating to including activities not regulated by NES-TF in the heading to the rule. The Reporting Officers did not support amending INF-R12 but instead recommended a new rule to achieve the same outcome and be easier for plan users to understand the rule cascade as follows:

INF – RX2 New telecommunications poles and antennas meeting the permitted standards of the NES-TF

Activity Status Permitted

Where:

1. This meets the performance standards in Rule INF–R1.

Activity status where compliance not achieved: Various

INF-R17, INF-R19, and INF-R20 Landscape Measures: Matters of Control or Discretion

1093. The Reporting Officers agreed with Ms Pull that the wording "*landscape measures*" as a matter of discretion was unclear. They noted that their recommendations included the replacement of "*landscape measures*" with "*The effects of the proposal on the amenity, character and landscape values of the underlying Zone*". They therefore supported the amendment of Rule INF-R17 to include this wording to afford consistency across the provisions.

1094. The Reporting Officers recommended rules INF-R19 and INF-R20 be deleted.

INF-R13, INF-R14, INF-R15, INF-R22 and INF-R23 'Visual Effect' Matters of Control or Discretion.

1095. The Reporting Officers noted that Ms Pull considered the reference in the matters of discretion to '*visual effects in particular on amenity values*' was unclear. She had recommended adding '*including attributes*' to ensure that the effects on Poutini Ngāi Tahu values would be included as a matter of control and/or discretion. While the Reporting Officers did not support Ms Pull's recommendations, considering that "*attributes*" was attached only to cultural and recreational in terms of the definition of amenity values in the RMA, they concluded that separate criterion for '*visual effects*' and '*effects on amenity values*' would avoid the potential to muddle visual and amenity effects, whilst enabling amenity values to be considered including cultural attributes. They recommended the following wording:

a) Visual effects;

b) Effects on amenity values in particular of the locality and streetscape;

1096. In Reply, the Reporting Officers considered removing the extra words qualifying amenity values to resolve potential interpretation issues. They recorded their agreement to do so, leaving the additional wording for inclusion to be '*Effects on Amenity values'.*

Impacts on Overlay Matters, Matters of Control and Discretion

1097. In response to Ms Pull's concern regarding inconsistent language in the Plan within matters of discretion, the Reporting Officers supported consistency of wording across these rules and proposed the following words:

The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

New Rules

1098. In terms of the new rule requested for backup generators, the Reporting Officers changed their position within the Addendum and agreed with Mr Horne that no rules within the Temporary activities chapter provided for permanent backup generators. They therefore supported the inclusion of a new rule to provide for backup generators.

Hearing Panel's Evaluation

Notes to the Rules and Additional Standards

1099. The Panel agree with Mr Horne that the notified pTTPP does not correctly explain the relationship between the NESTF and the Plan. We accept his suggested amendments to Advice Note (2) appropriately explain that relationship and therefore recommend it is amended as shown below.

1100. The Panel agrees with Forest and Bird that consideration of effects on natural values should be a matter of discretion/control for the restricted discretionary and controlled activity rules where appropriate. We consider this should be '*Effects on indigenous biodiversity*' rather than natural values. This acknowledges that not all significant natural values are yet identified within the Plan (where adverse effects must be avoided) and significant adverse effects on indigenous biodiversity must be addressed by applying the effects management hierarchy. We consider this in relation to each of the relevant rules below.

1101. In all other respects, we accept the Reporting Officer's recommendation to reject submissions that sought amendment to the Notes and inclusion of additional standards for the reasons set out in s42A.

1102. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnotes below is accepted and recommends the following changes to the **Infrastructure Rules Note**:

Infrastructure Rules

Note:

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases**,**[279] unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.
2. The installation and operation of telecommunications facilities (such as cabinets, antennas, poles, small cell-units and telecommunications lines) undertaken by a telecommunications facility operator are controlled **in some instances**[280] by the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016, separate to Te Tai o Poutini Plan. Te Tai o Poutini Plan

[279] RMA Schedule 1 Clause 16(2)
[280] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.019

applies where these telecommunications facilities **are either not covered by the Regulations, are covered but do not meet permitted standards of the Regulations, or**[281] are located within the following overlays:

a. Outstanding Natural Features
b. Outstanding Natural Landscapes
c. Outstanding Coastal Natural Character
d. High Coastal Natural Character
e. Significant Natural Areas
f. Sites and Areas of Significance to Māori
g. Sites and Areas of Historic Heritage
h. Notable Trees

3. Infrastructure includes the Ports and Airports, the specific provisions for these utilities are within the Port Zone and Airport Zone provisions.
4. Provisions relating to energy activities and associated infrastructure are contained in the Energy Chapter and provisions for transport infrastructure are contained in the Transport Chapter.

Permitted Activities

General Matters

1103. The Panel agrees with the Reporting Officers that separating the criterion for '*visual effects'* and '*effects on amenity values'* would avoid confusion and enable amenity values to be considered including cultural attributes. We acknowledge that the Reporting Officers also agreed with the removal of the extra words which qualifying amenity values and that the matter of control/discretion be simply '*effects on amenity values'*. We consider this will ensure potential interpretation issues do not arise.

1104. The Panel notes that the Reporting Officers' and Ms Pull's recommended amendment responds to submissions by Forest and Bird and Poutini Ngāi Tahu in relation to notified rules INF-R13, INF-R14, INF-R15, INF-R22 and INF-23. However, we do not consider those submissions provide sufficient scope to make the amendments recommended by the Reporting Officers. We agree that the wording, as notified, is unclear and is inconsistent the language used in the RMA in relation to the definition of '*amenity values*'. We therefore rely on RMA Schedule 1, clause 16(2) to recommend that the relevant matters of control/discretion in each rule be amended as follows:

a) Visual effects ~~in particular on the amenity values of the locality and streetscape~~;

b) **Effects on amenity values;**

INF-R1

1105. The Panel agree with BDC that the word '*Permitted'* in the rule heading is superfluous given the words '*Permitted Activities*' begin this section of Rules. We recommend it is deleted.

[281] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.019

1106. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R1**:

Permitted Activities	
INF - R1	**Infrastructure ~~Permitted~~[282] Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the **World Health Organisation**'s monograph Environmental Health Criteria 238, June 2007; and 2. Radio Frequency Fields - An activity generating radio frequency fields does not result in radio frequency field levels that exceed the maximum exposure level of the general public in New Zealand Standard **NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels** - 3kHz to 300 GHz.	
Activity status where compliance not achieved: Non-complying	

INF-R2

1107. The Panel understands that the purpose of Rule INF-R2 is to have subdivisions and developments connect to services where they are available. We use the word 'available' in this context to mean the services are both available and have sufficient capacity to service the demand. We agree that, as worded, Rule INF-R2 is problematic by effectively making any building not connected to services a restricted discretionary activity, regardless of location or zone. We consider it is unlikely this was the intent of the rule (although we cannot be certain) and agree with the Reporting Officers and Ms Pull that its purpose was more likely to require connection to reticulated services where there was the ability for such connection.

1108. The Reporting Officers have identified that they consider scope to amend INF-R2 is limited. Nevertheless, they have proposed a rewrite of the rule including introduction '*water*' and providing a distance of 50m from services within which the activity status is permitted provided certification from the local authority is obtained; and that beyond a distance of 50m a connection would not be required.

1109. The Panel agree that scope is limited with Forest and Bird's submission seeking a controlled activity status providing the greatest level of scope available. In this context, our view is that a rewrite of the rule or its deletion is beyond the scope available to us; and we do not consider, based on the limited information before us, that a controlled activity status is appropriate. We have considered whether use of RMA, Schedule 1, clause 16(2) is appropriate but conclude that describing the amendments proposed as an alteration of minor effect, or a minor error would be stretching use of the clause. Even if we are wrong on this view, we have concerns

[282] Buller District Council S538.053

that the 50m distance proposed is not supported by evidence providing the rationale for that distance and could potentially lead to the ability for urban style development to not need to connect to services. In our view, such an outcome has not been appropriately assessed, and parties have not had sufficient opportunity to comment.

1110. In conclusion, the Panel agree that the INF-R2 needs to be reconsidered, however, we consider this must be achieved via a plan change, which looks into the various options and appropriately assesses these. Given lack of scope enabling change to INF-R2, we have no option but to recommend INF-R2 is retained as notified. However, we consider our recommended amendments to the heading of Rule INF-R16 (now INF-R14) below should be made under RMA Schedule 1, clause 16(2).

INF – R2	**Connections to <u>water,</u> wastewater, stormwater ~~and~~ reticulated systems** [283]
Activity Status Permitted Where: 1. The building is serviced by, and capacity exists within the reticulated water supply, wastewater or stormwater networks.	
Activity status where compliance not achieved: Restricted Discretionary	

INF-R3

1111. The Panel notes that BDC sought to delete INF-R3 on the basis that it was not relevant to the region. As we understand, it there is at least one gas pipeline in the Te Kinga/Iveagh Bay area which operates through the road reserve. On this basis, we recommend that **Rule INF-R3** is retained as notified.

INF – R3	**Maintenance and operation of existing gas pipeline under 2,000 kilopascals**
Activity Status Permitted Where: 1. The pipeline is located underground and is not on or within a natural waterbody, except where it is: a. Attached to and/or incorporated within an existing bridge structure; or b. Within an existing attached conduit or duct; and 2. Any realignment, relocation or replacement of a pipeline is within: a. An existing easement in favour of the pipeline; and b. Is within 12 metres of the existing alignment or location.	
Activity status where compliance not achieved: Discretionary	

INF-R4

[283] RMA Schedule 1, clause 16(2)

1112. For the reasons outlined in Mr Horne's evidence and supported by the Reporting Officers, we accept the inclusion new clause (2)(iii) to provide temporary activities for 12 months as part of construction or re-construction activity is an appropriate outcome.

1113. The Panel notes that for consistency reasons an amendment has been made to the activity status where compliance is not achieved with the standards. Non-compliance with Rule INF-R1 is non-complying, however, is indicated in INF-R4 as discretionary. We consider this is an error and can be corrected using RMA Schedule 1, clause 16 (2).

1114. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R4**:

INF – R4	**Temporary Network Activities**
Activity Status Permitted Where: 1. The temporary network is operated by a network utility operator; 2. The temporary network activity is: i. For up to a period of 24 months following a national, regional or local state of emergency declaration; or ii. For up to a period of four weeks to provide for additional capacity; ~~and~~ **or** iii. **For a period of up to 12 months as part of construction or re-construction activity; and**[284] 3. All performance standards in Rule INF-R1 are complied with; and 4. The utility must be removed from the site when operation ceases and the site reinstated.	
Activity status where compliance not achieved: **Non-complying where standard 3 is not complied with.** Discretionary **where standards 1, 2 and 4 are not complied with**[285]	

INF-R5 and INF-R6

1115. The Panel notes that our recommendation in the Energy Chapter that Rule ENG-R10 (dealing with environmental monitoring and meteorological facilities) is not necessary and that any such provision is better placed within the Infrastructure Chapter to avoid duplication. We note that our recommendation on Rule ENG-R10 also recognises that there is sufficient scope to address the concerns of Manawa in relation height limits and their concern about the activity status within a revised Rule INF-R6.

1116. The Panel agree with the BDC that Rule INF-R5 and Rule INF-R6 should be combined, resulting in the deletion of Rule INF-R5 and consequential amendments to other rules. In that context, we agree that Rule INF-19 and Rule INF-20 should be deleted and that this also necessitates consequential amendments to Rule INF-R6, in relation to compliance with the relevant zone provisions. For the reasons contained within the BDC submission and s42A Report, we recommend Rule INF-R5 is deleted.

[284] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.021
[285] RMA Schedule 1, clause 16(2)

1117. In terms of INF-R6, the Panel notes that the deletion of INF-R5 means the heading of INF-R6 requires amendment to include '*environmental monitoring'*. We also accept the Reporting Officers' recommendation that the rule should require compliance with the relevant underlying zone structure or building height limits. However, consistent with other recommendations we have made, we consider this should reference other zones provision to ensure the effects of the activity are addressed within the context of the relevant zone.

1118. For the reasons advanced by BDC and WCRC, we recommend that clause (1) in the notified version of INF-R6 is deleted.

1119. The Panel notes that the consequential amendments to INF-R6 would go some way to addressing the concerns of WCRC and Manawa in relation to the height limit and scale for monitoring equipment given that they become zone based.

1120. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1121. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that **Rule INF-R5** is deleted and that **Rule INF-R6** is amended as follows:

~~**INF – R5**~~	~~**Environmental monitoring and extreme weather event monitoring facility**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. Monitoring equipment is not more than 4m in height 25m^2 in area.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~ [286]	
INF – R~~6~~5	**Navigational aids/beacons, environmental monitoring equipment and**[287] **Meteorological facilities**
Activity Status Permitted Where: ~~1. These are located in a RURZ - Rural Zone or INZ - Industrial Zone.~~ **1. All performance standards in Rule INF-R1 are complied with;** **2. Monitoring equipment is not more than 25m^2 in area; and** **3. Monitoring equipment complies with the relevant zone performance standards in Rule R1 of the applicable zone or in the case of the:** • **Settlement Zone - SETZ – R2**	

[286] Buller District Council S538.046
[287] Buller District Council S538.047

• **Buller Coalfield Zone - BCZ – R3** • **Mineral Extraction Zone - MINZ – R3**[288]
Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Restricted Discretionary **where standards 2 and 3 are not complied**[289]

INF-R7

1123. The Panel agree with the BDC submission and the Reporting Officers recommendation to amend the heading to this rule to clarify what the rule addresses.

1124. During the hearing, the Panel raised questions about the readability of clause (2), particularly the use of the word '*These*.' The Reporting Officers agreed that the word could be replaced with '*The network utilities*' rather than utilising a word that does not identify what the standard applies to. We support the amendment to clause (2) and consider it resolves the uncertainty arising from the use of the word '*these'* as notified; and consider this is consequence of the amended heading.

1125. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1126. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted, and recommend that **Rule INF-R7** is amended as follows:

INF – R~~7~~6	**~~Installation, extension, maintenance, operation, upgrade and repair of lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator~~ Operation, maintenance, repair and extension of existing network utilities**[290]

[288] Buller District Council S538.047, Grey District Council S608.514, Manawa Energy Limited S438.051
[289] RMA Schedule 1, clause 16(2)
[290] Buller District Council S538.048

Activity Status Permitted Where: 1. All performance standards in Rule INF-R1 are complied with; 2. ~~These~~ **The network utilities**[291] are not gas pipelines regulated under Rule INF - R3; 3. Where any realignment, relocation or replacement of a network utility pole, tower, structure, building or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building, or minor utility structure; 4. A replacement pole, tower or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation; 5. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point; 6. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent; 7. The building footprint or the footprint of the structure does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided for in 4 above; 8. The largest face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent; 9. There are no additional towers; and 10. A pole is not replaced with a tower. **Advice Note:** 1. Where the activities undertaken under this rule are located within an Outstanding Natural Feature or Landscape, earthworks associated with the activity are Permitted under Rules NFL - R6 and NFL - R8.
Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Discretionary **where standards 2-10 are not complied with.**[292]

INF-R8

1127. The Panel agrees that Rule INF-R8 addresses connections to electricity networks and therefore its placement in the Infrastructure Chapter is incorrect. We recommend it is deleted, as sought by BDC.

1128. The Panel notes the Reporting Officers revised position with regards the need for the rule to be inserted into the Energy Chapter, where they now consider this unnecessary because a connection is simply part of the distribution network and sufficiently provided for by new permitted activity rule ENG-R10. We have looked at this closely and agree that a connection to electricity network would fall under Rule ENG-R10.

[291] Consequential amendment from Buller District Council S538.048
[292] RMA Schedule 1, clause 16(2)

1129. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend that **Rule INF-R8** is deleted as follows:

~~**INF – R8**~~	~~**New Network Utility Customer Connections**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. The connection does not include a new tower;~~ ~~2. The connection does not exceed three additional poles; and~~ ~~3. The diameter of conductors, lines or cables does not exceed 30mm.~~ ~~**Advice Note:** Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH - R5.~~	
~~**Activity status where compliance not achieved**: Discretionary~~[293]	

INF-R9

1130. The Panel do not agree with BDC that Rule INF-R9 belongs in the Energy Chapter. The rule refers to infrastructure associated primarily with telecommunications and therefore we consider the Infrastructure Chapter is the appropriate location for it.

1131. The Panel accept with the Reporting Officers response to Frida Inta's submission. We agree that cell phone towers located within the GRUZ- General Rural Zone or the INZ- Industrial Zone should be permitted activities because that is consistent with the outcomes for those zones.

1132. The Panel acknowledge Mr Horne's comments that Rule INF-R9 appears to provide for telecommunication lines generally, notwithstanding that the standards are only relevant to above ground lines. He said that if this was the correct interpretation then no further change to the Plan would be necessary. We note that the Reporting Officers in their Addendum appear to agree with Mr Horne's interpretation, nevertheless, in the Reply they recommended adding a new clause "*The activity is located below ground*".

1133. The Panel accept this new clause clarifies the rule provides for underground lines as a permitted activity and recommend it is added.

1134. The Panel recommend amending clause (1) to be consistent with other similar provisions.

1135. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted or accepted in part, and recommend that **Rule INF-R9** is amended as follows:

INF – R~~9~~7	**New Lines, Telecommunication Poles or Towers**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**;[294]	

[293] Buller District Council S538.049
[294] RMA Schedule 1, clause 16(2)

2. This is located in a GRUZ - General Rural Zone or INZ - Industrial Zone; 3. Poles do not exceed a height of 25m; **and** 4. Towers do not exceed a height of 15m; **or** 5. **The activity is located below ground.**[295]
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.

INF-R10

1136. The Panel recommend retaining **Rule INF-R10** as notified, except for making consistency changes to the wording of clause (1) using RMA Schedule 1, clause 16 (2) as follows:

INF – R~~10~~8	**New Telecommunications Kiosk**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**; and [296] 2. The maximum height is 3.5m and gross floor area is 1.5m^2.	
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Restricted Discretionary where standard 2 is not complied with	

INF- R11

1137. For the reasons set out in Mr Horne's evidence and in the Reporting Officers' reports, the Panel agree with the addition of a new clause (2). We recommend a consequential amendment to the default status to address the new clause to make non-compliance with the new standard discretionary.

1138. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1139. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted, and recommend that **Rule INF-R11** is amended as follows:

INF – R~~11~~9	**New Small Cell Utility**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF – R1 **are complied with; and**[297]	

[295] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.020
[296] RMA Schedule 1, clause 16(2)
[297] RMA Schedule 1, clause 16(2)

2. **The volume (including any ancillary equipment but not including any cabling) is not more than 0.11m³.**[298]
Activity status where compliance not achieved: Non-complying **where standard 1 is not complied with. Discretionary where standard 2 is not complied with**[299]

INF- R12

1140. For the reasons set out in Mr Horne's evidence, the Panel agree with the Telecommunication Companies' amendment to the heading of INF-R12 to reflect the permitted standards of the NES-TF. We also agree that the height for the Commercial and Mixed Use Zone should be increased to 20m and the General Industrial Zone increased to 25m. We agree that both zones are the type of zone within which to locate larger telecommunications facilities where practical and that this is consistent with Policy INF-P2 in terms of recognising operational need and functional need, and positive effects for the community, whilst appropriately managing adverse effects.

1141. The Panel recommend amending clauses (1) and (2) and consider it resolves the uncertainty arising from the use of the word '*This*' as notified and can be seen as partly addressing the concerns of BDC.

1142. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted and accepted in part, and recommend that **Rule INF-R12** is amended as follows:

INF – R1~~2~~0	**New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES-TF or regulated equipment not meeting the permitted standards of the NES-TF**[300]
Activity Status Permitted Where: 1. ~~This~~ **The telecommunication pole, or antenna**[301] is located within a ~~land~~[302] transport corridor; and i. The combined height of the pole and antenna does not exceed: a. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or CMUZ - Commercial and Mixed Use Zone; b. 20m in an INZ - Industrial Zone; or c. 35m in all other zones. ii. A panel antenna: a. Does not exceed a width of 0.7m; and	

[298] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.027
[299] Consequential amendment from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.027
[300] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029
[301] Buller District Council S538.053
[302] Grey District Council S608.517

b. When in a ~~land~~ [303]transport corridor a formed legal road, fits within an envelope of 3.5m in length and 0.7m in diameter;

iii. A dish antenna does not exceed a diameter:
  a. Within a railway corridor of:
    I. 1.2 m~~etres~~ in a GRUZ - General Rural Zone or INZ - Industrial Zone;
    II. 0.9m in a CMUZ - Commercial and Mixed Use Zone
  b. Outside of a railway corridor:
    I. 1.2m outside of RESZ - Residential Zones and the SETZ - Settlement Zone

iv. Omni directional "whip" or dipole antennas do not exceed:
  I. 1.6m in vertical length;
  II. 60mm in diameter; and
  III. 1.5m in horizontal length.

v. A headframe does not exceed the following:
  I. 2.5m in diameter in RESZ - Residential Zones and the SETZ - Settlement Zone;
  II. 6m in diameter in all other zones (including unformed legal road).

2. ~~This~~ **The telecommunication pole, or antenna**[304] is located outside a ~~land~~[305] transport corridor:
  i. The combined height (network utility) of a telecommunications pole and antenna does not exceed:
    a. 15m in a RESZ - Residential Zone, ~~CMUZ - Commercial and Mixed Use Zone~~ or SETZ - Settlement Zone;
    b. **20m in a CMUZ - Commercial and Mixed Use Zone**;[306]
    c. 20m in a ~~IN~~**LIZ – Light** Industrial Zone **or 25m in a GIZ – General Industrial Zone**;[307]
    d. 25m in all other locations, or 30m where there are two or more users of the same pole.
  ii. A panel antenna does not exceed a width of 0.7m;
  iii. A dish antenna does not exceed a diameter of 1.2m;
  iv. Omni directional "whip" or dipole antennas do not exceed:
    a. 1.6m in vertical length;
    b. 60mm in diameter; and
    c. 1.5m in horizontal length
  v. A headframe does not exceed:
    a. 2.5m in diameter in RESZ - Residential Zones and SETZ - Settlement Zones;
    b. 6m in diameter in all other zones.
  vi. A new panel antenna face does not exceed 1.5m^2, and a new dish antenna does not exceed 1.2m; and
    a. The antenna does not exceed a height of 5m above the point of attachment to the building, and is not attached to a building in the RESZ - Residential Zones or SETZ - Settlement Zone, except where the antenna is attached at least 15m above ground level.

[303] Grey District Council S608.517
[304] Buller District Council S538.053
[305] Grey District Council S608.517
[306] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029
[307] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029

Activity status where compliance not achieved: Restricted Discretionary

New Rule

1143. The Panel agree with Mr Horne that permanent stand-by generators would not necessary be covered by the temporary activity provisions in Rule INF-R4 or the Temporary Activity provisions. We agree that permanent standby backup generators should be specifically provided for in the rules as a permitted activity and note that the Reporting Officers now consider that appropriate and have proposed a new rule.

1144. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted and accepted in part, and recommend that **new rule INF-R11** be added as follows:

INF–R11	**Back-up Generators**
Activity Status Permitted **Where:** **1. All performance standards in Rule INF–R1 are complied with; and** **2. The equipment is:** **a. being tested and maintained for a period not exceeding 48 hours in duration; or** **b. to provide backup electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the zone; or** **c. for emergency purposes only and operates for a maximum of 12 months.**	
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with. [308]	

New Rule

1145. The Panel considers the Reporting Officers proposed new rule for new telecommunication poles and antennas meeting the permitted standards of the NES-TF is not necessary because it is already addressed in the NES-TF and additionally, Rule INF-R1 requires all infrastructure activities to meet the standards.

1146. For the reasons outlined the Panel recommends no new rule is added.

Controlled Activities

INF-R13

[308] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.020

1147. The Panel agree with GDC in relation to clause (4), which seems to have been misunderstood by the Reporting Officers. The rule relates to new telecommunications poles and antennas within road reserve and therefore the reference to zones is of limited value. We consider deleting clause (4) would create an inconsistency between panel antenna, which are controlled by clause (3), and dish antenna, which then would not be controlled. We consider a more appropriate approach is to utilise the least restrictive requirement of a diameter of 0.9m in clause (4) and delete the references to zones, as recommended below.

1148. The Panel recommends the same amendment to Rule INF-R13 relating to visual effects and amenity values, as previously discussed.

1149. The Panel considers adding a new matter of control relating to '*Effects on indigenous biodiversity*' in response to Forest and Birds submission is unnecessary in the context of this rule.

1150. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to **Rule INF-R13**, (including consequential renumbering), as follows:

Controlled Activities	
INF – R1~~3~~2	**New telecommunications poles and antennas in road reserve (regulated by Regulations 26 or 28 of the NES-TF that do not meet the permitted activity standards in Regulations 27 or 29 of the NES - TF)**
Activity Status Controlled Where: 1. The permitted activity combined height (network utility) of a telecommunications pole and antenna is exceeded by a maximum of 1m; 2. The telecommunications pole permitted activity notional envelope i**s**[309] exceeded by a maximum of 1m in height up to 4.5m; 3. A panel antenna does not exceed a width of 0.8m; 4. A dish antenna does not exceed a diameter of **0.9m**. ~~i. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone;~~ ~~ii. 0.9m in all other zones.~~[310] Matters of control are: a. Visual effects;~~ in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**;[311] c. Potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: Restricted Discretionary	

INF-R14

[309] Grey District Council S608.518
[310] Grey District Council S608.518
[311] RMA Schedule 1 Clause 16(2)

1151. The Panel agree with Mr Horne that the heading of the rule as it stands is problematic and that RMA Schedule 1, clause 16(2) is available because the alterations are of minor effect and correct minor errors in the rule as drafted relating to the NES-TF. We also recommend including his suggested new advice note to clarify the relationship with Rule INF-R12.

1152. The Panel agree with GDC that it is unclear what the requirements are for panel antenna width within the RESZ or SETZ given their exclusion from the 0.8m requirement. We accept that clarity is required in this instance. We recommend removing the exclusion to address GDC's concerns.

1153. The Panel considers adding a new matter of control relating to '*Effects on indigenous biodiversity'* in response to Forest and Birds submission is unnecessary in the context of this rule.

1154. The Panel recommends the same amendment to Rule INF-R14 relating to visual effects and amenity values, as previously discussed.

1155. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted or accepted in part, and recommend the following changes to **Rule INF-R14** (including consequential renumbering):

INF-R14~~3~~	**New telecommunications poles and antennas not in road reserve (regulated by Regulations ~~30, 32 or~~ 34 of the NES - TF that do not meet the permitted activity standards in Regulations ~~31, 33~~ or 35 or subject to Rule INF-R10(2) and not meeting the permitted activity standards)**[312]
Activity Status Controlled Where: a. In the GRUZ - General Rural Zone or an INZ - Industrial Zone, the height does not exceed 30m, or 35m where two or more operator's utilities are on the same pole; b. A panel antenna does not exceed a width of 0.8m ~~(excluding those in a RESZ - Residential Zone or SETZ - Settlement Zone)~~;[313] c. A dish antenna does not exceed a diameter of: i. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone; ii. 2m in all other zones. Matters of control: a. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**. [314] **Advice Note:** **For activities subject to Rule INF-R10, this rule only applies in regard to the specific alternative standards set out above.**[315]	

[312] RMA Schedule 1 Clause 16(2)
[313] Grey District Council S608.519
[314] Consequential amendment from the change to the heading of the rule
[315] RMA Schedule 1 Clause 16(2)

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

INF-R15

1156. The Panel notes that this rule was mistakenly been included in the Restricted Discretionary Activities section in the Reporting Officers Reply, rather than in the Controlled Activities, as per the notified Plan. We have therefore corrected this.

1157. The Panel considers adding a new matter of control relating to '*Effects on indigenous biodiversity'* in response to Forest and Birds submission is unnecessary in the context of this rule.

1158. The only amendment to Rule INF-R15 is that relating to visual effects and amenity values as previously discussed.

1159. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommend the following changes to **Rule INF-R15** (including consequential renumbering):

INF-R1~~5~~4	**New telecommunications cabinets (regulated by Regulation 19 of the NES – TF that do not meet the permitted standards in Regulations 20, 31 or 22)**
Activity Status Restricted Discretionary Where: a. A single telecommunications cabinet does not have a footprint exceeding 2.5m^2 or a height (network utility) of 2m; and b. A group of telecommunications cabinets does not have a footprint exceeding 3m^2. Matters of control: a. Visual effects~~; in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**. [316]	
Activity status where compliance not achieved: Restricted Discretionary	

INF-R16

1160. The Panel note that Rule INF-R16 was amended initially in the s42A Report by adding two new matters of discretion as clause (e) and (f) relating to scale of the activity and the cumulative effects. While there is no specific cross-reference to a submission that sought to include these new matters of discretion, it appears the Reporting Officers used Forest and Bird's submissions on Rule INF-R2 seeking for it become a controlled activity to provide for these matters of discretion in INF-R16. [317] We also note there is a generic Forest and Bird submission on the restricted discretionary rules to amend the matters of discretion in each rule to include adverse effects on natural values, including those not yet identified on overlays, and the

[316] Consequential amendment
[317] Section 42A Report, paragraph 425

requirement to manage those effects in accordance with the Natural Environment and District-Wide chapters of the Plan.

1161. The Panel considers that given the significant problems we have identified with Rule INF-R2 and this rule, it would be inappropriate to add any new matters of discretion. We consider the issues raised by Forest and Bird submission (supported by Poutini Ngāi Tahu's further submission) in relation to the assessment of effects on natural values and cultural values should be considered when this rule is reviewed.

1162. However, given this rule will remain until it is reviewed, the Panel recommends the heading to the rule include '*water*' as it forms part of the matters of discretion; and '*and*' is deleted to improve clarity. We see these amendments are RMA Schedule 1, clause 16(2) matters.

1163. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R16** (including consequential renumbering):

Restricted Discretionary Activities	
INF-R1~~6~~5	**Connections to water, wastewater and stormwater ~~and~~ reticulated systems not meeting Permitted Activity standards**[318]
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Level of flood hazard mitigation through stormwater control; b. Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system; c. Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards; **and**[319] d. Provision for wastewater connections in accordance with NZS 4404: Code of Practice or Land Development and Subdivision Infrastructure and Council Engineering Standards. **Advice Note:** Any discharge to land and/or water may require~~d~~[320] a discharge permit from the West Coastal Regional Council under the relevant regional plan.	
Activity status where compliance not achieved: N/A	

INF-R17

1164. The Panel note that Ms Pull considered '*Landscape measures*' to be unclear and uncertain as to whether those words include cultural landscape. The Reporting Officers agreed and recommended those words be deleted and replaced with:

[318] RMA Schedule 1, clause 16(2)
[319] RMA Schedule 1, clause 16(2)
[320] RMA Schedule 1, clause 16(2)

The effects of the proposal on the amenity, character and landscape values of the underlying Zone.

1165. The Panel acknowledge that the issue of the wording '*landscape measures*' arose in other hearings and that it had been opposed by Manawa (S438.100). We note that landscape architects Mr Bentley and Ms Gilbert, in the Natural Landscapes and Features hearing stream, agreed that the wording was ambiguous and unclear. In the Natural Landscape and Features Chapter Recommendation Report the Panel recommends replacing '*Landscape measures*' with *'Measures to mitigate landscape effects*' throughout the Plan to provide clarity and ensure consistency. We recommend the same wording is used to replace '*Landscape measures'* in Rule INF-R17 (now Rule INF-R15).

1166. The Panel recommends clause (1) is deleted, noting that compliance with Rule INF-R1 in the reciprocal Rule INF-R3 was not required. We consider this an RMA Schedule 1, clause 16(2) matter.

1167. As discussed above, the Panel recommends including a new matter of discretion relating to '*Effects on indigenous biodiversity*' as requested by Forest and Bird. We consider it is not necessary to add a matter of discretion in relation to the overlays as other chapters have provisions addressing these significant values.

1168. In response to BDC, the Panel consider rule remains relevant in that it addresses the existing gas pipeline and any new gas pipelines.

1169. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R17** (including consequential renumbering):

INF-R1~~7~~6	**New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment**
Activity Status Restricted Discretionary Where: ~~1. Performance standards in Rule INF - R1 are complied with;~~[321] **1.** The gas pipeline will be underground. Discretion is restricted to: a. ~~Landscape measures~~**Measures to mitigate landscape effects**;[322] b. Locational, technical and operational constraints; ~~and~~ c. Benefits to the community**; and** d. **Effects on indigenous biodiversity.**[323]	
Activity status where compliance not achieved: Discretionary	

INF-R18, INF-R19 and INF-R20

[321] RMA Schedule 1 Clause 16(2)
[322] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[323] Forest and Bird S560.158

1170. The Panel recommend deleting INF-R19 and INF-R20 and agree coverage for those rules is adequately provided for in amended INF-R18. As a consequence of deleting INF-R19 and INF-R20, we recommend including '*environmental monitoring equipment and Meteorological facilities*' in the heading for INF-R18.

1171. As with INF-R17, the Panel recommends replacing '*landscape measures*' with *'Measures to mitigate landscape effects*' as a consequential Plan-wide amendment.

1172. As discussed above, the Panel recommends including a new matter of discretion relating to '*Effects on indigenous biodiversity'* as requested by Forest and Bird. We consider it is not necessary to add a matter of discretion in relation to the overlays as other chapters have provisions addressing these significant values.

1173. For consistency with Rule INF-R1, the Panel recommends amending clause (1) and the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1174. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part, and recommend the following changes to **Rule INF-R18** (including consequential renumbering) and the deletion of **Rule INF-R19** and **Rule INF-R20**:

INF-R1~~8~~7	**Lighthouses, navigational aids and beacons, environmental monitoring equipment and Meteorological facilities[324] not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Where: **1. All ~~P~~p**erformance standards in Rule INF-R1 are complied with.[325] Discretion is restricted to: a. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[326] b. Locational, technical and operational constraints; ~~and~~ c. Benefits to the community**; and** d. **Effects on indigenous biodiversity.** [327]	
Activity status where compliance not achieved: Non-complying	

~~**INF-R19**~~	~~**Environmental monitoring and extreme weather event monitoring and meterological facilities not meeting Permitted Activity standards**~~

[324] Consequential amendment resulting from the deletion of INF-R19 and INF-R20, Buller District Council S538.060 & S538.061
[325] RMA Schedule 1 Clause 16(2)
[326] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[327] Forest and Bird S560.158

~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~2. Impact on the resilience of the community to natural hazards and climate change;~~ ~~3. Benefits to the community;~~ ~~4. Locational, technical and operational constraints; and~~ ~~5. Landscape measures.~~	
~~**Activity status where compliance not achieved**~~: N/A[328]	
~~**INF-R20**~~	~~**Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards**~~
~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~a. Locational, technical and operational constraints; and~~ ~~b. Landscape measures.~~	
~~**Activity status where compliance not achieved**~~: N/A[329]	

INF-R21

1175. The Panel recommends **Rule INF-R21** is retained as notified, except for consequential renumbering, as follows:

INF-R~~21~~8	**Community Wastewater Treatment Facility in the Community Living Precinct**
Activity Status Restricted Discretionary Where: 1. This is located in accordance with a Concept Plan in Appendix Eight; 2. Disposal of treated effluent is through a land based effluent system. Discretion is restricted to: a. The design of the wastewater treatment plant and land based disposal method; b. Effects on Poutini Ngāi Tahu values within or adjacent to the site; c. Natural hazards or geotechnical ~~constraints~~ **considerations**;[330] d. Effects on natural character, landscape, water quality and ecosystems; e. Any requirements arising from meeting the **NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure** or the Council Engineering Standards. **Advice Note:** 1. A Discharge Consent under the West Coast Regional Land and Water Plan may also be required. 2. Applicants are encouraged to jointly lodge applications for consent under the Regional Plan and TTPP provisions at the same time to enable efficient processing.	
Activity status where compliance not achieved: Discretionary	

INF-R22

[328] Buller District Council S538.060
[329] Buller District Council S538.061
[330] Consequential amendment stemming Natural Hazards recommendation

1176. The Panel recommends amending Rule INF-R22 relating to visual effects and amenity values as previously discussed.

1177. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to **Rule INF-R22** (now renumbered INF-R20):

INF-R19	**New Telecommunications Kiosk not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**.[331]	
Activity status where compliance not achieved: N/A	

INF-R23

1178. The Panel recommend amending Rule INF-R23 relating to visual effects and amenity values as previously discussed.

1179. As discussed above, the Panel recommends amending clause (d) to include adverse effects on indigenous biodiversity in addition to the reference to the overlay chapters.

1180. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R23** (now renumbered INF-R21):

INF-R2~~3~~0	**New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. The functional and operation needs of, and benefits derived from the network utility; b. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ c. **Effects on amenity values**;[332] d. ~~significant~~**A**~~a~~dverse effects on ~~the values and attributes~~ **indigenous biodiversity and Overlay Chapter matters**. ~~adverse effects on of scheduled overlay chapter areas~~;[333] e. The potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: N/A	

[331] RMA Schedule 1 Clause 16(2)
[332] RMA Schedule 1, clause 16(2)
[333] Forest and Bird S560.164

INF-R24

1181. The Panel recommend **Rule INF-R24** is retained as notified with the consequential re-numbering.

Discretionary Activities	
INF–R21	**New Community Wastewater treatment facility or New Community Reticulated Water Treatment Plant not provided for as a Controlled or Restricted Discretionary Activity**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF-R25

1182. The Panel recommend **Rule INF-R25** is retained as notified with the consequential re-numbering..

INF–R22	**Maintenance and operation of existing gas pipeline or new pipelines and ancillary facilities up to 2,000 kilopascals not meeting Permitted or Restricted Discretionary Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF-R26

1183. The Panel recommend amending the heading to INF-R26 by deleting the word '*minor*' from the title to provide clarity and remove unnecessary wording. We also agree with the Reporting Officers in relation to KiwiRail's submission and consider rail infrastructure is appropriately provided for in the Transport Chapter.

1184. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R26**:

INF–R23	**Installation, extension, maintenance, operation, ~~minor~~ upgrade and repair of lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards**[334]
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF-R27

[334] Grey District Council S608.523

1185. The Panel recommend **Rule INF-R27** is retained as notified with the consequential re-numbering.

INF–R24	**Temporary Network Activities and New Network Utility Customer Connections not meeting Permitted Activity standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF–RX1

1186. The Reporting Officer's recommended a 'catch-all' non-complying activity status for Energy Activities not otherwise identified as Permitted, Controlled, Restricted Discretionary or Discretionary Activities. The amendment responds to a submission by Transpower, however, the Panel notes, as pointed out by Ms Whitney in her evidence, that the submission sought a default discretionary rule for energy activities not otherwise provided for. While Ms Whitney said that there was no commentary provided on Transpower's submission, the Panel notes that the s42A Report (paragraph 321) addresses the submission and recommended it be accepted; and to ensure consistency across the Energy, Infrastructure and Transportation chapters recommended that the same rule be included in the Infrastructure and Transportation chapters.

1187. What is unclear to the Panel is why the default position for this 'catch-all' rule became non-complying in the s42A Report. In our view, there is no submission seeking a non-complying status and it is therefore beyond scope to include one. Further, there seems to be no justification provided for such an approach and we agree with Ms Whitney that a non-complying activity status does not give effect to the NPSET or the RPS.

1188. The Panel recommends that a catch-all rule for the Infrastructure Chapter is added as new discretionary activity Rule INF-R28. We consider the rule title can be simplified to "*Any Energy Activity not provided for in another rule*".

1189. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following **new Rule INF-R25**:

INF–R25	**Any Infrastructure Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A [335]	

INF-R28

1190. The Panel recommend **Rule INF-R28** is retained as notified.

[335] Consequential amendment from Transpower S299.051

Non-complying Activities	
INF–R26~~8~~	**Any infrastructure activity which does not meet with Performance Standards in Rule INF - R1, or any rule which refers to those standards, in relation to Electric Fields, Magnetic Fields or Radio Frequency Fields**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	

Other New Standards and Rules

Amateur Radio communications

1191. The Panel accept that a rule addressing Amateur Radio communications is appropriate and we have reviewed the provisions in other recent district plans, including Porirua, Napier and Waimakariri. All have differing rules at a permitted status, however we note that the scale of structures being sought by Branch 49 in their submission are in excess of the provisions we have seen in those other plans.

1192. The Panel's concern is that the scale of structures proposed by Branch 49 may not be appropriate in certain zones or in certain locations and that no detailed analysis on this has been undertaken or is before us. We consider that 25m towers and 250m^2 transmission buildings are not insubstantial structures.

1193. For these reasons, the Panel recommends rejecting the submission by Branch 49, however, we consider this is a matter that requires further investigation and should be addressed through a subsequent plan change.

New lighthouses, navigational aids and beacons.

1194. GDC sought the insertion of a new permitted activity to provide for new lighthouses, navigational aids and beacons.

1195. The Panel agree with the Reporting Officers that Rules INF-R6 and INF-R19 already provide for the relief sought and further note Rule INF-R18 addresses the default activity. We therefore do not recommend a new permitted activity rule and reject the GDC submission.

Waste Water Discharge Rule

1196. Poutini Ngāi Tahu sought a new rule for systems that that address the discharge wastewater into water as a non-complying activity.

1197. The Panel agrees with the Reporting Officers discharges of wastewater to land or water are regulated by the WCRC and does not require management in the pTTPP. We therefore do not recommend a new permitted activity rule and reject the Poutini Ngāi Tahu submission.

Section 32AA Evaluation for Infrastructure Chapter Recommended Amendment

1198. Given the level of recommended changes, the Panel has undertaken an evaluation of the recommended amendments to provisions since the initial s32 evaluation was undertaken, in accordance with s32AA of the RMA.

1199. The Panel considers the amendments proposed will create consistency across the chapters and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the pTTPP.

1200. The Panel considers the benefits of the changes are improved consistency and ease of interpretation. The Panel acknowledge that some activity types may now require consent, which will be an additional cost for those activities in certain circumstances, as part of consenting processes. Conversely, some activities will now be permitted, and costs are avoided.

1201. The Panel considers there is a risk of not acting in that there would be a range of inconsistencies within the provisions which will be difficult and potentially impossible in meet. We have not identified any risks from acting.

6. TRANSPORT

6.1. TRN General/Whole Chapter

Submissions and Further Submissions

1202. Suzanne Hills (S443.016) sought that the Transport (**TRN**) Chapter be reviewed to enable a significant reduction in regional transport emissions.

1203. Rocky Mining Ltd (S474.030) and Papahaua Resources Ltd (S500.019) sought recognition of the importance of efficiently and effectively using and operating the transport network.

1204. Foodstuffs (S464.005), supported by Martin & Co Westport Ltd, and Lumberland Building Market Westport (FS140), sought that the Transport chapter remove the emphasis on amenity.

1205. Jane Neale (S262.006) sought disability access to be provided in all areas.

1206. In multiple submission points KiwiRail (S442) sought that the TRN Chapter include a series of new rules, standards and figures to protect the sightlines of railway level crossings.

Section 42A Reports

1207. Responding to Suzanne Hills, the s42A Report considered that the proposed provisions support alternative modes of transport and the consolidation of development, which will contribute to reducing transport emissions.

1208. Responding to Rocky Mining Ltd and Papahaua Resources Ltd, the s42A Report considered objective TRN-O1 afforded appropriate recognition of the transport network.

1209. Responding to Foodstuffs, the s42A Report considered that, given that the pTTPP did not provide for amenity standards, the TRN Chapter should include the consideration of amenity given it is important for transport and the experience of transport users.

1210. Responding to Jane Neale, the s42A Report did not support the relief sought because disability access and parking are required in accordance with the Building Code.

1211. Responding to KiwiRail, the s42A Report agreed that railway level crossing sightlines and design should be considered. However, it noted insufficient technical evidence and lack of a S32 evaluation to support the relief sought.

Hearing Panel's Evaluation

1212. The Panel accepts the Reporting Officers' evaluation and reasoning not to change the provisions concerning issues raised in submissions and further submissions made on general matters.

1213. The Panel note the evidence of Ms Michelle Grinlinton-Hancock for KiwiRail responded to the lack of information to support the submission point relating to railway level crossings. We consider this matter in relation to the specific provision below.

Hearing Panel's Recommendation

1214. No changes to the TRN Chapter are recommended in response to submissions and further submissions on general matters.

6.2. TRN Definitions

Submissions and Further Submissions

1215. Buller District Council (BDC) (S538.005 and S538.009) sought a definition to be provided for '*transport corridor*'. NZTA Waka Kotahi (S450.004 and S450.010) supported the definitions of '*heavy vehicle'* and '*vehicle crossing'* as notified. KiwiRail (S442.014) sought a definition to be provided for '*transport network'* as follows:

> *Means all rail, public roads, public pedestrian, cycle and micro-mobility facilities, public transport and associated infrastructure.*

Section 42A Reports

1216. The s42A Report agreed with BDC that a definition for '*transport corridor'* should be provided because the term is used in several standards and needed to be clearly defined in its extent. It recommended it be referred to as '*land transport corridor'* to be consistent with the pTTPP and ensure that it is not confused with coastal transport.

1217. The s42A Report disagreed with the KiwiRail submission, considering it unnecessary to provide a definition of '*transport network'* because this is appropriately summarised in the overview of the Transport Chapter.

Hearing Panel's Evaluation

1218. The Panel notes that GDC (S608) sought a definition of 'Land Transport Corridor' be included which we have addressed in the Infrastructure Chapter. BDC's request is for a definition for '*transport corridor*' while KiwiRail sought a definition be provided for '*land transport infrastructure*' which is also discussed in the Infrastructure Chapter.

1219. We note the Reporting Officers' recommendation to include a new definition for '*land transport corridor*' appears to be as a consequential amendment to their recommendation to include a new objective that uses the term and appears at odds with the recommendation in their recommendation in the Infrastructure Chapter not to provide a definition. The Panel recommends not including a new objective (see below) and therefore consider there is no scope to make a consequential amendment in relation to adding the two new definitions recommended by the Reporting Officers.

1220. The Panel has therefore limited its consideration to BDC's request for a definition for '*transport corridor*'. We agree with the submitter that including a definition is helpful given the term is used in the rules. We note that this would pick up any situations in the Plan where '*land transport corridor*' is used and as such consider there is no need for a definition of '*land transport corridor'* as a result. We have made minor amendments to the wording requested.

1221. The Panel consider the request by KiwiRail (S442.014) for a new definition for '*transport network*' is a useful addition to the Plan. We have also made minor amendments to the wording requested.

Hearing Panel's Recommendation

1222. Subject to our consideration of Part 2 of the RMA, the Panel recommends including a new definition for '*land transport corridor'* to assist with Plan clarity:

TRANSPORT CORRIDOR[336]	**Means the legal road or rail corridor from the adjacent property boundary on one side of the legal road or rail corridor to the adjacent property boundary on the other side.**
TRANSPORT NETWORK[337]	**Means all rail; public roads; public pedestrian, cycle and micro-mobility facilities; public transport; and associated infrastructure.**

6.3. TRN Overview

Submissions and Further Submissions

[336] Buller District Council S538.005
[337] KiwiRail S442.014

1223. There were nine submission points and three further submission points[338] identified in the s42A Report in relation to the TRN Overview and it notes two submissions supported the strategic overview as notified.

1224. HNZPT (S140.012) sought to amend the '*Other relevant Te Tai o Poutini Plan provisions'* section of the Overview to provide for historic heritage under the Overlay Chapters heading.

1225. Karen Lippiatt (S439.013) sought to amend paragraph 1 of the Overview to emphasise active transport.

1226. Forest & Bird (S560.170) sought the deletion of the first sentence of paragraph 2 and clarification of the relationship between the Transport chapter and other chapters. They considered that the scope and relationship of the Transport chapter to other chapters was unclear.

1227. Grey District Council (GDC) (S608.009), opposed by Poutini Ngāi Tahu (FS41.3), sought removal of performance standards referencing Sites and Areas of Significance to Māori (**SASM**) and deletion of '*Sites and Areas of Significance to Māori*' from the Overlay section of the Overview; and requested identified sites be reassessed.

1228. GDC also (S608.010) sought clarification on how the wording in the Overview corresponds to standard best practices in the planning sector.

Section 42A Reports

1229. The s42A Report supported the relief sought by HNZPT because providing for historic heritage under the overlay chapters would ensure consistency across the pTTPP.

1230. The s42A Report did not support the amendments sought by Karen Lippiatt because it considered this would alter the scope and intent of the Overview. It also did not support the changes sought by Forest & Bird because it considered the Overview, particularly the "*Other relevant Te Tai o Poutini Plan Provisions*" section, provided sufficient clarity of the relationship between chapters.

1231. The s42A Report supported GDC's request to remove the reference to SASM in the TRN Chapter performance standards because it considered the Sites and Areas of Significance to Māori Chapter manages the effects of activities in proximity to SASM. Appendix 1 of the s42A Report showed this as recommended for deletion from the overview section. However, contrary to this Appendix 2 of the s42A Report recommends rejecting S608.009 and accepting FS41.003.

1232. The s42A Report invited GDC to provide further information on how the wording of the Overview corresponds with best planning practices. Nothing further was provided.

Hearing and Submitter Evidence/Statements

[338] S140.012, S190.113, S439.013, S560.466, S560.467, S560.468, S560.469, S608.009, S608.537, FS41.3, FS230.0374, FS230.0435

1233. Ms Pull highlighted Poutini Ngāi Tahu's general support of how the notified pTTPP used cross-referencing to relevant provisions within the Overviews to clarify the relationship between chapters. However, she noted inconsistencies in the recommendations of the s42As reports for different chapters of the Plan and in what should or shouldn't be cross-referenced.

1234. Ms Pull noted the SASM Chapter included provisions that relate to Energy, Infrastructure and Transport and therefore she supported cross-referencing to SASM included in the Overview under the heading Overlay Chapters. She considered the s42A Report consideration of the further submission was incorrect (paragraph 520) and did not accurately reflect the request to retain references to the SASM on the performance standards.

1235. In support of her position, Ms Pull noted that the National Planning Standards include a mandatory direction[339] that states:

> *The chapters under the energy, infrastructure and transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special purpose zones chapter or sections*

1236. Ms Pull also referred to mandatory direction five which states:

> *Tangata whenua/mana whenua content must be integrated throughout the policy statement or plan where the local authority determines it appropriate.*

1237. Ms Pull noted the s42A Report recommended adding '*Historic Heritage*' to the overlay chapters and highlighted the RMA definition of '*Historic Heritage'* includes SASM, which is why the SASM Chapter is in the Historical and Cultural Values section of the Plan.

1238. Ms Grinlinton-Hancock's tabled evidence for KiwiRail, accepted the s42A Report recommendation to not alter the Overview as sought in submission.

Reporting Officer Reply Evidence

1239. The issue of SASM being referenced within the Overview under the heading of overlay chapters was not discussed in Reply and the tracked changes to the provisions showed the Reporting Officers continued to recommend *'Sites and Areas of Significance to Māori'* be deleted from the Overview.

Hearing Panel's Evaluation

1240. The Panel disagrees with the Reporting Officers and recommends retention of the reference in the Overlay Chapters section of the Overview to '*Sites and Areas of Significance to Māori'* for the reasons advanced by Ms Pull in her evidence. We consider this is consistent with cross referencing throughout the Plan. The Panel recommends rejecting GDC's submission point S608.009 and accepts Poutini Ngāi Tahu's further submission point FS41.3.

[339] National Planning Standards (2002) Mandatory Direction 6, page 32

1241. The Panel agrees with the Reporting Officers that it is appropriate to add '*Historic Heritage*' and consider this will achieve Plan consistency.

1242. The Panel considers the overview wording appropriately acknowledges a range of transport modes.

Hearing Panel's Recommendations

1243. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Overview**:

Transport - Te Tūnuku

Overview

The West Coast/Te Tai o Poutini has an extensive road and rail network with a growing number of shared pathways. It is essential that people and goods are safely and efficiently transported to destinations through a multimodal transport network that enables all users to meet their economic, social and cultural needs.

The Transport Chapter contains all the objectives, policies and rules for managing the land transport corridors and the works and activities that occur within them. The Plan encourages safe, efficient and cost-effective transport corridors to support the movement of people, goods and services through integrated, accessible, and well-connected transport corridors.

Transport Performance Standards are contained in Appendix One: Transport Performance Standards. The Plan uses the One Network Roading Classification System (ONRCS). This national system divides roads into categories based on how busy they are, whether they connect to important destinations, or if they are the only route available. The ONRCS is used to specify the key standards for the design and construction of infrastructure. To support safety and connectivity, Te Tai o Poutini Plan also requires minimum design standards in respect of driveways, vehicle access points, visibility, road widths and other transport related infrastructure while also requiring on-site parking in appropriate places.

Land use and subdivision are managed to protect the land transport corridors from incompatible activities that could undermine the provision of an integrated, responsive, and sustainable transport system. The Transport Chapter is linked to the Part 2 – District-[340]Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.

The transport provisions apply to each zone identified in the Planning Maps and Part 3 - Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.

[340] RMA First Schedule Clause 16

Provisions for Ports and public Airports/Heliports are included within the Port Zone and Airport Zone respectively.

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-**W**~~w~~ide[341] Matters chapters also contain provisions that may be relevant for energy activities, including:
Noise - The Noise Chapter contains the provisions for managing reverse sensitivity effects relating to noise sensitive activities establishing next to the state highways.
Signs - The Signs Chapter contains the provisions for signs, including those within the transport corridors.
Light - The Light Chapter contains the provisions for artificial outdoor light, including that within transport corridors.
Subdivision - The Subdivisions **C**~~c~~hapter[342] sets out the requirements for the development of new transport connections.
Financial Contributions - The Financial Contributions **C**~~c~~hapter[343] sets out the requirements for contributions of costs for activities which impact on the local roading network.
Overlay Chapters - The Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; **Historic Heritage**;[344] Ecosystems and Indigenous Biodiversity; Natural Features and Landscape**s**;[345] Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where a transport activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

6.4. Transport Objectives

Submissions and Further submissions

1244. The s42A Report identified 12 submission points[346] on the TRN objectives collectively and noted eight submission points supported the objectives as notified.

TRN-01

1245. The s42A Report identified 10 submission points and five further submission points[347] relating to TRN-O1 and noted six submission points supported TRN-O1 as notified.

1246. TiGa Minerals and Metals Ltd (S493.026), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.002 and S599.030) and Birchfield Coal Mines Ltd (S601.024) sought TRN-O1 be retained but moved to 'Connections and Resilience' under the Strategic Directions Chapter to recognise

341 RMA First Schedule Clause 16
342 RMA First Schedule Clause 16
343 RMA First Schedule Clause 16
344 Heritage New Zealand S140.012
345 RMA First Schedule Clause 16
346 S538.082 S181.003, S493.025, S538.068, S558.718, S563.005, S564.008, S566.718, S567.075, S574.718, S577.008, S599.029, S601.023
347 S190.114, S442.032, S450.034, S464.039, S493.026, S599.002, S599.030, S608.524, S614.020, S615.020, FS68.011, FS72.011, FS144.011, FS147.011, FS218.013

the critical role of transport infrastructure. Katherine Crick (FS68.011) and Mike Spruce (FS218.013) opposed the relief sought by TiGa Minerals and Metals Ltd.

TRN-02

1247. The s42A Report identified 11 submission points and five further submission points[348] and noted four submissions points supported TRN-O2 as notified.

1248. NZTA Waka Kotahi (S450.035) sought to replace '*minimise*' with '*mitigate*' because minimise can be interpreted in a way that would be a disproportionately onerous to the requirement to manage adverse effects.

1249. Foodstuffs (S464.040), supported by Martin & Co Westport Ltd and Lumberland Building Market Westport (FS140.019), sought deletion of TRN-O2 or amendment as follows:

> *To provide for the safe and efficient operation of the land transport infrastructure, while managing adverse effects on the surrounding environment*

1250. TiGa Minerals and Metals Ltd (S493.027), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.031) and Birchfield Coal Mines Ltd (S601.025) sought the deletion of TRN-O2 or amendment as follows:

> *To ~~manage the effects~~ provide for the safe and efficient operation of land transport infrastructure ~~on the character, landscape and amenity of the towns, settlements and rural areas and minimise~~ while managing adverse effects on the surrounding environment.*

1251. Four further submissions opposed this amendment (FS147.005, FS72.005, FS77.14 and FS144.005) opposed this amendment.

1252. Two submitters sought the replacement of '*minimise*' with alternative wording. Forest & Bird (S560.172) sought its replacement with '*avoid, remedy or mitigate following the Natural Environment and District Wide chapters of this Plan*'. GDC (S608.525) sought its replacement with '*mitigate*'.

TRN-03

1253. The s42A Report identified 16 submission points and six further submission points[349] and noted eight submissions points supported TRN-O3 as notified.

1254. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.002) sought that TRN-O3 be amended to ensure accessibility, safety, connectivity and amenity are provided for all

[348] S65.002, S190.115, S450.035, S464.040, S493.027, S560.172, S599.031, S601.025, S608.025, S614.021, S615.021, FS140.019, FS147.005, FS72.005, FS77.14, FS144.005

[349] S65.003, S190.116, S274.002, S439.014, S442.033, S450.036, S456.006, S464.005, S464.041, S493.028, S500.020, S599.032, S601.026, S608.526, S614.022, S615.022, FS53.10, FS68.012, FS72.012, FS147.012, FS140.020, FS218.014

transport users, rather than giving less importance to cyclists and pedestrians and only providing for amenity.

1255. Karen Lippiatt (S439.014), supported by Herenga ā Nuku Aotearoa, Outdoor Access Commission (FS53.10) sought to amend TRN-O3 to replace '*consider*' with '*provide for'* so as to provide more emphasis on active transport.

1256. Six submission points (S464.005, S464.041, S493.028, S500.020, S599.032 and S601.026, supported by FS140.020) sought that TRN-O3 be amended to remove reference to '*amenity*' because it is inappropriate to introduce a requirement to consider amenity in relation to land transport infrastructure. Several further submitters (FS68.012, FS72.002, FS72.006, FS147.006, FS53.12, FS53.13 FS77.15 FS218.014 and FS144.006) opposed this amendment because the overlays are an important and essential sustainable management tool and ensure compliance with higher order statutory instruments.

TRN-04

1257. The s42A Report identified seven submission points[350] supporting TRN-O4 as notified. The reasons provided include:

- Improved resilience to hazards and climate change has good public health outcomes for people and communities;
- Encourages a resilient transport network to natural hazards and climate change; and
- Recognises the provision of emergency and core infrastructure services.

TRN-05

1258. The s42A Report noted six submissions supported TRN-O5 as notified.

New Objectives

1259. TiGa Minerals and Metals Ltd (S493.025), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.029) and Birchfield Coal Mines Ltd (S601.023) sought two new objectives to give effect to the RPS, as follows:

> *To provide for the safe, effective and efficient operation and use of land transport infrastructure to enable the movement of goods and people across the region.*
>
> *Land transport corridors and land transport infrastructure are protected from incompatible land use activities and subdivision development, where these are defined as critical infrastructure.*

[350] S190.117, S442.034, S450.037, S608.527, S612.016, S614.023, S615.023

1260. Four further submissions opposed these new objectives (FS147.003, FS72.020, FS144.021 and FS144.018).

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TRN-01

1261. The s42A Report did not support moving TRN-01 to the Strategic Direction Chapter because it considered CR-O1 – CR-O4 (as notified) already afford appropriate strategic direction and TRN-O1 refines this for the purpose of the TRN Chapter.

TRN-02

1262. The s42A Report did not support replacing '*minimise*' with '*manage*' as sought by NZTA Waka Kotahi because this was inconsistent with the recommendations for the ENG Chapter and INF Chapter. It considered '*minimise*' provided greater certainty and was consistent with the approach taken plan wide. However, the Panel notes that the submitter sought '*mitigate*'.

1263. The s42A Report did not support deletion of TRN-02 or its amendment because it considered this would be inconsistent with the recommendations for the equivalent objectives in the ENG and INF Chapters. It also considered the proposed wording aligned with the methods outlined in the RPS, which seek to provide for safe and efficient operation of regionally significant infrastructure, including land transport infrastructure. However, contrary to these recommendations (s42A Report paragraphs 530 and 531), Appendix 1 of the s42A Report showed amendments to TRN-02, including deleting '*manage the effects*' and adding '*provide for the safe and efficient operation'.* It also showed the words *'on the character, landscape and amenity of the towns, settlements and rural areas'* as deleted.

1264. The Reporting Officers' Position Statement (paragraph 31) records they had considered Ms Pulls' evidence disagreeing with their recommendation to delete references to character, landscape and amenity but retained the s42A Report recommendation.

1265. The s42A Report also did not support the amendment sought by Forest & Bird and GDC to replace '*minimise*' with '*avoid, remedy or mitigate'* as they considered that '*avoid, remedy or mitigate'* is too general for an objective. Further, it considered this would be inconsistent with the recommendations for the equivalent objectives in the ENG and INF Chapters.

TRN-03

1266. The s42A Report considered the current wording of TRN-O3 did not give less importance to cyclists and pedestrians and noted it specifically highlights their importance. It did not support the relief sought by Herenga ā Nuku Aotearoa Outdoor Access Commission.

1267. The s42A Report supported replacing '*consider*' with '*provide for'* because it considered this would strengthen the amenity requirement within the TRN Chapter and gives effect to s7 of Part 2 of the RMA which provides for amenity.

1268. The s42A Report did not support removing reference to *'amenity'* because this is an important consideration for transport and the experience of transport users. It noted that without amenity effects the objective would be redundant and would not give effect to RMA s7.

TRN-04

1269. The s42A Report recommended retaining TRN-O4 as notified.

TRN-05

1270. The s42A Report recommend retaining TRN-O5 as notified.

New Objectives

1271. The s42A Report did not support the first proposed new objective because it considered the issue was already appropriately addressed within the notified objectives. It supported the second new objective because it considered this would ensure consistency with ENG and INF Chapters (ENG-O3 and INF-O3) and it was appropriate to provide an objective related to reverse sensitivity effects.

Hearing and Submitter Evidence/Statements

1272. Ms Alex Hansby and Ms Alex Booker provided a short legal memorandum on behalf of Birchfield Coal Mines Ltd, Papahaua Resources Ltd, Rocky Mining Ltd, TiGa Minerals and Metals Ltd, WMS Group and WMS Land Co, confirming no evidence or legal submissions would be provided, but noted that questions were welcome. The memorandum repeated the submission points relevant to this part of our recommendations (TRN-01, TRN-02, TRN-03 and proposed New Objectives). These points are recorded above.

1273. Ms Snoyink, for Forest & Bird, challenged the Reporting Officers' reasons for relying on the Overview to guide what other chapters may apply and for rejecting its relief for TRN-02. She noted that the Overview, while helpful, did not influence the interpretation of provision wording. She was concerned that if there was no direction to avoid, remedy, mitigate, or alternative measures, such as minimise as directed in the TRN chapter, could be read to override the direction of other chapter provisions regarding how adverse effects are to be addressed. She also reiterated Forest & Birds request to replace '*minimise*' with '*avoid, remedy or mitigate*.'

1274. Mr Stuart Pearson, for NZTA Waka Kotahi, advised that the agency accepted the recommendations in the s42A Report on all the objectives.

1275. Ms Pull's evidence challenged the s42A Report recommendation to amend TRN-02 by deleting references to effects on character, landscape, and amenity of towns, settlements, and rural areas. She considered that in determining if the TTPP is giving effect to the RPS, the Plan must be read as a whole, and that cultural, historic, and amenity values need to be considered. She considered that if the s42A Report's recommended deletions were supported, none of the TRN objectives would allow for consideration of the potential effects of transport on cultural and amenity values in the surrounding environment.

1276. Ms Pull's position statement (1 February 2024) records the Reporting Officers agreed with her criticisms of TRN-02 and, in theory, agreed to retain references to '*character, landscape, and amenity*' within the objective to provide clarity on what is meant by the word '*environment*'.

Reporting Officer Reply Evidence

1277. No further changes to the TRN objectives were shown in Attachment 1 of the Reporting Officers' Reply.

Hearing Panel's Evaluation

1278. TRN-02, TRN-O3 and new TRN-06 are the only amendments recommended by the Reporting Officers to the objectives. The Panel accept the Reporting Officers' recommendation to retain **TRN-O1, TRN-O4 and TRN-O5** as notified.

1279. In relation to **TRN-02**, the Panel notes that the Reporting Officers mistakenly considered replacing that '*minimise*' with '*manage*'.

1280. The objective, as notified, sought to manage effects of land transport infrastructure on character, landscape and amenity of towns, settlements and rural areas, and to minimise adverse effects on the environment. The Panel considers this is unnecessarily complicated and should be simplified. We prefer the amended objective proposed by Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited, which uses clear and concise wording.

1281. The Panel notes that Poutini Ngāi Tahu did not submit on TRN-O2, or any TRN objectives.

1282. In relation to **TRN-03**, the Panel accepts the Reporting Officers' recommendation to replace '*consider*' with '*to provide for'* in relation to amenity, for the reasons provided in s42A Report.

1283. The Panel agree with the Reporting Officers' reasoning to reject the first of the two proposed **new objectives** because it would lead to duplication. However, we consider including proposed new Objective TRN-O6 could result in a perverse outcome where lighting, footpaths, signage and cycleways would be required to be protected from reverse sensitivity effects from land use activities, which would be inconsistent with the RPS. We also note there is no policy which would implement this proposed objective. We therefore disagree with the Reporting Officers and recommend not including this proposed objective; and reject the submission points requesting this. We consider the Reporting Officers concerns regarding reverse sensitivity are provided for under TRN-O2.

Hearing Panel's Recommendations

1284. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Objectives**:

Transport Objectives	
TRN– O1	To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.
TRN – O2	To ~~manage the effects~~ **provide for the safe and efficient operation** of land transport infrastructure ~~on the character, landscape and amenity of the towns, settlements and rural areas and minimise~~, **while managing** adverse effects on the

	environment.[351]
TRN – O3	To enable accessibility, safety and connectivity of land transport infrastructure and ~~consider~~**to provide for**[352] the amenity of all transport users, including pedestrians and cyclists.
TRN– O4	To encourage resilience within the transport network to natural hazards and climate change reflecting its vital role in community wellbeing and economic activity.
TRN – O5	To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

6.5. Transport Policies

1285. The s42A Report identified 11 submission points[353] relating to the Transport policies collectively and noted four submissions supported the policies as notified.

TRN-P1

1286. The s42A Report identified 10 submission points and one further submission point[354] in relation to TRN-P1 and noted four submissions supported it as notified. BDC (S538.069), supported by NZTA Waka Kotahi (FS62.003), sought to amend TRN-P1 to recognise road classification under the most current National Transport Network classification system.

1287. Two submission points (S450.039 and S608.529) sought to replace '*minimise*' with '*mitigate*' to align with TRN-O2 and because mitigate is considered more appropriate in managing adverse effects.

1288. Four submission points (S464.042, S493.030, S599.033 and S601.028) sought the deletion of clause (c) from TRN-P2 because it provides for amenity, which is not considered relevant to land transport infrastructure.

TRN-P2

1289. The s42A Report identified four submission points[355] relating to TRN-P2 and noted two supported it as notified.

[351] Foodstuffs South Island) Properties Limited and Foodstuffs South Island Limited S464.040
[352] Karen Lippiatt S439.014
[353] S181.003, S493.029, S538.068, S538.069, S558.719, S566.719, S567.076, S574.719, S599.033, S601.027, S613.012
[354] S65.004, S190.119, S442.036, S450.039, S456.007, S464.042, S493.030, S599.034, S601.028, S608.529, FS62.003
[355] S190.120, S442.037, S450.040, S608.530

1290. KiwiRail (S442.037) sought to amend TRN-P2 to include '*rail level crossings*' to ensure that rail level crossings are considered in addition to intersections and State Highways.

1291. NZTA Waka Kotahi (S450.040) sought to amend TRN-P2 to delete clause (c) because it considered it achieved similar outcomes to clause (a) and resulted in repetition.

TRN-P3

1292. The s42A Report identified four submission points[356] relating to TRN-P3 and noted three submission points supported TRN-P3 as notified.

1293. KiwiRail (S442.038) sought to amend TRN-P3 to restrict buildings, structures, planting, or other visual obstructions within the sightlines of rail level crossings.

TRN-P4

1294. The s42A Report identified four submissions[357] relating to TRN-P4 and noted three submission points supported it as notified.

1295. KiwiRail (S442.039) sought to amend TRN-P4 to strengthen the wording and requirement to achieve safety at all rail crossings, not just at grade-level crossings.

TRN-P5

1296. The s42A Report identified five submission points[358] supporting TRN-P5 as notified.

TRN-P6

1297. The s42A Report identified four submission points[359] supporting TRN-P6 as notified.

TRN-P7

1298. The s42A Report identified six submission points[360] relating to TRN-P7 and noted four submissions supported TRN-P7 as notified. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.007) sought to amend TRN-P7 to include an additional clause supporting increased cycling and walking.

1299. NZTA Waka Kotahi (S450.004) recommended reviewing the rules and standards relating to cycle parking facilities to better align with TRN-P7.

TRN-P8

[356] S190.121, S442.038, S450.041, S608.531
[357] S190.122, S442.039, S450.042, S608.532
[358] S65.005, S190.123, S442.040, S450.043, S608.533
[359] S65.006, S190.124, S450.044, S613.012
[360] S65.007, S190.125, S274.007, S439.015, S608.534

1300. The s42A Report identified 10 submission points[361] supporting TRN-P8 as notified. NZTA Waka Kotahi (S450.046) sought TRN-P8 be amended to delete clause (c) as it repeats (b).

TRN-P9

1301. The s42A Report identified four submission points[362] supporting TRN-P9 as notified.

New Policies

1302. TiGa Minerals and Metals Ltd (S493.029), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.033) and Birchfield Coal Mines Ltd (S601.027) sought the insertion of a new policy to protect and enable vital land transport links. This request for a new policy was opposed by three further submissions (FS147.004, FS72.004 and FS144.004).

1303. NZTA Waka Kotahi (S450.048) sought the insertion of a new policy reflecting the high trip-generating standards. Foodstuffs (FS107.001) opposed this submission in part, unless it appropriately recognised activities (such as supermarkets) with operational and functional needs, and where customers require using a vehicle for shopping. BDC (FS149.003) agreed with NZTA Waka Kotahi that the policy framework did not specifically address high trip-generating activities but considered that adopting TRN-S14 was inappropriate, and that instead, a specific policy should be developed.

Section 42A Reports

TRN-P1

1304. The s42A Report agreed with the relief sought by BDC and NZTA Waka Kotahi because it would provide consistent wording throughout the pTTPP. It agreed that including the reference to the classification system was appropriate given there was no policy direction supporting this within the performance standards.

1305. The s42A Report did not support replacing '*minimise'* with '*mitigate'* because they considered minimising effects was appropriate to give effect to TRN-O2.

1306. The s42A Report did not support submissions seeking the deletion of clause (c) because it considered amenity is an important consideration for transport and the experience of transport users. It also noted that the inclusion of amenity in this policy also affects TRN-03.

TRN-P2

1307. The s42A Report agreed TRN-P2 should include a provision for rail, particularly given the wording of TRN-P3, which explicitly provides for rail level crossings. The Addendum Report, Attachment 1 (meeting notes at item 3 Vehicle Crossing) records TRN-P2 refers to the design, and that this matter should flow to the rules and standards. The Reporting Officers considered

[361] S65.008, S190.126, S450.046, S456.008, S558.727, S566.727, S567.084, S574.727, S608.535, S613.012
[362] S190.127, S450.047, S456.009, S608.536

there was a gap in the rules due to the absence of design standards. This matter is discussed further in relation to Appendix One: Transport Performance Standards below.

1308. The s42A Report agreed that clauses (a) and (c) overlapped, but they recommended refining clause (c) so that both could be retained.

TRN-P3

1309. The s42A Report did not support KiwiRail's request to include '*restricting*' because this was too onerous, and KiwiRail had not provided a s32 evaluation to support this amendment. It considered that structures and planting were essentially caught by '*other visual obstructions*'; and therefore, this amendment would be unnecessary.

TRN-P4

1310. The s42A Report agreed with KiwiRail that the words '*carefully consider'* do not provide strong enough policy direction and that the inclusion of '*ensure*' improves the policy's readability.

TRN-P5 and TRN-P6

1311. The s42A Report acknowledged the submissions in support and recommended retention of both policies as notified.

TRN-P7

1312. The s42A Report supported the relief sought by Herenga ā Nuku Aotearoa Outdoor Access Commission because this aligned with the NPSUD, which aims to provide for connectivity, specifically active mode networks, within new development.

1313. In relation to cycle parking facilities, the s42A Report agreed that the standards were unclear and could be amended to better align with TRN-P7, particularly TRN Table 5. In response to submission S538.088, it recommended that the heading of TRN Table 5 is amended to improve clarity.

TRN-P8

1314. The s42A Report agreed that clauses (b) and (c) had duplicate content and recommended that clause (c) was deleted.

TRN-P9

1315. The s42A Report recommend retaining TRN-P9 as notified.

New Policies

1316. In relation to the first new policy sought by TiGa Minerals and Metals Ltd, WMS Group (HQ) Ltd and WMS Land Co. Ltd, and Birchfield Coal Mines Ltd, the s42A Report did not support its inclusion because it considered the matters were appropriately addressed within the notified objectives and policies. However, contrary to this recommendation (paragraph 566), the new policy was included in Appendix 1 of the s42A Report as TRN-P10. Appendix 2 recommends

rejecting the requests for a new policy and accepting the further submissions opposing this new policy.

1317. The wording of new policy TRN-P10 in Appendix 1 of the s42A Report reflected the new policy requested except it replaced '*protect and enable*' with '*provide*', as follows:

> *Recognise and provide for the function of land transport infrastructure to ensure the safe and efficient movement of people and goods.*

1318. The s42A Report supported NZTA Waka Kotahi's request to include a new policy to reflect high trip-generating standards because the policy framework did not specifically address this identified gap. However, it considered adopting TRN-S14 was inappropriate, and recommended development of a specific policy. It noted agreement that the TRN Chapter did not appropriately provide a policy for high trip generation activities and that the Plan should provide guidance. However, it did not support the submitter's proposed wording because it would more appropriately be included as an assessment criterion and repeated TRN-R14. The Reporting Officers therefore recommended alternative wording for new TRN-P11 as follows:

> *Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA). All ITAs should be completed by a suitably qualified and experienced transport professional.*

1319. In addition to this new policy, the Reporting Officers also recommended including the above assessment criteria (TRN S14) in TRN-R12.

Hearing and Submitter Evidence/Statements

1320. Ms Booker's legal submissions highlighted her client's submission points.

1321. Mr Pearson (for NZTA Waka Kotahi) confirmed that the s42A Report recommendations were acceptable and either addressed the submission points or provided sufficient explanation as to why the changes sought are not required.

1322. Ms Grinlinton-Hancock (for KiwiRail) provided detailed evidence and diagrams on level crossings for both approach and restart sightlines in relation to TRN-P3. She outlined the purpose of sightlines for managing risks at rail crossings. She noted KiwiRail had statutory powers to remove vegetation and other obstructions under the Railways Act 2005 but stressed the need to exercise the power meant that a compromise of sightlines had already occurred. She sought to avoid that outcome, noting the relief sought meant sightlines would apply at the development point, minimising the risk of obstructions. She noted that sight lines rules and standards are regularly included in district plans, automatically.

1323. Ms Grinlinton-Hancock responded to the reasons stated in the s42A Report for rejecting the KiwiRail relief, noting that the sight line controls affect only a small portion of land near a rail crossing. She stressed that obstructing sightlines could significantly affect road and rail users and obstructions should be by '*restricting*' rather than just '*considering*' by their location, as suggested in the s42A Report. She added that '*restricting*' does not mean prohibited, but conveys clearly that buildings, structures, planting, and other visual obstructions should not

generally be located within sightlines. She added that including the words '*structures and plantings'* clarified what an obstruction might be for plan users.

1324. Ms Grinlinton-Hancock provided a detailed s32 analysis of the KiwiRail relief, noting that relief would affect TRN-P3 and gives effect to Policy 6.4 of the RPS, which protects RSI from reverse sensitivity effects. She also noted that the relief included two new rules dealing with sightlines at railway level crossings and sight triangles.

Reporting Officer Reply Evidence

1325. In Reply, the Reporting Officers recommended replacing '*minimise*' with '*mitigate*' in TRN-P2(b). However, they considered there was no submission to replace '*minimise'* in TRN-P1(c) and concluded there was no scope for change.

1326. Attachment 1 of the Right of Reply showed new policy TRN-10.

Hearing Panel's Evaluation

1327. In relation to **TRN-P1**, the Panel disagrees with the Reporting Officers that there is no scope to address use of '*minimise*' in clause (c). We note submission points from NZTA Waka Kotahi (S450.039) seeking replacement with '*mitigate*'; and Foodstuffs (S464.042), TiGa (S493.030), WMS (S599.034) and Birchfield (S601.028) seeking deletion of clause (c). We consider these submissions provide scope for amendments.

1328. The Panel assumes the Reporting Officers have confused the submission points relating to TRN-P1 with TRN-P2. We acknowledge there is no submission seeking to replace '*minimise*' with '*mitigate*' in relation to TRN-P2(b). We therefore reject the Reporting Officers recommendation to amend TRN-P2(b) shown in Attachment 1 of the Reply because this is not within the scope of submissions.

1329. We agree with the BDC and NZTA Waka Kotahi request and the Reporting Officers' recommendations to add clause (d) to TRN-P1 because this issue was omitted from the notified version of the Plan and needs coverage. However, we have deleted the words '*most current*' because it must refer to the National Transport Classification in effect at the time of notification.

1330. In relation to **TRN-P2**, the Panel recommends retaining clause (c) to implement TRN- 02 and agree that including '*separation of*' and '*rail level crossings*' is appropriate to improve clarity and to provide complete coverage.

1331. In relation to **TRN-P3**, the Panel accept the evidence of Ms Grinlinton-Hancock's and agree that the language used must be very clear. We consider her recommended wording achieves this clarity. We acknowledge safety at rail crossings is a significant issue and accept protecting critical sightlines will assist in achieving safety. We agree that adding '*structures, planting*' is appropriate to maximise user safety at road and rail crossings.

1332. In relation to **TRN-P4**, the Panel accept KiwiRail's request to amend TRN-P4 to provide more directive language by rewording the provision and deleting the words '*carefully consider*' and replacing them with '*ensure*', which is a much higher and appropriate threshold given the policy context.

1333. In relation to **TRN-P7**, the Panel agree with adding a new clause (c) to TRN-P7 because the amendment addresses providing for connectivity, which was omitted from the notified Plan. We accept connectivity between subdivisions and communities is an important consideration in relation to transport and consider its inclusion assists in giving effect to TRN-03.

1334. In relation to **TRN-P8**, the Panel accepts the recommendation to delete clause (c) to remove duplication with clause (b), which provides for the functional and operational requirements of activities covering all clause (c) matters.

1335. Despite the Reporting Officers conflicting recommendations, the Panel considers a **new policy**, such as TRN-P10, is necessary, primarily because all the other policies have a discrete focus. We note that this new proposed policy is much wider in its ambit, addressing safety and efficiency for the entire transport infrastructure, which was not covered by the notified Plan. We agree with the Reporting Officers that the requested '*recognise, protect and enable*' (as requested by submitters) is not appropriate. We consider '*recognise and provide for*' is consistent with the language used in the RPS in relation to regionally significant infrastructure. However, we recommend rewording the new policy to recognise the function of land transport infrastructure and to provide for the efficient and safe transport of people and goods.

1336. The Panel agrees that a **new policy TRN-P11** is required to address the identified gap in relation to high trip generation activities. We also agree with the Reporting Officers that the wording proposed by NZTA Waka Kotahi is more appropriately included as assessment criteria. We note the Reporting Officers also recommend an amendment to TRN rules to utilise some of this recommended wording, which is addressed below. However, we recommend the last sentence as proposed be included in the relevant rule and standards.

Hearing Panel's Recommendation

1337. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Policies:**

Transport Policies

TRN – P1	The road and rail **transport** networks shall**:** ~~:~~ [363] a. Be maintained or enhanced to provide safe and efficient transportation; b. Consider the needs of all transport users and modes of transport; ~~and~~[364] c. Minimise effects on adjoining properties including the impacts of vibration, noise and glare**; and**[365] d. **Recognise the different functions and design requirements for**

[363] RMA First Schedule Clause 16
[364] RMA First Schedule Clause 16
[365] RMA First Schedule Clause 16

	each road classification under the National Transport Network classification system.[366]
TRN – P2	Vehicle crossings and associated access will**:** ~~:~~ [367] a. Be designed and located to provide for safe, effective and efficient movement to and from sites; b. Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and c. Manage **separation of** vehicle access to and from sites adjacent to intersections, **rail level crossings,** and where State Highways meet.[368]
TRN – P3	Maximise user safety at road and rail level crossings by ~~considering the location of~~ **restricting** buildings**, structures, planting** and other visual obstructions within sightlines.[369]
TRN – P4	~~Ensure any new r~~Road and pedestrian rail level crossings ~~carefully consider~~ ensure the safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.[370]
TRN – P5	Control vehicle access to sites adjacent to all road **and** ~~/~~[371]rail level crossings to improve safety for road users on the approach to level crossings.
TRN – P6	Enable provision of electric vehicle and bicycle charging stations.
TRN – P7	Support increased cycling and walking by: a. Requiring larger developments to provide bicycle parking; ~~and~~ b. Providing for off-road pedestrian and bicycle facilitates to complement facilities located within the road network; **and** c. **Providing for connectivity within, between and across subdivisions and communities.**[372]
TRN – P8	Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the

[366] Buller District Council S538.068
[367] RMA First Schedule Clause 16
[368] KiwiRail S442.037
[369] KiwiRail S442.038
[370] KiwiRail S442.039
[371] RMA First Schedule Clause 16
[372] Herenga a Nuku Aotearoa Outdoor Access Commission S274.007

	following: a. The safe, efficient and effective operation of the transport network; b. The functional and operational requirements of activities; ~~c. The recognition of different activities having different trip characteristics;~~[373] c. The use of sustainable transport options including cycling and walking; d. Provision of safe access and egress for vehicles, pedestrians and cyclists; e. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; f. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking; **and**[374] g. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.
TRN – P9	Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise: a. The safe, effective and efficient operation of roads including State Highways; or b. Pedestrian access and amenity; or c. Safe and functional access.
TRN – P10	**Recognise the function of land transport infrastructure and provide for the safe and efficient movement of people and goods.** [375]
TRN – P11	**Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA).**[376]

6.6. Transport Rules

Submissions and Further Submissions

1338. KiwiRail (S442.041) supported the **Advice Note** advising plan users that they need approval from KiwiRail where any crossing will intersect with the rail corridor.

1339. BDC (S538.070) sought **Advice Note 2** be amended to replace '*road opening'* with '*relevant road controlling*' to alert plan users that additional approvals may be necessary for activities within the road reserve/transport corridor.

373 NZTA Waka Kotahi S450.046
374 RMA First Schedule Clause 16
375 TiGa Minerals and Metals Ltd S493.029, WMS Group HQ Ltd and WMS Land Co Ltd S599.033 and Birchfield Coal Mines Ltd S601.027
376 NZTA Waka Kotahi S450.048

1340. GDC (S608.538) sought the **Advice Notes** be amended to ensure no ambiguity. Based on GDC's submission, the specific relief sought was limited to amending Advice Note 2 as follows:

> *A road works permit is required prior to w~~W~~orks undertaken in a road reserve / transport corridor or areas subject to a District Council designation ~~also require road opening approval from the relevant District Council.~~*

1341. The s42A Report identified sixteen submission points and five further submission points[377] in relation to the **Transport Standards** and noted all submission points sought changes to the rules, standards, and/or advice note wording.

1342. The s42A Report identified eleven submission points and one further submission point[378] relating to **TRN-R1** and noted one supported the provisions, and ten sought changes to the wording of the rules and standards.

1343. The s42A Report identified nine submission points and one further submission point[379] relating to **TRN–R2** and noted five supported the provisions, and four sought changes to the wording of the rules and standards.

1344. The s42A Report identified fourteen submission points and three further submission points[380] relating to **TRN–R3** and noted one supported the provisions, and sixteen sought changes to the wording of the rules and standards.

1345. The s42A Report identified four submission points[381] relating to **TRN–R4** and noted one supported the provisions, one sought deletion and three sought changes to the wording of the rules and standards.

1346. The s42A Report identified six submission points and one further submission point[382] relating to **TRN–R5** and noted one supported the provisions, and six sought changes to the wording of the rules and standards.

1347. The s42A Report identified twelve submission points[383] relating to **TRN–R6** and noted six supported the provisions, and six sought changes to the wording of the rules and standards.

1348. The s42A Report identified ten submission points and one further submission point[384] relating to **TRN–R7** and noted seven supported the provisions and two sought changes to the wording of the rules and standards.

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[377] S474.031, S500.020, S560.171, S560.173, S560.174, S560.175, S560.176, S560.177, S560.178, S560.179, S560.180, S560.181, S560.182, S560.183, S442.041, S538.070, S608.538, S456.013, FS230.0364, FS230.0365, FS230.0366, FS230.0367, FS230.0368

[378] S190.051, S299.043, S438.048, S451.036, S478.093, S538.019, FS127

[379] S190.129, S450.050, S538.072, S558.722, S560.174, S566.722, S567.079, S574.722, S608.451, FS149.005

[380] S190.030, S450.051, S538.073, S538.074, S558.723, S558.724, S560.175, S566.723, S566.724, S567.080, S567.081, S574.723, S574.724, S608.542, FS1.383, FS1.385, FS149.006

[381] S190.131, S450.052, S538.075, S608

[382] S190.132, S274.008, S439.016, S450.053, S538.076, S560.176, FS53.8

[383] S190.133, S450.054, S474.023, S536.067, S538.077, S558.726, S560.177, S566.726, S567.083, S574.726, S608.544, S613.013

[384] S190.134, S450.055, S538.079, S558.725, S560.178, S566.725, S567.082, S574.725, S608.545, S612.017, FS230.0364

1349. The s42A Report identified six submission points and one further submission point[385] relating to **TRN–R8** and noted three supported the provisions, and four sought changes to the wording of the rules and standards.

1350. The s42A Report identified ten submission points and one further submission point[386] relating to **TRN–R9** and noted eight supported the provisions, and two sought changes to the wording of the rules and standards.

1351. The s42A Report identified ten submission points and two further submission points[387] relating to **TRN–R10** and noted seven supported the provisions, and four sought changes to the wording of the rules and standards.

1352. The s42A Report identified nine submission points and one further submission point[388] relating to **TRN–R11** and noted six supported the provisions, and two sought changes to the wording of the rules and standards.

1353. The s42A Report identified nine submission points and six further submission points[389] relating to **TRN–R12** and noted two supported the provisions, and ten sought changes to the wording of the rules and standards.

1354. The s42A Report identified eight submission points[390] relating to **TRN–R13** and noted one supported the provisions, and seven sought changes to the wording of the rules and standards.

1355. The s42A Report identified six submission points[391] and three further submission points relating to **TRN–R14** and noted one supported the provisions, and the remainder sought changes to the rules and standards' wording and/or deletion.

1356. The s42A detailed **New Standards** sought by submitters, identifying BDC (S538.078), sought the insertion of a new standard to provide for trip generation as a Permitted Activity where appropriate, as follows:

> *Trip Generation Activities*
>
> *Activity Status: Permitted*
>
> *Where: (1) The activity complies with the thresholds listed in Table TRN-6a those submitters who sought those new standards.*

1357. NZTA Waka Kotahi (S450.336) sought to insert a **new standard** in the Transport chapter that requires resource consent for any new activity or change in land use where the activity will

[385] S190.135, S450.056, S538.080, S560.179, S608.546, S612.018, FS230.0365
[386] S190.136, S450.057, S538.081, S558.728, S560.180, S566.728, S567.085, S574.728, S608.547, S612.019, FS230.0366
[387] S190.137, S439.017, S456.010, S538.082, S558.729, S560.181, S566.729, S567.086, S574.729, S608.548, FS127.002, FS230.0309
[388] S190.138, S538.083, S558.730, S560.182, S566.730, S567.087, S574.730, S608.549, S613.014, FS230.0367
[389] S190.139, S443.017, S450.058, S456.011, S491.010, S538.084, S560.183, S573.011, S608.550, FS1.165, FS64.008, FS104.012, FS230.0368, FS231.015, FS232.013
[390] S190.140, S450.059, S538.085, S558.731, S566.731, S567.088, S574.731, S608.551
[391] S190.141, S538.086, S566.732, S567.089, S574.732, FS104.013, FS231.016, FS232.014

have direct access to the State Highway network. Waka Kotahi sought that this activity be provided as a restricted discretionary activity, with the safe and efficient operation of the State Highway network and traffic effects included as matters of discretion.

1358. WMS Group (HQ) Ltd and WMS Land Co. Ltd (FS231.014) and Birchfield Coal Mines Ltd (FS232.012) opposed the NZTA Waka Kotahi submission as unnecessary, and unconnected from adverse effects and is appropriately covered under the access and trip generator standards. BDC (FS149.007) partially supported the relief NZTA Waka Kotahi sought because a new standard should differentiate between activities using an existing vehicle crossing and a new vehicle crossing. GDC (FS1) opposed the relief sought by Waka Kotahi as they considered a 'catch-all' approach unreasonable. Further, they considered that many use-related changes do not exacerbate effects. Likewise, there are many new activities with less than minor effects.

1359. The s42A Report identified one submission[392] that supported **Appendix One: Transport Performance Standards** as notified. GDC (S608.845) sought to include the standards with **Appendix One: Transport Performance Standards** within the TRN Chapter, rather than as a separate Appendix. Sixteen submission points[393] sought that **Appendix One: Transport Performance Standards** be amended to be less onerous, more consistent and correct errors. One submission (S360.058) sought **Appendix One: Transport Performance Standards** to be amended to enable development.

1360. The s42A Report identified KiwiRail (S442.042) as supporting **TRN S1** as notified; and GDC (S608.850 and S608.851) supporting TRN S2 and TRN S3 as notified; and Rocky Mining Ltd (S474.024) as supporting **TRN S14** as notified. The s42A identified a submission from BDC (S538.088) that sought to reformat **TRN S7**, amend the **TRN S12** table, and delete **TRN S14.** NZTA Waka Kotahi (S450.339) sought to retain **TRN S10**.

1361. The s42A Report identified several submitters (S65.055, S82.001, S101.017, S129.004, S355.007, S356.003, S377.013, S443.018, FS.028 and FS77.8) relating to **TRN S14** within Appendix One, who sought that **TRN S14** be amended to consider the cumulative effects of truck movements associated with heavy mineral concentrate or any other extraction associated with large bulk carrier vehicle movements.

1362. Fire and Emergency (S573.013) sought the insertion of a new standard as follows:

> ***TRAN-S15*** *– Firefighting Access*
>
> *As follows:*
>
> *1. Any access to a site located in an area where no fully reticulated water supply system is available, or having a length greater than 50 metres when connected to a road that has a fully reticulated water supply system including hydrants, must be designed to accommodate a fire appliance design vehicle of*

[392] S599.158

[393] S516.160, S558.709, S558.721, S563.167, S564.176, S566.709, S566.721, S574.709, S574.721, S577.140, S614.233, S614.234, S614.235, S615.233, S615.234, S615.235

at least 2.5 metres wide and 13 metres long and with a minimum gross mass of 25 tonne.

1363. As to amendments to the **Tables and Figures within Appendix One**, the s42A Report identified submissions from BDC (S538.088) that sought the following amendments:

- **TRN Figure 1**: show distance 'y' on Figure 1;
- **TRN Tables 4 and 5** – amend the first heading of the tables to read: 'Total number of vehicle spaces provided';
- **TRN S7** – reformat the last three bullet points; and
- **TRN S12**: amend Table 6 that follows the standard.

1364. The s42A Report identified further submissions from BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd (FS64.007) that supported BDC's proposed amendment to the trip generation thresholds to relate to gross floor area as opposed to filling pumps at service stations, as service stations do not generate a significant number of new trips as they are predominantly vehicles using the road network on their way to another destination. It noted that this would result in a consequential amendment to TRN-R12.

1365. The Ministry of Education (S456.012) requested that the '*Education—Schools*' qualifier in **TRN Table 6** be increased from 30 as notified to 100 students. Kāinga Ora (FS58.016) supported the Ministry of Education's submission for matters unrelated to transport (financial contributions), and for these reasons, the Reporting Officers disregarded that submission.

1366. NZTA Waka Kotahi (S450.334, S450.0335, S450.338 and S450.339) sought that Appendix One: Transport Performance Standards retain **TRN Tables 1 and 3, TRN Figure 1 and TRN S10.** They sought amendments as follows:

- Include the Transport Standards within the chapter rather than in an appendix;
- Amend the table or add a new table to recognise the local road accessway separations from a state highway;
- Include new transport standard for state highway vehicle crossings requiring the approval of Waka Kotahi;
- Amend TRN Table 6 to include drive-throughs;
- Elevate the assessment criteria to form a new policy for the assessment of high trip-generating activities; and
- Clarify the meaning of hvm/d.

Section 42A Reports

1367. In relation to **Transport Standards**, the s42A Report did not support deleting the amenity assessment because they considered it an important consideration for transport and the experience of transport users. It noted it was appropriate to include effects on amenity given the recommended wording of TRN-O3.

1368. The s42A Report did not support an new additional standard added to all permitted activities requiring adherence to standards in other chapters of the pTTPP, including ECO, NC, NFL and CE because it considered specifying particular chapters of the pTTPP limits and restricts the assessment, when the pTTPP should be read in full and the TRN Chapter overview guides other chapters to be read. It concluded a new standard would result in duplication with specific standards.

1369. The s42A Report rejected Forest & Bird's request to include an additional matter of discretion to allow for consideration of natural values and Poutini Ngāi Tahu's further submission to incorporate the values of any zone, overlays and district wide chapters, such as SASM, as matters of discretion in each rule. It considered this would be inconsistent with the TRN objectives and policies, and the overall format of the pTTPP. It noted the TRN Overview provided guidance as to other relevant chapters and that given this it would be duplication to include it under specific standards.

1370. The s42A Report agreed with BDC and GDC that the **Advice Notes** needed to be amended to ensure no ambiguity.

TRN-R1

1371. The s42A Report agreed with some of the amendments sought by BDC, such as the inclusion of 'TRN-S12' because compliance with this standard is necessary (as clause (2) sets down the applicable parking, loading, and queuing standards) but it did not support the balance of the relief sought.

1372. In response to GDC's concerns regarding referencing 'The Auckland Design Guide for Stormwater Management' in the advice note, the s42A Report requested further information to justify any amendment.

1373. The s42A Report agreed with Fire and Emergency and BDC to increase the minimum driveway width from 3 to 3.5 metres to allow for fire appliance access. The amendment is found not in TRN-R1 but in TRN S3. Despite this acceptance, Appendix 1 of the s42A Report did not reflect this recommended amendment. The Panel recommends this.

TRN-R2

1374. The s42A Report agreed with NZTA Waka Kotahi that reference to designations within the heading and clause (2)(c) of TRN-R2 was unnecessary duplication of functions and methods, and recommended deletion. It noted the deletion resulted in the GDC relief concerning TRN-R2 and TRN-R3 no longer being relevant. It agreed with BDC's request to simplify the heading wording to clarify that it covers the maintenance and repair of the existing land transport corridor.

TRN-R3

1375. The s42A Report supported the deletion of clause (c), as sought by NZTA Waka Kotahi and BDC, because the reference to designations duplicated functions and methods.

1376. The s42A Report did not support an amendment to TRN-R3 to allow for works to be undertaken if written consent has been provided by the road controlling or requiring authority, because third-party approval is *ultra vires* and beyond the scope of the pTTPP.

TRN-R4

1377. The s42A Report accepted NZTA Waka Kotahi's request to delete the rule because a designation's effect is to provide for activities otherwise managed through the pTTPP. It agreed with the submitter that it was appropriate to include a new discretionary activity standard for any new transport corridor for subdivision and development before the vesting of assets. It noted that given the recommended deletion of TRN-R4**,** the relief sought by BDC and GDC to remove reference to designations was no longer relevant.

TRN-R5

1378. The s42A Report did not support amending TRN-R5 to include all legal roads because that amendment would be limiting compared to the notified wording. It did not support amendments to encourage active transport routes because this is not clearly defined in the pTTPP, and the amendment would result in ambiguity. Amendments seeking to limit the scope of tracks to unformed legal road reserves and strips were not supported because the relief sought results in further wording to provide examples of the types of activities, which is unnecessary and results in lengthy standard headings.

TRN-R6

1379. The s42A Report supported replacing '*land transport authority'* with *'road controlling authority'* to provide clarity. It noted Straterra (S536.067) had not provided evidence to support the relief that 30 vehicle movements per day was unworkable, and no alternative number of heavy vehicle movements was provided.

1380. The s42A Report supported amending the heading of TRN-R6 by deleting the reference to the transport corridor because it made more sense and improved readability. It did not support the amendment seeking to restrict the location of charging stations, considering this to be too limited and to provide unnecessary restrictions to the activity.

1381. The s42A Report did not support deleting clause (2) of **TRN-R6** because it ensures that charging stations remain of a size and scale that is consistent with other network utilities and seeks to maintain amenity, which consequently reduces the opportunity for adverse effects.

TRN-R7

1382. The s42A Report supported adding two new matters of discretion because new clause (f) is more directive than clause (c), and new clause (g) is more specific than clauses (a) and (b). In addition to these amendments, the Panel notes that BDC also sought to amend clause (d) by deleting the word '*flood'* and replacing it with '*future natural'*, which were not addressed in the s42A Report. However, Appendix 1 of the s42A Report included the change sought to clause (d) without deleting '*flood*' and did not identify it as an amendment to the notified provisions.

1383. The s42A Report made no further recommendations for change. It recommended rejecting the submission by GDC that the impact on the road controlling authority and existing infrastructure is unclear.

TRN-R8

1384. The s42A Report noted a consequential amendment to the heading to removing references to the designation. It supported the inclusion of an additional new clause to consider the effects of the safe and efficient operation of the road. However, that recommendation is not included in Appendix 1, nor is the recommendation to amend clause (b) to delete '*flood'* and replace it with *'future natural'* included. A new clause (c) '*Outcome of consultation with the relevant roading authority'* is proposed but the s42A Report does not discuss this new clause.

TRN-R9

1385. The s42A Report supported deleting the word '*system'* as it creates confusion in clause (a). It supported adding design and suitability to the matters of discretion. However, the Panel notes this recommendation is not included in Appendix 1, nor is the recommendation to amend clause (d) to provide for all future natural hazard mitigation.

TRN-R10

1386. The s42A Report supported deleting the reference to '*over 1000m above sea level'* in clause (a) because this was unnecessary wording. It did not support including a reference to '*active transport routes*' because these are not defined in the pTTPP. It did not support the Poutini Ngāi Tahu's request to broaden assessment considerations beyond visual impacts to include effects on cultural heritage and natural environment values because this would be limiting and the District-Wide chapters should manage the impact on cultural and natural environment values.

TRN-R11

1387. The s42A Report supported amendments to the rule heading to correspond with the permitted activity rule TRN-R6 and recommended deleting '*in the transport corridor'.* It supported adding '*safety and efficiency*' to clause (a) but did not support deleting clause (b) because it is an action to contact the relevant transport agency. It recommended replacing the '*transport agency*' with '*road authority'* for consistency across the pTTPP. It did not support the inclusion of amenity effects in this rule because TRN-R11 gives effect to TRN-P6, not TRN-P9, which provides scope for consideration of amenity effects; and such an amendment would be inconsistent with the policy framework.

TRN-R12

1388. The s42A Report did not support amending it to explicitly reference heavy vehicle movements because it considered those movements were already covered within clause (a) of the rule, which refers to high trip-generating activities transport assessment requirements.

1389. The s42A Report disagreed that there was an issue with the clarity of the activity status caused by the lack of clear delineation between TRN-R12 and TRN-R14. It considered that if the activity complied with TRN-R12, it would be a restricted discretionary activity; and if not, it

would become fully discretionary under TRN-R14. It concluded this lack of clarity claim was not made out, so there was no basis to amend TRN-R12.

1390. The s42A Report concluded amending TRN-R12 to provide for vehicle movements to and from the site was no longer required due to other amendments to TRN-R12.

1391. The s42A Report agreed, in part, with the BDC submission to amend TRN-R12 but rejected the part that sought to delete TRN-R14 because TRN-R14 provided for activities that do not comply with TRN-S12. The balance part of the BDC submission in relation to TRN-R12 was supported.

1392. While Fire and Emergency (S573) opposed TRN-R12 in part, the s42A Report did not support that submission but noted it was agreed that emergency service facilities should have no limit on traffic movements. It noted that the need was addressed by excluding emergency traffic movements from Table TRN6.

1393. The s42A Report accepted that a new policy was needed because this rule refers to *'high trip activities'*. It recommended the new policy TRN-P11, which is addressed above.

TRN-R13

1394. The s42A Report agreed to delete the advice note requiring notification because retention created an onerous outcome, potentially requiring every subdivision creating a new road to be vested to be notified. It preferred to rely on s95 of the RMA rather than retain the notification advice note. It agreed that the wording *'not meeting Permitted Activity standards*' was unnecessary in the rule heading because the linked rule, TRN-R4 (permitted activity rule), was recommended for deletion.

1395. The s42A Report noted the GDC submission (S608.551) sought clarification on the requirements for Council when considering the creation of a new road, formed or unformed but considered there was no evidence to assist in evaluating the submission.

TRN-R14

1396. The s42A Report did not support deleting this rule because it provided for activities that do not comply with TRN-R12.

TRN-RXX

1397. In common with other chapters, a new catch-all rule was proposed to ensure that if an activity is neither permitted nor discretionary, it is non-complying. The rule stemmed from a submission from Transpower on the Energy Chapter and the Reporting Officer's acknowledged that it would afford clarity and direction for plan users who are not familiar with the provisions of the RMA. They recommend accepting the submission, and to ensure consistency across the Energy, Infrastructure and Transportation chapters the same rule be included in the Infrastructure and Transportation chapters. The Panel notes that reporting officers for other chapters recommended the same catch all rule because, as notified, such a rule was not included.

New Standards

1398. BDC (S538.078) seek the insertion of a new standard to provide for trip generation as a Permitted Activity where appropriate, as follows:

> ***Trip Generation Activities***
>
> *Activity Status: Permitted*
>
> *Where:*
>
> *(1) The activity complies with the thresholds listed in Table TRN-6.*

1399. The s42A Report recommend a permitted activity standard for activities not identified as High Trip Generating in Table TRN-6, noting this amendment would cause consequential amendments. However, Appendix 1 of the s42A Report did not include clause (1) as requested by BDC.

1400. The s42A Report did not support NZTA Waka Kotahi's (S450.060) request to insert a new standard in the Transport Chapter to require resource consent for any new activity or change in land use where the activity will have direct access onto the State Highway network. It considered many changes of use would not exacerbate effects and that many new activities have less than minor effects. It also considered that the high trip-generating activity standards would address this matter. It concluded that it was too onerous to require resource consent as a restricted discretionary activity for every activity gaining access.

Appendix One: Transport Performance Standards

1401. In terms of Appendix One: Transport Performance Standards, the Reporting Officers supported limited amendments. GDC had sought that the Appendix be included within the Transport chapter itself, but the Reporting Officers rejected this because they considered the chapter appropriately referenced the Appendix and no change was needed.

1402. A number of submitters sought changes, corrections and deletions to the standards and tables. The Reporting Officers rejected most of these due to a lack of evidence in support. They did support minor amendments, some of which were not included within Appendix 1 to the s42A Report.

1403. The s42A Addendum Report (Attachment 1: Meeting Notes) in relation to vehicle crossings records that the design standards within the tables needs to be clarified, and that illustrative figures would benefit plan users. The meeting notes record that there are gaps within these tables that require clarification, and a range of updates are proposed to address these.

1404. The s42A Report supported amending TRN S3 to increase the driveway width to 3.5m from 3m, as sought by Fire and Emergency (S573.013), but that amendment was not included in Appendix 1 to the s42A Report. They also supported amending **Tables 4** and **5** to include "*vehicle*" after the word "of" within both tables' titles, as sought by BDC.

1405. The s42A Addendum Report in Attachment 1 in response to the Waka Kotahi evidence included notes of an online meeting held on 23 November 2023 between the Reporting Officers and Robert Swears and Stuart Pearson, both from Waka Kotahi. The notes record Waka Kotahi's recommended approach of utilising equivalent car movements (ECM) within **TRN Table 6,** along with traffic effect assessment information (TIA or ITA) and noted that the

Reporting Officers were open to further work to establish a set of provisions relating to ECMs before completing their Reply.

1406. The Reporting Officers supported a BDC submission in amending **TRN S12** by deleting the words '*formed'* and *'sealed'* and including the word *metaled* within the first right-hand box and replacing metaled with '*formed*' and '*sealed*' in the second right-hand box**.** BDC also sought the replacement of the word '*less*' with the word '*more*' within the third right-hand box. While the Reporting Officers accepted this amendment, it was not included within Appendix 1 to the s42A Report.

1407. The Reporting Officers supported amending **TRN S14** clause (4) to clarify the meaning of '*hvm/d'* replacing it with '*heavy vehicle movements per day'*.

Hearing and Submitter Evidence/Statements

1408. The evidence summaries below refer only to areas of outstanding matters of disagreement between the submitter and the recommendation of the Reporting Officers.

1409. Ms Grinlinton-Hancock for KiwiRail (S442.043) sought two new rules for sight lines at railway level crossings and level crossing sight triangles, along with accompanying illustrative diagrams of those sight lines. She provided proposed text for the new rules and included a s32AA analysis of the new rules. She highlighted KiwiRail sought to amend TRN Table 1 (vehicle access design standards and minimum site distances for vehicle access points to the state highway) to include rail crossing sight lines, including diagrams.

1410. Ms Booker, in legal submissions responding to the s42A Report, remained concerned that the recommended reference to TRN Table 6 rather than TRN S14 could result in all new activities requiring resource consent being caught in the catch-all '*other activities not listed in this table'*, through compliance with TRN Table 6. She sought a permitted activity rule for activities not exceeding the thresholds in TRN Table 6, the amendment of TRN-R12 to apply to activities exceeding TRN Table 6 thresholds, delete reference to TRN S14, and delete TRN-R14. She noted support for the recommended rejection of NZTA Waka Kotahi's proposal to insert a new transport standard requiring resource consent for any new activity or change in land use where access to the State Highway network occurs.

1411. Mr Leckie's legal submissions highlighted concerns with TRN-Table 6, High Trip-Generating Activities. He initially detailed the relationship between Appendix One and the rules, noting that as notified, mining and quarrying are identified as high-trip-generating activities if there are more than 30 heavy vehicle movements daily. He recorded that if more than 30 heavy vehicle movements occur, Standard TRN S14 sets out the requirements for a high trip generating activity transport assessment. He noted that Rule TRN-R12 provided for establishing a new high trip generating activity, or the expansion of an existing activity listed in TRN-Table 6 that complies with the requirements of Standard TRN S14, as a restricted discretionary activity.

1412. Mr Leckie's submissions sought to ensure that the TRN provisions were consistent with the intended objectives and provisions of both BCZ and MINZ and did not unintentionally restrict anticipated activities in these zones. To achieve that result, he submitted TRN Table 6 required amendment by including additional words as follows:

Mining and Quarrying

*>30 heavy vehicle movements **to or from** the site per day*

1413. Mr Leckie disagreed with the s42A Report recommendation to reject the relief due to amendments made to TRN-R12 due to other submissions. He noted TRN Table 6 had not been amended, and the rule still referred to the table, so the interpretation issue remained unresolved. He noted that both the BCZ and MINZ plan provisions clarified that heavy vehicle movements exclude heavy vehicle movements within a site and highlighted the Reporting Officers agreed with him. He contended that the amendment sought to TRN Table 6 would resolve inconsistency and interpretation conflicts.

1414. Additionally, Mr Leckie noted that Rule BCZ-R3 provided for a maximum of 50 heavy vehicle movements per day, Rule MINZ-R3 provided for 30, and Rule TRN-R12 provided for 30. He considered it was unclear which rule would take precedence. Bathurst, he said, preferred 50. He also considered it was unclear if the Plan intended that one vehicle movement equated to a trip to and from a site and requested clarification. He referred to Ms Hunter's evidence provided in hearing Topics 1 and 2, which made it clear that if there was a specific rule within a Special Purpose Zone, then it should apply above the more general transport provisions.

1415. Post Mr Leckie's submissions, the Panel notes that substantial changes arising from expert witness conferencing were recommended to TRN Table 6 and the traffic assessment of heavy vehicle movements.

1416. Ms Snoyink's statement focused on the s42A Addendum Report and Appendix One. She noted Forest & Bird remained concerned that the rules only address significant effects on identified values and did not give effect to the RMA and NZCPS.

1417. Mr Pearson, for NZTA Waka Kotahi, noted that for a new vehicle crossing to a state highway a restricted discretionary activity status was not required, provided the crossing met the performance standards recognised in Rule TRN-R1. However, he considered an additional performance standard should be included to provide further clarity.

1418. Mr Pearson also addressed high trip-generating activities, noting that amendments sought to TRN Table 6 included providing for drive-through facilities and reducing the number of heavy vehicles used for mining and quarrying. He said traffic volumes should be based on equivalent car movements (**ECM**) per day rather than heavy vehicle movements per day.

1419. Referencing Mr Swears' expert advice, Mr Pearson noted that using ECM as a standardised approach for identifying assessment thresholds in TRN Table 6 would simplify when traffic assessments are required and would capture all activities. He also considered using ECM would improve clarity and consistency when assessing transport effects, ensuring the correct mitigations are appropriately managed, and the effects associated with different activities and vehicle types are provided.

1420. Mr Swears noted that the pTTPP did not include a definition of ECM and provided proposed wording to address the relief sought by BDC to include one. He noted the s42A Report commented on the BDC submission but did not make a recommendation. The Panel notes this omission was subsequently addressed in the s42A Addendum Report.

1421. The BDC submission stated as follows:

> *Council also seeks the inclusion of a statement that sets down the equivalent car movements so that the number of vehicle movements can be determined when heavy vehicle movements are involved.*
>
> *As a general comment, the Council notes that trip generation limits are incorporated into the performance standards across the Plan. For example, Home Businesses, Community Facilities, and Mining Activities in the Rural Zone all have vehicle movement limits.*
>
> *Any trip-generating standards in other chapters need to be reviewed to ensure consistency with the Transport Performance Standards.*

1422. The Panel notes the NZTA Waka Kotahi submission (page 59) also raised the issue of utilising ECM to more accurately allow assessment of heavy vehicles when applying TRN Table 6 and its related standards and rules.

1423. Mr Pearson pointed out that amendments to rules in specific zones that refer to light and heavy vehicles would be needed. He identified GRZ-R5, LLRZ-R5, MRZ-R5, GRUZ-R9, RLZ-R8, SETZ-R9 and MINZ-R3. He directed the Panel to Mr Swears' evidence (paragraph 33), where he provided an example of using ECM. Mr Pearson noted that the approach simplified identifying trip generation thresholds for when transport assessments may be required. He noted the approach did not use specific activities with different qualifier thresholds but instead relied on ECM that apply to all activities and how different vehicle trip generation impacts different road hierarchies. He highlighted applying this approach determined whether a traffic impact assessment or an integrated transport assessment was required.

1424. Mr Pearson considered that using ECM provided clarity and would capture any activity adversely affecting the transport system. He also referenced the two proposed transport assessment requirements - Basic Assessment and a Full Integrated Assessment, as set out in the amended TRN S14. He considered these proposed assessments removed potentially onerous requirements by ensuring that the assessment was fit for purpose, for the varying level of effects an activity may have.

1425. Mr Pearson went on to note the linkage between TRN Table 6 and TRN S14 and proposed new Policy TRN-PX, and the evidence of Mr Swears that the new Policy needed to reference the use of both '*Traffic impact assessments*' and *'Integrated transport assessments'*, so that whichever is appropriate can be used.

1426. Subsequent to the hearing, Mr Pearson (supplementary statement dated 5 December 2023) considered that, while there was scope to make some changes to TRN Table 6, there was no specific submission point broadly seeking modifications to all the thresholds related to the activities listed in the table. However, despite this, he considered there was benefit in revisiting the thresholds in Table 6 for when a transport assessment (whether basic or full) is required.

1427. Mr Pearson also provided alternate options to be used in the Transport Performance Standard provisions for the assessment criteria for high trip generating activities. He referenced the

partially operative Selwyn District Plan (within the amended transport provisions) and the Thames Coromandel District Plan.

1428. Mr Pearson disagreed with the Foodstuffs further submissions (FS107) because he considered the operational and functional need for supermarkets should be recognised and that these types of activities needed to be assessed, and where required, their effects on the transport network evaluated via traffic assessments.

1429. Mr Pearson addressed vehicle crossings, detailing amendments to TRN-R1, including new vehicle crossing designs (Diagrams C and E) for the state highway network. He provided a new table (new Table TRN-4) to be referenced within TRN-R1, which links to the diagrams providing details on the accessway type. If included, Mr Pearson considered that effects associated with access to and from the state highway would be addressed by ensuring adequate standards, including sight distances, vehicle access separation, and vehicle crossing design standards. He noted the new table could also apply to local roads as well. The diagrams, by identifying the extent of the areas to be sealed, assist in ensuring loose material and or mud from the access road will not migrate onto the carriageway of the adjoining road, avoiding, for example, the risks loose gravels pose for motorcyclists.

1430. Mr Pearson noted the s42A Report had not responded to NZTA Waka Kotahi's submissions to amend TRN Table 3, which deals with the separation of accessways. Assuming amendments were made to TRN Table 3, he provided Figure 1 in his evidence to accompany that amended table to provide clarity. Mr Swears' evidence in section 5, Separation of Accessways, also addressed this issue.

1431. Mr Swears supported amendments to TRN Table 3 but provided Figure 5 as an alternative to Mr Pearson's Figure 1. He discussed the difference between the two options and had reservations regarding the lengths described in the inset table of Figure 5.

1432. Following the hearing, Mr Swears provided a memorandum (dated 5 December 2023) updating the Panel on the accessway separation matter. He provided two tables accompanying his Figure 5, which provided separation distances. One option was based on the nature of the traffic using the accessway, such as heavy vehicles; the other option was based on land use/zoning. He did not record a preference for either option. He also revisited the transport assessment to assess the effects of a land use activity on the transportation network and provided three additional tables.

1433. Mr Swears also revisited the content of the transport assessment. After considering sources for that assessment, he noted it was desirable for NZTA Waka Kotahi to provide simple but clear guidance to the Region. Based on terminology that is commonly used, he considered it would be best to refer to the 'Basic' assessment as a '*Basic Integrated Transport Assessment*' or as a '*Traffic Impact Assessment*'; and to refer to the 'Full' assessment as either a '*Full Integrated Transport Assessment*' or as an '*Integrated Transport Assessment*'

1434. Within his supplementary statement, Mr Pearson included a new table for vehicle crossing standards for rural environments where the speed limit is 70 km/h or greater with associated changes to TRN-R1, new figures including the vehicle crossing designs, amendments to both TRN Table 1 and TRN Table 3, and a new figure to help clarify how this Table is to be interpreted.

1435. Mr Pearson noted NZTA Waka Kotahi's submission recommended that local vehicle crossing standards be included because in urban environments (speed limit of 60 km/h or lower) where there is a kerb and channel, it is often required for sites to construct their vehicle crossings to Council standards. He suggested that the pTTPP could adopt an approach like the Selwyn District Plan, which has provided vehicle crossing design standards for local roads (TRAN-DIAGRAM 5) and arterial and collector roads (TRAN-DIAGRAM 6). Alternatively, urban vehicle crossing designs (Standard Drop Crossing) in Schedule 3 of the Grey District Plan (Standard Residential Drop Crossing) for the residential vehicle crossing design in the Westland Code of Practice for Engineering Works could be adopted and incorporated into the District Plan.

1436. In Mr Pearson's view, including an urban/local vehicle crossing standard would ensure that any new residential development in an urban context has an appropriate vehicle crossing that mitigates potential safety issues on the transport system. He noted activities related to commercial and industrial activity would probably require a bespoke design and would likely trigger a restricted discretionary status in the Transport Chapter.

1437. Mr Pearson addressed the road classification issue, noting that the notified Plan uses the One Network Road Classification (**ONRC**), which has since been superseded by the One Network Framework (**ONF**). He noted NZTA Waka Kotahi utilises ONF to enable better design, planning, and delivery of transport systems by recognising how the roads function to move goods and people and how people experience those roads. He said this matches funding from NZTA Waka Kotahi, which funds state highways and is a co-founder of the local road network. Mr Pearson accepted that there may not be scope in the relevant submissions to make this change; however, to ensure that the changes sought concerning high trip generating activities were appropriately addressed, he considered changes should be made to the roading hierarchy to be consistent with ONF to improve clarity and usability of the pTTPP.

1438. Following the hearing, the Panel requested that Mr Pearson confirm scope within submissions to incorporate ONF into the pTTPP. In his supplementary statement, he confirmed there was scope but noted that there was insufficient data available for roads within the West Coast Region, which prevented the immediate implementation of ONF into the pTTPP. He noted that once ONF was available, it could be incorporated into the pTTPP through a future plan change. He also noted there was currently no schedule to recognise the current hierarchy within the pTTPP. The Panel consider there is no scope within submissions to incorporate the ONF and agree this would require future plan change.

1439. Ms Pull's addendum evidence confirmed a focus on TRN-R9 and TRN-R10. However, the Panel note Poutini Ngāi Tahu's did not submit on the TRN Rules.

Reporting Officer Reply Evidence

1440. Both the Position Statement and Reply responded to Ms Pull's evidence relating to TRN-R9 and TRN-R10 to include Poutini Ngāi Values as a matter of discretion, detailing the Reporting Officers' concerns that inclusion would reduce plan certainty and increase complexity and require input from Poutini Ngāi Tahu on all applications. They considered that if these matters were included as matters of discretion, a cultural impact report would be needed, and Ngai Tahu was the only body capable of providing one.

1441. Regarding TRN-R10, as to the visual effects issue, the Reporting Officers considered reference to amenity values included and provided for consideration of impacts on cultural values. They provided alternative wording to that advanced by Ms Pull as follow:

Effects on amenity values, in particular of the locality and streetscape.

1442. The Reply, while repeating the content of the Position Statement, on the above issues, also noted Ms Pull had promoted the approach of including a notification advice note to the relevant rules as a means of notifying plan users of the need to consult with Ngāi Tahu when Ngāi Tahu values might be affected. The Reporting Officers did not support that approach as an effective means of overcoming uncertainty because the Ngāi Tahu values are not explicitly mapped. Also, they noted that any proposals that did give rise to that type of effect would need to comply with the requirements of the SASM Chapter.

1443. Both the Position Statement and the reply responded to the issue of Special Purpose Roads, providing information on their background. The Reporting Officers advised that Special Purpose Roads had been in place for many years and have remained unchanged on the West Coast. They recorded they had spoken with the Council's roading departments, who wished to see both retention of those roads and inclusion within the RSI definition. Those roads are listed in a Waka Kotahi document entitled Funding Assistance Rates (FAR) which was provided to the Panel.

1444. In response to the Panel's query about whether those roads could be identified as another term on the planning maps, the Reporting Officers confirmed they saw no issue with doing so.

1445. When addressing the road hierarchy ONF, the Reply noted Mr Pearson's evidence above but recorded during the EWC that Mr Pearson withdrew the specific relief relating to the One Network Road Classification.

1446. As to high trip generating activities, the Reply notes that NZTA Waka Kotahi's relief sought to comprehensively change those notified plan provisions to form both a new policy and convert the triggers for traffic assessments into ECM. The Reporting Officers noted that Mr Swears was the only expert who presented transport engineering evidence, and as such, they considered they must rely on his recommendations relating to ECM. The Panel notes NZTA Waka Kotahi's submission was narrow and that it was the BDC's submission that provided broad scope for amendments.

1447. The Reply briefly addressed the issue of consistency between BCZ and MINZ rules and TRN rules regarding the high trip-generating threshold of 30 or 50 heavy vehicle movements, noting that the mining topic had yet to be heard. The Reporting Officers again stated they were not transportation experts and did not have access to experts.

Hearing Panel's Evaluation

1448. The matters raised in submissions and evidence by Waka Kotahi and BDC are the most significant regarding the Transport Rules and performance standards, so the Panel have addressed them first in some detail. We accept that Mr Swears' evidence was the only expert evidence from a Chartered Professional Engineer with an assessed practice field of

Transportation. Mr Pearson is a seven-year senior planner with Waka Kotahi, and we acknowledge his experience and transport-based planning expertise.

1449. The Panel notes that we received legal submissions on the issue of heavy vehicle movements and high trip-generating activities, as well as some broad-based evidence from Ms Hunter regarding the purpose of special zones such as the mineral extraction zone. However, we view those submissions and evidence as generalised, particularly compared to the detailed and expert evidence from Mr Swears and Mr Pearson. Accordingly, in formulating our recommendations, we have given greater weight to the evidence presented by these experts.

Roading Classification

1450. The Panel has noted that to apply the tables in Appendix 1, a clear understanding of roading classification is required. We have not identified any provisions in the Plan that specify roads other than state highways, which are shown on the notified planning maps. Other classifications in the notified Tables 1 – 3 of Local Road, Collector Road and Arterial Road are not identified either on the Planning Maps, or in any schedule. This creates a fundamental problem in applying the Plan as notified.

1451. The Panel notes that changes have been recommended to Policy TRN-P1 to recognise the different functions and design requirements for each road classification under the most current National Transport Network classification system. This stemmed from a submission from BDC, which also stated that:

> *While Council has not sought inclusion of a Road Hierarchy information into the Transport Performance Standards, consideration should be given to whether this would be a helpful addition.* [emphasis added]

1452. The Panel agrees that introducing a road classification schedule would be invaluable and indeed necessary to remedy the problem identified above. We have recommended using the Council's existing roading schedules from the three operative Plans as a means of providing for this. This schedule is recommended for inclusion as part of Appendix 1.

High Traffic Generation

1453. The issue of High Traffic Generating Activities (HTGA) did attract submissions. However, the approach in submissions is piecemeal, seeking to utilise, in part, equivalent car movements (ECM) as a means of assessing effects, as distinct from relying primarily on an activities-based criterion in Table TRN 6, as notified.

1454. Buller District Council in their submission point (S538.088) have sought to significantly amend notified Table 6 but retain limited parts. The BDC submission notes in terms of Table 6 that:

> *"Council considers that the threshold table for high trip generating activities is excessive for some activities and there are concerns that this could result in traffic generation that may comprise [sic] the safe and efficient operation of the transport network if not managed accordingly. Council's preference is that the specified activities are scaled back and that the threshold limit of 60 vehicle movements per day is used as this is what is in the current BDP and has proven a reliable trigger limit."*

Council also seeks the inclusion of statement which sets down the equivalent car movements in order for the number of vehicle movements to be determined when heavy vehicle movements are involved.

1455. BDC also note in its submission:

"*that there are trip generation limits incorporated into the performance standards across the Plan e.g. Home Business, Community Facilities and Mining Activities in the Rural Zone all have vehicle movement limits. There is a need to review any trip generating standards in other chapters to ensure consistency with the Transport Performance Standards."*

1456. BDC propose that the activities in Table 6 be amended to delete all bar Industrial (which they proposed is amended to 500m^2), Mining and Quarrying and Residential, and they propose to add Commercial. Their submission then proposes that the threshold limit of 60 vehicle movements per day be utilised for all other activities and they introduce an ECM method enabling calculation as below:

1 car trip (to or from the property) = 2 equivalent car movements

1 truck trip (to or from the property) = 6 equivalent car movements

1 truck and trailer trip (to or form the property) = 10 equivalent car movements

1457. BDC also sought to delete TRN S14 stating:

Council requests that the High Trip Generating Activities Transport Assessment requirements are deleted as these are not expressed in the form of standards but as discretionary considerations. Council has suggested that these matters form the basis of the restricted discretionary matters for Rule 12.

1458. Waka Kotahi sought to retain Table 6 as notified but amend the '*Mixed use or other activities not otherwise listed*' category to **30 equivalent** car movements per day. Their ECM levels differed from BDC being a truck and trailer unit is 5 equivalent car movements, and a non-articulated truck is 3 equivalent car movements.

1459. In the Panels' record of the evidence, we have noted scope issues relating to the use of ECM, including Mr Pearson's reservations. We accept that the Waka Kotahi submission did not take a line-by-line approach to the notified Table 6. But we consider that the submission did raise in part the issue of the appropriate measures for high trip-generating activities and ECM. The BDC submission goes further, as noted above.

1460. Through evidence and post-hearing conferencing, Waka Kotahi's witnesses altered their position on Table 6, supporting its complete deletion and its replacement with a new Table 6 that utilises ECM as the method for assessing HTGA. Waka Kotahi, however, acknowledged in

their later evidence[394] a scope issue in their submission relating to the recommended replacement of notified Table 6.

1461. The Panel considers that it needs to address the following issues to determine the most appropriate outcome for these Plan provisions:

i. Retention of the notified Appendix 1

ii. A hybrid Table 6 solution

iii. Full adoption of ECM including the numbers within the ECM method and the use of Basic and/or Full Integrated Traffic Assessments

iv. Scope of submissions

i. Retention of the notified Appendix 1

1462. Mr Swears stated that:

> *"the impacts on the road network are dependent on the volume and composition of the traffic rather than on the specific land use activity. Therefore, I consider there is merit in defining high trip generating activities based on the actual trip generation for the activity rather than on land use specific development criteria"*

1463. The Panel agrees with this assessment. We accept that defining high trip-generating activities based on actual trip generation rather than using land-use-specific development criteria results in a more certain and accurate outcome for Plan users. We note that BDC currently utilise an ECM methodology and considers it "*has proven a reliable trigger limit*".

1464. The fact that BDC submitted to substantially amend Table 6 and introduce an ECM methodology demonstrates to the Panel that they held concerns about the appropriateness of the Table to assess HTGA. We also noted that Table 6, as notified, creates a level of inconsistency in the way different activities are assessed with land use-specific criteria for some named activities and trip generation criteria for those that are unnamed.

1465. In addition to the above, the Panel considers that even with the new Rule TRN RX1, which creates a permitted activity status for activities that meet the qualifiers in the notified Table 6, the problems associated with TRN S14 are not resolved.

1466. Where there is an exceedance of the Qualifiers in notified Table 6, it results (TRN-R12) in the need to comply with the standards in TRN S14 [emphasis added]. The Panel agrees with BDC and others that these standards are actually discretionary considerations (or assessment matters) rather than standards. We consider compliance with TRN S14 as required by TRN-R12 to be assessed as a restricted discretionary activity is not possible, and therefore, all

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activities not meeting the qualifiers would, in our view, become fully discretionary under TRN-R14. This demonstrates a further significant problem with the notified provisions.

ii. Hybrid Table 6 solution

1467. The Panel has considered whether a hybrid option would be appropriate. However, we are of the view that such an option would result in a mix of methodologies for assessing HTGA, resulting in uncertainty and complexity within the Plan and potentially inconsistent outcomes in relation to different roading categories. This is because notified Table 6, apart from the catch-all requirement, utilises activities combined with floor area as qualifiers with no consideration of the roading categories. In contrast, the ECM would utilise car movements and the roading categories in determining the level of effects and the correct level (either none, basic or full) of assessment for HTGA. Furthermore, the hybrid option retains the inconsistencies identified and does not entirely resolve the issues with TRN S14, as referred to above.

iii. Full adoption of ECM

1468. Having considered the submissions and evidence, and the two options above, the Panel finds that adopting the ECM methodology to assess HTGA is the most appropriate option. Mr Spears advised us that:

> *From a transport engineering perspective there is a significant difference between the effects created by light vehicles (cars, utes, vans, etc) and those created by heavy vehicles (trucks, and multi-unit heavy commercial vehicles (HCVs), including HPMV).*

1469. The Panel accept this reasoning and is of the view that this is more efficient as it focuses on the relevant effects of HTGA, utilising vehicle numbers to assess the impacts on various road classifications. We also consider that, from a Plan user point of view, there will be consistent methodology to apply regardless of activity type.

1470. In terms of the ECM levels, i.e. thresholds on equivalent car movements, the Panel prefers the evidence of Mr Swears as an expert in this area as opposed to the submission of BDC. In Mr Swear's evidence, there is a detailed background to those thresholds, as well as information on how they were adopted in other district plans and by the Environment Court. He proposed the following definition, which the Panel accepts (apart from clarification) for inclusion as part of Appendix 1:

- 1 equivalent car movement (ecm) = 1 car / light vehicle movement,
- 3 ecm = 1 heavy commercial vehicle movement (1 truck),
- 5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).

1471. Both Mr Swears and Mr Pearson refer to a Basic and Full Integrated Traffic Assessment (ITA) in their evidence. The Panel understands these differentiate between the level of assessment required for differing numbers of vehicle movements and corresponding roading classifications. In other words, the greater the number of vehicle movements and the higher

the classification of the road, the more detailed the ITA is required. We agree with this approach.

1472. The Panel notes that the replacement Table 6 recommended by Mr Swears and Mr Pearson readily identifies which assessment is required (or whether it is required at all) and in which circumstances. We consider the notified Plan is unclear on this aspect.

1473. We note that Waka Kotahi provided a marked-up version of Appendix One, which included the assessment criteria for a Basic and Full ITA from the partially operative Selwyn District Plan. Unfortunately, probably due to a cutting and pasting error, the Full ITA criteria replicated the Basic ITA criteria. We recognised this when we reviewed the Selwyn District Plan. We have corrected this in our Appendix One recommendations.

iv. Scope

1474. Having reached this point, the Panel have turned their mind to the issue of scope. We have identified the salient submission points we rely on to amend the provisions detailed above, and we consider they provide sufficient scope for the changes proposed. In addition, we have identified several broad submissions seeking that Appendix One be amended "*to be less onerous, more consistent and correct errors"*.[395] As we have highlighted above, there are several errors (problems) and inconsistencies within Appendix One, including Table 6. Accordingly, we consider we have scope to make our recommended amendments.

1475. The amendments the Panel are recommending to Appendix One concerning HTGA necessitate amendments to TRN-R12 in line with that primarily sought by BDC[396], but with reference to the HTGA Transport Assessment Requirements outlined in amended TRN S14.

Trip Generation Standards on other Chapters

1476. As referred to above, BDC raised the issue of trip generation limits incorporated into the performance standards across other chapters of the Plan and considered that there was a need to review any trip generating standards in other chapters to ensure consistency with the Transport Performance Standards. The Panel agrees this is problematic particularly within the standard zones and more so with a revised HTGA approach. We also consider there is the potential for uncertainty between provisions.

1477. The Panel notes for example that Educational Facilities are listed in Table 6 with specified per student ratios to trigger assessment but are then also listed in the three residential zones with '*a maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week'* requirement. We consider this to create a problem of certainty for plan users regarding which rule applies. We also note a similar situation arises with Retail Activities in the Settlement Zone.

[395] Chris & Jan Coll S558.709 & S558.721, Geoff Volckman S563.167, Catherine Smart-Simpson S564.176, Chris J Coll Surveying Limited S566.709 & S566.721, William McLaughlin S567.078 & S567.735, Laura Coll McLaughlin S574.709 & S574.709, Koiterangi Lime Co LTD S577.140, Karamea Lime Company S614.235, Steve Croasdale S516.160

[396] Buller District Council S538.084

1478. The Panel recommends that these performance standards relating to specific activities in the following zones be removed:

- GRZ-R5, LLRZ-R5, MRZ-R5, GRUZ-R9, RLZ-R8, SETZ-R9 and FUZ-R7.

1479. Bespoke provisions have been made in relation to Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes in SETZ-R12, Community Facilities and Educational Facilities in GRZ-R7, LLRZ-R7, MRZ-R7, Retail Activities in SETZ-R13 and Commercial Activities other than Retail, Home Business or Visitor Accommodation in SETZ-R14 in ensure activity scale it addressed.

1480. In terms of the Special Purpose Zones, we consider a different approach can be taken to HTGA assessment particularly in situations such as mining where it is a single activity within the zone, as in part the reason for Special Purpose Zones of that nature is to identify the various provisions that will relate to it.

Section 32AA

1481. Given the level of recommended changes, the Panel has undertaken an evaluation of the recommended amendments to provisions since the initial s32 evaluation was undertaken, in accordance with s32AA.

1482. The Panel considers the changes to Appendix One and TRN-R12 will create consistency across the chapters and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP.

1483. The Panel considers the benefits of the changes are improved consistency and ease of interpretation. The Panel acknowledge that some activity types in notified Table TRN 6 may now require a traffic impact assessment, which will be an additional cost for those activities in certain circumstances, as part of consenting processes.

1484. The Panel considers there is a risk of not acting in that there would be a range of inconsistencies within the provisions, and particularly rule TRN-R12, which will be impossible in meet. We have not identified any risks from acting.

TRN-R1

1485. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. No further evidence was provided by BDC to support its request to delete the advice note.

TRN-R2

1486. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we have amended the clause associated with requiring authorities to make it clear they are not required to meet the performance standard.

TRN-R3

1487. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we have amended the clause associated with requiring authorities to make it clear they are not required to meet the performance standard.

TRN-R4

1488. The Panel accepts the Reporting Officers' recommendation to delete TRN-R4. In response to NZTA Waka Kotahi's concern, we note that as notified TRN-R13 is a discretionary activity rule for the formation of new transport corridors not undertaken by requiring authority in accordance with a designation. However, by deleting TRN-R4, as recommended, TRN-R13 would then also apply to designations. We therefore recommend a consequential amendment to TRN-13 to clarify it does not apply to designations.

TRN-R5

1489. The Panel accepts the Reporting Officers' recommendation to retain as notified, except for renumbering the provision.

TRN-R6

1490. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply.

TRN-R7

1491. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we accept in part BDC's (S538.079) request to replace '*flood*' with '*natural*' in clause (d) but not to include '*future*'.

TRN-R8

1492. The Panel rejects the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. There is no scope to include new clause (c). We accept BDC's (S538.080) request to replace '*flood*' with '*natural*' in clause (b). We also recommend a consequential amendment to delete '*road reserve'* from the rule heading to reflect the new definition of '*transport corridor'*.

TRN-R9

1493. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we accept in part BDC's (S538.081) request to replace '*flood*' with '*natural*' in clause (d) but not to include '*future*'.

TRN-R10

1494. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we do not recommend adding new clause (b) '*Effects on amenity values*' given there is no submission requesting this. We accept BDC's (S538.082) request to add a new clause '*Effects on cultural, heritage and natural environment values'* because this is appropriate.

TRN-R11

1495. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we accept BDC's request to delete clause (b) because it not an appropriate matter of discretion.

TRN-R12

1496. The Panel accepts that TRN-R12 requires amendment alongside TRN S14 as we have explained above. We do not however consider there is a need for separate matters of discretion within the rule itself, but that the rule should instead reference the revised TRN S14 as the requirements for assessment.

TRN-R13

1497. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply.

TRN-R14

1498. The Panel rejects the Reporting Officers' recommendation and accepts BDC's (S538.086) request to delete Rule TRN-R14 on the basis of amendments to TRN-R12.

New Rules

1499. The Panel agrees with the Reporting Officers recommendation to include new Rule **TRN-RX1**, which a permitted activity rule. We consider this is required to cover an omission in the notified plan.

1500. The Panel has considered the Reporting Officers recommendation to include new Rule **TRN-RX2**, as a catch all rule at a non-complying activity rule. While we acknowledge we have supported such a rule in the Energy and Infrastructure Chapters, which stem from a submission by Transpower, we have had to consider whether the recommended rule framework for Transport requires a default activity rule. In the end we agree with the Reporting Officer's that it would afford clarity and direction for plan users who are not familiar with the provisions of the RMA and that including it would ensure consistency across the Energy, Infrastructure and Transportation chapters. As with our recommendations other we consider the activity status for such a rule should discretionary rather than non-complying as there is no submission seeking a non-complying status and it is therefore beyond scope to include one.

KiwiRail Sight Lines

1501. In addition to changes to the policies, KiwiRail through submissions and subsequent evidence had sought for the inclusion of a rule to protect railway level crossing sight lines. Ms Grinlinton-Hancock provided details of a rule and associated diagrams and accompanied that with a s32AA assessment to address concerns raised in the s42A Report.

1502. The Reporting Officers noted in their Addendum to their Section 42A Report dated 23 November 2023 that "*Due to the late access to Waka Kotahi New Zealand Transport Agency*

and KiwiRail evidence we have not had sufficient time to review and make recommendations in response to matters raised". From that point onwards it appears that no further consideration has been given to the KiwiRail position or Ms Grinlinton-Hancock evidence by the Reporting Officers.

1503. The Panel notes its recommendation with regards TRN–P3 above to accept the evidence of Ms Grinlinton-Hancock's and amend the policy as sought by KiwiRail. However, we noted that regardless of this the maximising of user safety at road and rail level crossings was part of TRN–P3 in the notified Plan and that there is no rule which addresses sightlines in the context of rail crossings as it currently stands [emphasis added].

1504. The Panel notes that amendments are now proposed to TRN Tables 1 and 2 to make it clear that they relate to sightlines in relation to roads. We consider the issue with rail level crossings therefore also requires attention within the rules and standards. The Panel therefore proposes amendments to TRN-R1, and the introduction of the sightline diagrams provided by Ms Grinlinton-Hancock into the Appendix One. In this context we accept and adopt the s32AA assessment provided by Ms Grinlinton-Hancock.

Appendix One – Transport Performance Standards

1505. The most significant amendment to Appendix One Transport Performance Standard arises from the NZTA Waka Kotahi submissions, which we consider are well supported by Mr Swears and Mr Pearson's evidence. We accept the evidence supporting those amendments for the reasons detailed in their evidence and the s42A Report.

1506. The Panel agree with the submission of Fire and Emergency regarding TRN-S3, which requests increasing the width from 3m to 3.5m to ensure and enable emergency access.

1507. The Panel agree with the BDC submissions that sought clarifications regarding TRN Table 5, now 6, and TRN S7. The Panel also agrees with the amendments sought by BDC to TRN S12. These appear to us to be simple errors.

Special Purpose Roads

1508. We note that the Reporting Officers support the inclusion of special purpose roads being identified on the Planning Maps. The Panel accepts that there is a need to clearly identify the Special Purpose Roads within the Plan, particularly given they are to be considered Regionally Significant Infrastructure. We therefore agree that the appropriate place is to identify them on the Planning Maps.

Hearing Panels' Recommendation

1509. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Rules** and **Standards**, **Appendix One and the Planning Maps**:

Transport Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Advice Notes:
Works undertaken in a road reserve / transport corridor or an area subject to a transport designation, that are undertaken by a Utility Provider who is not the roading authority are Permitted where these are compliant with the Utilities Access Act 2010 and Code of Practice.
Works undertaken in a road reserve / transport corridor or areas subject to a District Council designation also require road opening approval from the relevant District Council.
Minimum vehicle parking spaces, except for accessibility parking and bicycling parking, are not set. A minimum number of vehicle parking spaces do not have to be provided, however, if vehicle parking is provided it must comply with the vehicle parking standards.
Any work required for a new or upgraded vehicle crossing intersecting with a State Highway, requires a Corridor Access Request prior to any works occurring with the State Highway road reserve and approval from Waka Kotahi NZ Transport Agency.
Any crossing that intersects with the Rail Network requires approval from KiwiRail.
The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

Permitted Activities	
TRN - R1	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces**
Activity Status Permitted Where: 1. Vehicle crossings and access way standards - TRN Tables 1 – ~~3~~ **4**,[397] Standards TRN S1 - S3, and TRN Figure 1-**5**[398] are complied with; 2. Parking, loading, queuing and standing standards - TRN Tables 4**5** – ~~5~~**6**, [399]	

[397] Consequential amendment NZTA Waka Kotahi S450.049
[398] Consequential amendment NZTA Waka Kotahi S450.049
[399] Consequential amendment NZTA Waka Kotahi S450.049

Standards TRN S4 - S6 **and TRN S12**[400] and TRN Figures ~~2~~ **6**[401] and ~~3~~**7**[402] are complied with; 3. Manoeuvring standards TRN S7 - S11 are complied with; 4. Where an impermeable carparking area greater than 1000m^2 in area is provided, stormwater treatment is provided; and 5. Formation standards TRN S12 and TRN S13 are complied with. **Advice Note:** The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN - R2	~~**Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to designation**~~ **Maintenance or upgrading of existing transport infrastructure within the existing transport corridor**[403]
Activity Status Permitted Where: 1. **The works are undertaken by a requiring authority in accordance with a designation listing in this Plan; or**[404] 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: a. By, or on behalf of, a road controlling authority; or b. In accordance with a subdivision consent.~~; or~~ ~~c. By a requiring authority in accordance with a designation listing in this Plan~~.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R3	**Formation of an unformed legal road**
Activity Status Permitted Where: 1. **This is by a requiring authority in accordance with a designation listing in this**	

[400] Buller District Council S538.071
[401] Consequential amendment NZTA Waka Kotahi S450.049
[402] Consequential amendment NZTA Waka Kotahi S450.049
[403] Buller District Council S538.072
[404] NZTA Waka Kotahi S450.050

Plan; or[405] 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: i. By, or on behalf of, a road controlling authority; or ii. In accordance with a subdivision consent.~~; or~~ iii. ~~By a requiring authority in accordance with a designation listing in this Plan.~~[406]
Activity status where compliance not achieved: Restricted Discretionary

~~TRN – R4~~	~~Formation of a new transport corridor~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. This is undertaken by a requiring authority in accordance with a designation listed in this Plan.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~[407]	

TRN – R~~5~~4	Establishment of shared pathways including cycleways and bridleways on public land
Activity Status Permitted Where: 1. The activity is below 1000m above sea level.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R~~6~~5	Establishment of e-bike and e-vehicle charging stations ~~in the transport corridor~~[408]
Activity Status Permitted Where: 1. All performance standards in Rule TRN - R1 are complied with; and 2. These are not more than 2m in height and 10m^2 in area. **Advice Note:** If within the legal road reserve, contact the appropriate ~~land transport~~ **road controlling** authority to obtain a license to occupy.[409]	
Activity status where compliance not achieved: Restricted Discretionary	

[405] Consequential amendment NZTA Waka Kotahi S450.050
[406] NZTA Waka Kotahi S450.051
[407] NZTA Waka Kotahi S450.052
[408] Buller District Council S538.077
[409] Buller District Council S538.077 and NZTA Waka Kotahi S450.054

TRN – R6	**Trip Generation Activities**
Activity Status Permitted **Where:** **1. The High Trip Generating Activities Thresholds in TRN Table 7 are complied with**	
Activity status where compliance not achieved: Restricted Discretionary[410]	

TRN – R7	**Sight Lines at Railway Crossings**
Activity Status Permitted **Where:** **1. The sightlines standards in TRN Figure 9 are complied with.**	
Activity status where compliance not achieved: Restricted Discretionary[411]	
Restricted Discretionary Activities	
TRN – R~~7~~8	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. The impact on other road users including pedestrians; b. Effects on the safety and efficiency of the transport system; c. The ability to safely and effectively park, load, queue; d. Any requirements for **natural** ~~flood~~ [412] hazard mitigation; ~~and~~ e. Stormwater treatment and control; f. **The location, size and design of accessways, vehicle crossings, parking and loading areas; and** g. **The types of vehicle crossings serving the site, their intensity, the time of day the site is frequented and likely trip generation**. [413]	
Activity status where compliance not achieved: N/A	

TRN – R~~8~~9	**Land transport operation, removal, repairs and maintenance within a ~~road reserve /~~**[414] **transport corridor ~~or an area subject to a designation~~**[415] **not meeting Permitted Activity standards**

[410] Buller District Council S538.078
[411] KiwiRail S442.043
[412] Buller District Council S538.079
[413] Consequential amendment Buller District Council S538.005
[414] Consequential amendment NZTA Waka Kotahi S450.050
[415] Consequential amendment NZTA Waka Kotahi S450.050

Activity Status Restricted Discretionary Discretion is restricted to: a. Impacts during construction; b. Any requirements for **natural**~~flood~~[416] hazard mitigation; **and** c. Stormwater treatment and control.
Activity status where compliance not achieved: N/A

TRN – R~~9~~10	**Formation of unformed legal road not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on the safety and efficiency of the transport ~~system~~ **network**;[417] b. The ability for accessibility park users to safely and effectively park, enter and exit a vehicle; c. The impact on other road users including pedestrians; d. Any requirements for **natural**~~flood~~[418] hazard mitigation; and e. Stormwater treatment and control.	
Activity status where compliance not achieved: N/A	

TRN – R~~10~~11	**Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual **effects**[419] ~~impacts on landscapes over 1000m above sea level~~;[420] b. **Effects on cultural, heritage and natural environment values**;[421] c. Effects on public access; and d. Effects on the transport network.	
Activity status where compliance not achieved: N/A	

TRN – R~~11~~12	**Establishing e-bike and e-vehicle charging stations ~~in the transport corridor~~[422] not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on **safety and efficiency of**[423] the transport network.~~; and~~	

[416] Buller District Council S538.080
[417] Buller District Council S538.081
[418] Buller District Council S538.081
[419] Buller District Council S538.082
[420] Buller Conservation Group S552.044 and Frida Inta S553.044
[421] Buller District Council S538.082
[422] Buller District Council S538.083
[423] Buller District Council S538.083

b. ~~Outcome of consultation with the relevant transport agency.~~[424]
Activity status where compliance not achieved: N/A

TRN – R~~12~~13	**High trip generating transport activities**
Activity Status Restricted Discretionary Where: a. This is the establishment of a new activity or the expansion of an existing activity **that exceeds the thresholds** listed in Table TRN ~~6~~ **7** ~~that complies with Standard TRN S14.~~ Discretion is restricted to: a. **The matters outlined in TRN S14 – High Trip Generating Activities Transport Assessment requirements** ~~b. Effects on the transport network; and~~ ~~c. Effects and recommendations to minimise effects from the transport assessment.~~ [425]	
Activity status where compliance not achieved: ~~Discretionary~~ N/A	

TRN – R14	**Sight Lines at Railway Crossings not meeting the Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. **The potential for adverse effects on the safety and efficiency of the rail network.**	
Activity status where compliance not achieved: N/A[426]	

Discretionary Activities	
TRN – R~~14~~15	**Formation of a new Transport Corridor not undertaken by a requiring authority in accordance with a designation ~~meeting Permitted Activity standards~~**[427]
Activity Status Discretionary **~~Notification:~~** ~~Applications will always be publicly notified.~~ [428]	
Activity status where compliance not achieved: N/A	

[424] Buller District Council S538.083
[425] Buller District Council S538.084
[426] KiwiRail S442.043
[427] NZTA Waka Kotahi S450.059 and consequential amendment to NZTA Waka Kotahi S450.052
[428] Buller District Council S538.085, Chris and Jan Coll S558.731, Chris J Coll Surveying Ltd S566.731, William McLaughlin S567.088, Laura Coll McLaughlin S574.731

~~**TRN – R14**~~	~~**High Trip generating activities not meeting Restricted Discretionary Activity standards**~~
~~**Activity Status Discretionary**~~	
~~**Activity status where compliance not achieved**: N/A~~[429]	
TRN – R16	**Any Transportation Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A[430]	

Appendix One: Transport Performance Standards Te Āpitihanga Tuatahi: Ngā Ture Tūnuku

TRN Table 1 – Vehicle Access Design Standard – State Highway: Minimum **sight** distance ~~of~~ **from** vehicle access point ~~relative to intersections and minimum spacing~~

Posted Legal speed limit	Minimum sight distance	~~Minimum distance of vehicle access point relative to intersections~~	~~Minimum spacing between vehicle access points on same or opposite frontages~~
~~K~~ km/hr~~-~~	Distance x in metrers	~~Distance y in meters~~	~~Distance z in meters~~
50	115	~~30~~	~~9m for residential, 15m all other~~
60	140	~~30~~	~~20~~
70	170	~~100~~	~~40~~
80	205	~~100~~	~~100~~
100	280	~~200~~	~~200~~

TRN Table 2 – Vehicle Access Design Standard for vehicle access onto a local road, arterial or collector road, up to 60 vehicle movements a day: Minimum distance of vehicle access point relative to intersections and minimum spacing.

Posted Legal speed limit	Minimum sight distance Local Road	Minimum sight distance Collector Road	Minimum sight distance Arterial Road	Minimum spacing between vehicle access points on same or opposite frontages

[429] Buller District Council S538.086
[430] Consequential amendment stemming from Transpower Limited S299.051, Forest and Bird FS34.031

~~K~~ km/hr~~-~~	Distance x in metrers	Distance x in metrers~~-~~	Distance x in metrers	Distance z in metrers~~-~~
50 or below	40	90	90	NA
60	55	115	115	NA
70	85	140	140	10
80	105	175	175	10
100	160	250	250	10~~m~~
Total maximum combined width of vehicle access points				4m or 50% of the road boundary, on any site

TRN Table 3 – **Vehicle Access** Design ~~s~~**S**tandards for minimum distances between any vehicle access point and **other vehicle access point or** transport corridor intersection[431]

	~~Posted speed limit of 60km/hr or less~~			~~Posted speed limit of greater than 60km/hr~~		
	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~
~~All RESZ - Residential~~	~~15m~~	~~9m~~	~~9m~~	~~15m~~	~~9m~~	~~9m~~

~~Zones~~						
~~MPZ - Māori Purpose, RURZ - Rural and FUZ - Future Urban Zones~~	~~30m~~	~~30m~~	~~30m~~	~~50m~~	~~50m~~	~~50m~~
~~OSRZ - Open Space and Recreation Zones~~	~~50m~~	~~30nm~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

[431] NZTA Waka Kotahi S450.335 and Grey District Council S608.847

~~AIRPZ - Airport and PORTZ - Port Zone~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~
~~CMUZ - Commercial and Mixed Use, HOSZ - Hospital, STADZ - Stadium and all INZ - Industrial Zones~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

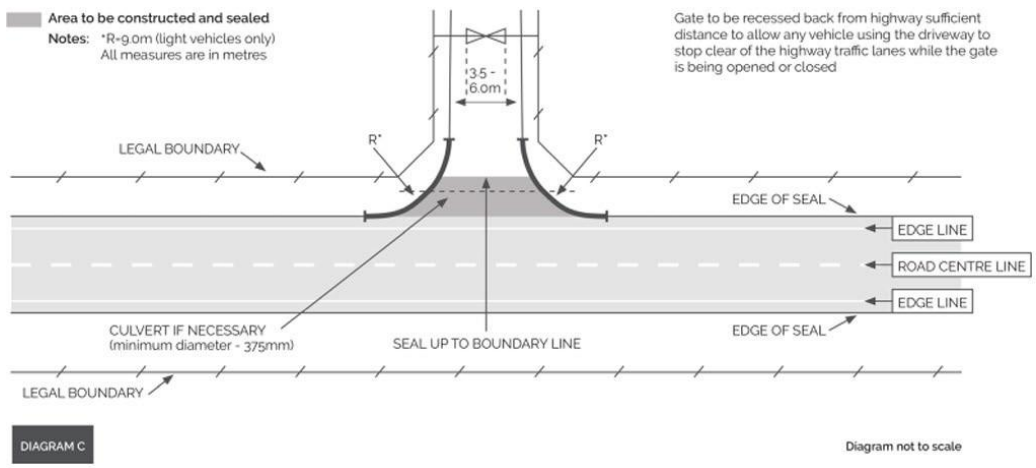
Type of traffic using accessway (more than one slow, heavy or long vehicle movements per week)	**Separation (m) for Posted Speed Limit (km/h) (refer Figure 5)**								
	30 – 50 km/h			**60 – 70 km/h**			**80 – 100 km/h**		
	K	**M**	**N**	**K**	**M**	**N**	**K**	**M**	**N**
Yes	**30**	**30**	**5**	**60**	**40**	**40**	**200**	**60**	**200**
No	**20**	**20**	**5**	**60**	**30**	**20**	**150**	**60**	**200**

TRN Table 4: Accessway standards and guidelines for a new vehicle crossing on a sealed road where the posted speed limit is 70 km/h or above. [432]

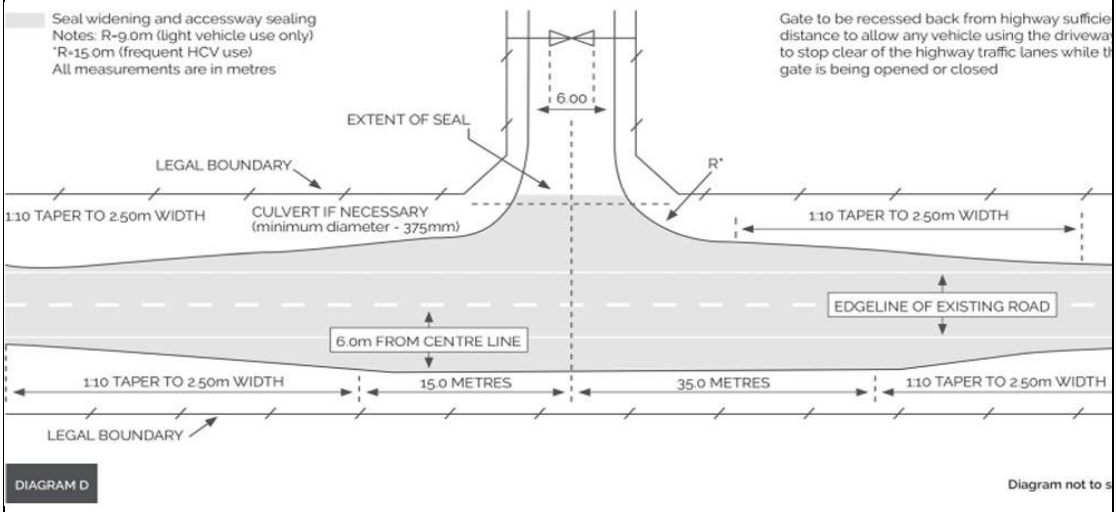
Daily traffic volume using the vehicle crossing (ECMs*)	**Is the vehicle crossing on a state highway?**	**Accessway type**
1 – 30; and no more than 2 heavy vehicle movements per week	**N/A**	**TRN Figure 1 Diagram C, Perspective C**
1 – 30; and more than 2 heavy vehicle movements per week, or, 31-100	**No**	**TRN Figure 2, Diagram D, Perspective D**
1 – 30; and more than 2 heavy vehicle movements per week, or 31-100	**Yes**	**TRN Figure 3, Diagram E, Perspective E**

[432] NZTA Waka Kotahi S450.060

TRN Figure 1 – Diagram C, Perspective C[433]

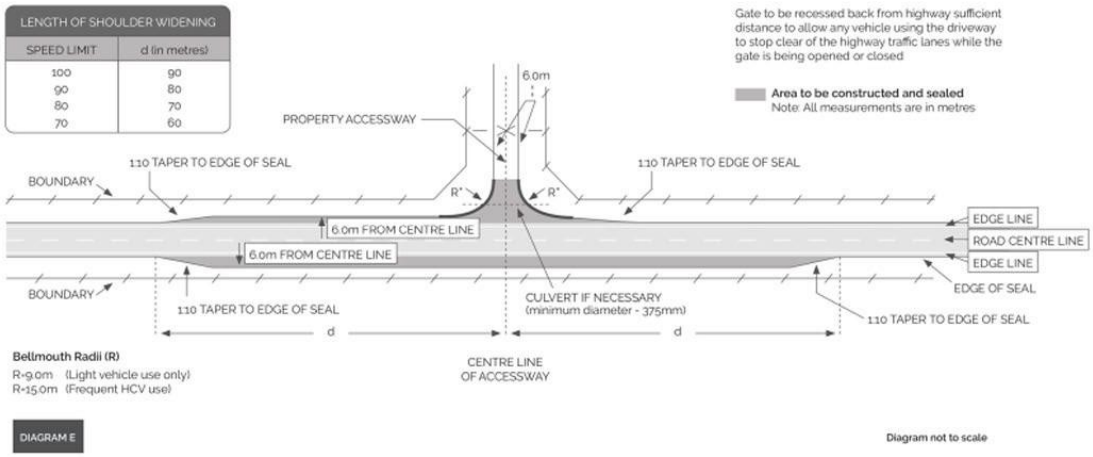


TRN Figure 2 – Diagram D – Perspective D[434]



TRN Figure 3 – Diagram E – Perspective E[435]

[433] NZTA Waka Kotahi S450.060
[434] NZTA Waka Kotahi S450.060
[435] NZTA Waka Kotahi S450.060



TRN S1 – All new vehicle access points shall be located a minimum of 30m from a railway level crossing. The 30m is measured from the closest rail track to the edge of the seal on the proposed vehicle access point. All new vehicle access points that intersect a railway require the approval of Kiwi~~i~~Rail.

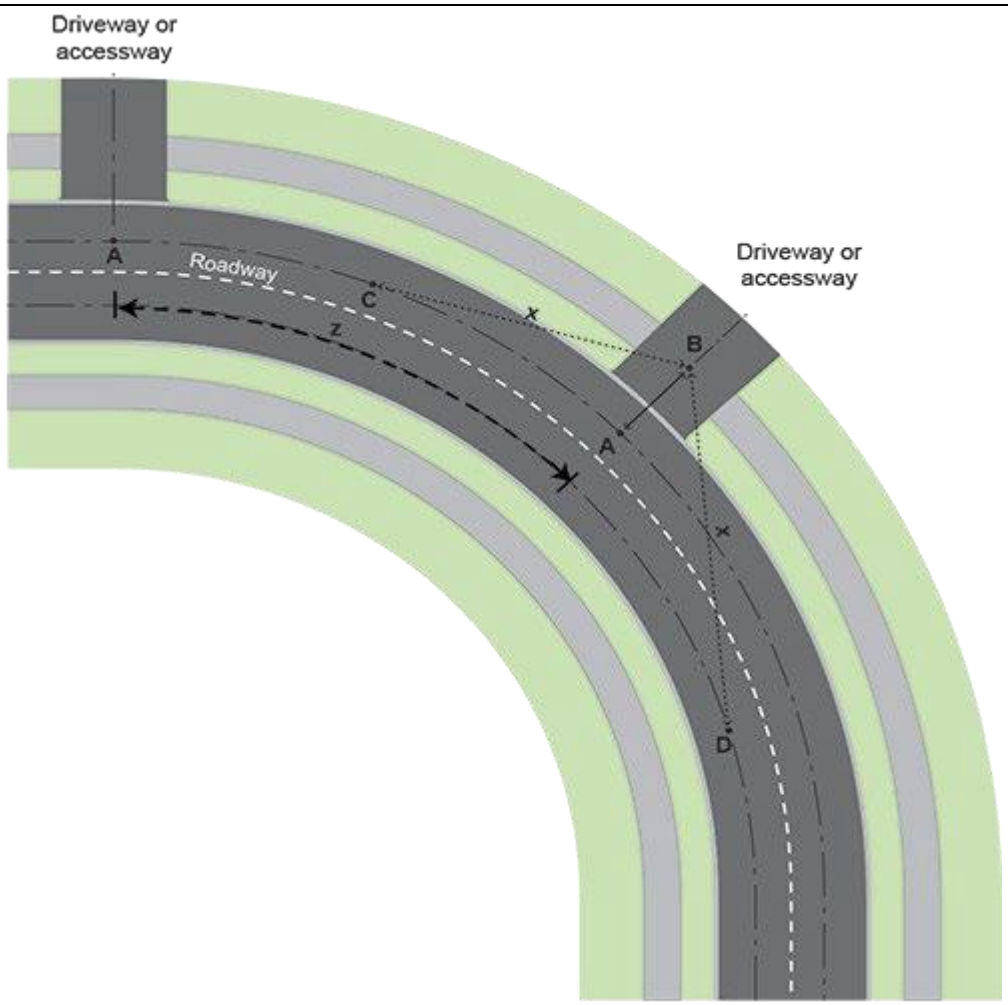
TRN S2 Access areas must accommodate the 85th percentile car tracking curves in **TRN** Figure ~~4~~ ~~8~~. The required driveway must not include any space used for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.

TRN S3 – Requirements for driveways:

For all zones the minimum driveway width is 3**.5**m[436], and maximum gradient is 1:5.
For all zones, where the driveway is longer than 50m, passing bays must be provided at no more than 50m intervals. Turning areas must be provided when the driveway length is 50m or longer.

TRN Figure ~~1~~ **4** – Sight line calculations for **TRN** Table 1 and **TRN** Table 2

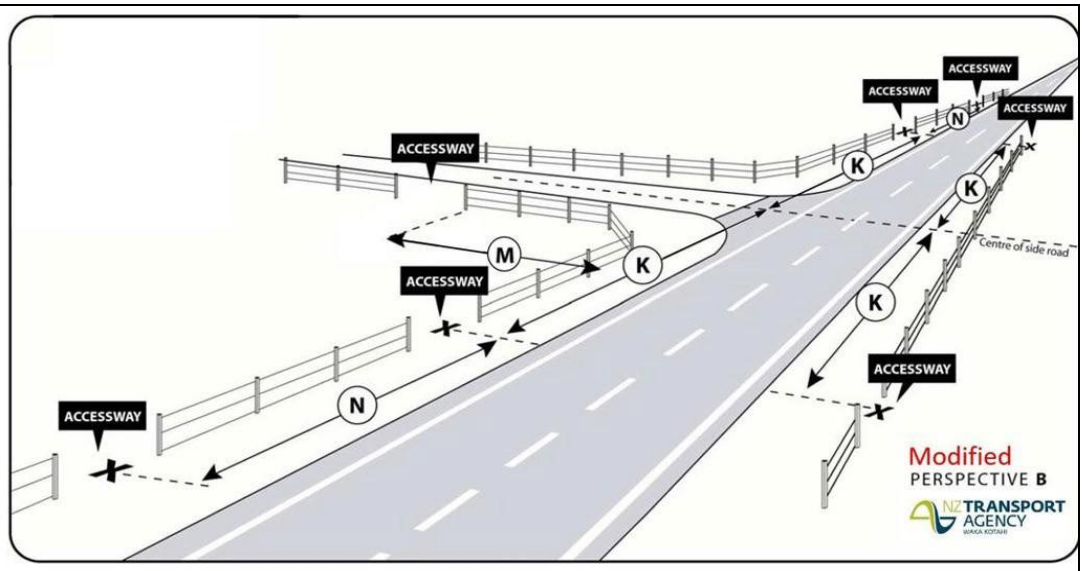
[436] Fire and Emergency New Zealand S573.012



Sight lines shall be from driver's eye height to drivers eye height (1.15m) above ground level.
Point A: Intersection of lane centreline and driveway centreline.
Point B: Position of centreline of driveway where sight distance is measured (note - this is measured from the edge lane line and where there is no edge lane line, from the edge of seal).
Point C and D: Position on centreline of lane where sight distance is measured.

TRN Figure 5 – Minimum Distance Calculation from vehicle access point and transport corridor intersection for TRN Table 3[437]

[437] NZTA Waka Kotahi S450.060



TRN S4 – Where accessibility parking spaces are provided, they must be located on a level surface; clearly marked, designed and constructed in accordance with NZS 4121: 2001 Design for Access and Mobility – Buildings and Associated Facilities

TRN Table ~~4~~ **5** – Minimum number of on-site accessibility parking spaces[438]

Total number of **vehicle**[439] spaces provided	Number of accessibility parking spaces (inclusive of total)
Less than 20	1
Between 21 and 50	2
In excess of 50	2 plus 1 additional accessibility space per 50 vehicles spaces thereafter

TRN S5 – Where bicycle parking spaces are provided the space must enable bicycles to be securely attached to an immovable object and located so as not to impede pedestrian movement.

TRN Table ~~5~~ **6** – Minimum number of on-site bicycle parking spaces[440]

Total number of **vehicle**[441] spaces provided	Number of bicycle parking spaces
Less than 10	1
Between 10 and 20	2
In excess of 20	2 plus 1 additional accessibility space per 10 vehicles spaces thereafter

[438] Buller District Council S538.086
[439] Buller District Council S538.088
[440] Buller District Council S538.086
[441] Buller District Council S538.086

TRN S6 – Residential developments in Moana and Iveagh Bay must provide the equivalent of three car- parking spaces on-site for trailer / boat storage.

TRN S7 – Dimensions for on-site vehicle parking spaces including manoeuvring dimensions.

- Parking space and area for vehicles must not include any space for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.
- Must meet the requirements specified for on-site dimensions for car parking areas and circulating routes for vehicles of dimensions less than service vehicles shown in **TRN** Figure ~~2~~ **6**, and
- For vehicles of dimensions equal or greater than a service vehicle.
- The two-way aisle width for parallel parking bays must be at least 3m wider than for one- way aisle. The two-way aisle width for parking bays at 90 degrees must be at least 5.5m.
- Where a parking space is located at the end of a blind aisle, an additional 1m clearance must be provided.
- Where any parking space has a side directly next to a wall, support column or other obstacles, an additional 300mm width must be provided.[442]

TRN S8 – Where loading spaces and or standing spaces are provided, they must be designed to accommodate a 90th percentile two-axle truck in accordance with **TRN** Figure ~~3~~ **7**, and where articulated trucks and trailer, or buses are to be used, the loading space(s) must be designed to accommodate these vehicles. Every vehicle space must be of a useable shape and comply with the following dimensions:

- Minimum width of 3.5m if adjacent to a kerb or 4.5m when adjacent to a wall; minimum depth 8m, minimum height of 4.5m above ground / floor level.
- The loading space must not include any space for on-site queue, tracking curve, manoeuvring, standing space, bicycle parking space, or vehicle access point.
- The standing space must not include any space for on-site queue, tracking curve, manoeuvring, loading space, bicycle parking space, or vehicle access point.

TRN S9 - On-site queuing spaces must be provided when six or more parking, loading, and / or standing spaces combined are provided on-site. On-site queuing lengths, measured from the commencement of the driveway to the site boundary, must comply with the following: 6m into the site if the largest vehicle to visit the site is a car, or 8m into the site if the largest vehicle to visit the site is a service vehicle; or when the largest vehicle to visit the site is greater than a service vehicle, then this vehicle must be able to be accommodated within the site.

TRN S10 – Minimum onsite manoeuvring space provision - On-site manoeuvring space must be provided where a single vehicle access point services four or more parking spaces; or access to a site is obtained from a state highway, arterial road or collector road.

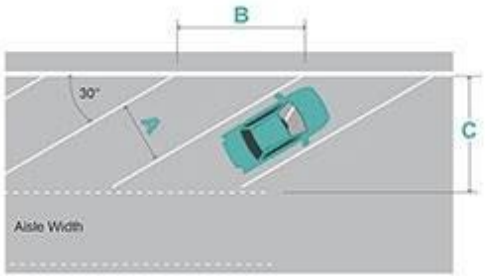
TRN S11 – Minimum onsite manoeuvring space design -The manoeuvring space must not include any space for on-site parking, queuing, loading, or standing space, or vehicle access

[442] Buller District Council S538.068

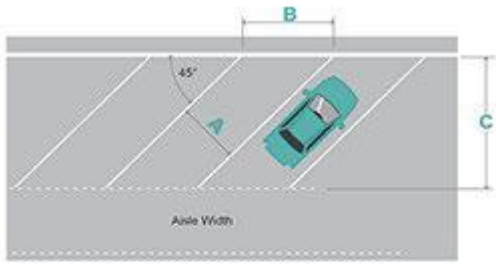
point and must meet the requirements for the relevant tracking curve in **TRN** Figure ~~2~~ **6**.

This standard does not apply where the site has direct vehicle access to a service lane, right of way or driveway which be utilised instead of the required manoeuvring space.

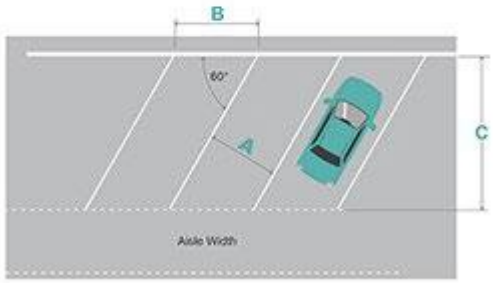
TRN – Figure ~~2~~ **6** – On-site car parking space dimensions



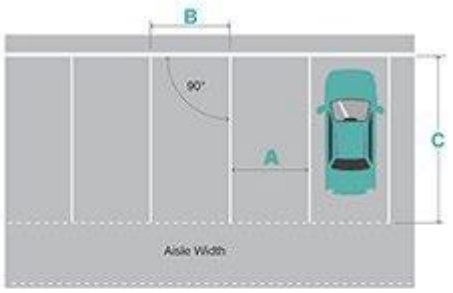
Parking Bays at 30°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
4	3.5	6.4	4.4	4.1	5.5	2.9



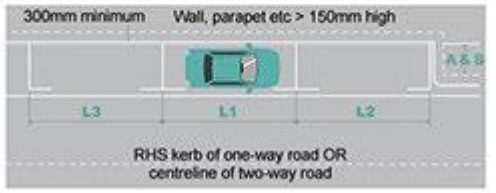
Parking Bays at 45°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
4	3.6	5.1	5.2	4.8	6.1	3.3



Parking Bays at 60°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.8	5.7	5.1	5.9	4.9
2	2.5	2.9	5.7	5.1	6.0	4.6
3	2.6	3.0	5.7	5.1	6.0	4.3
4	3.6	4.2	5.7	5.1	6.3	4.0

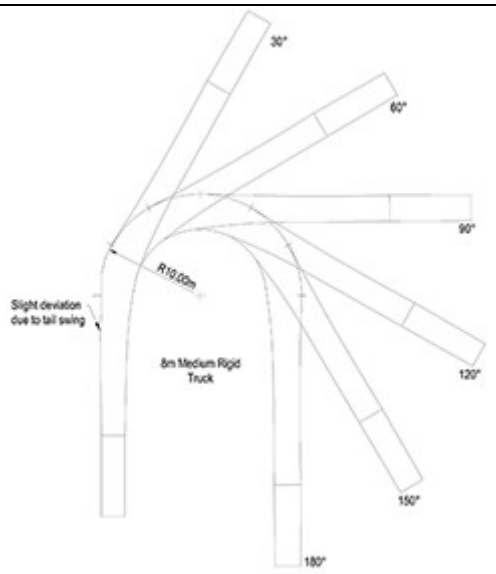


Parking Bays at 90°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.4	5.4	4.8	5.4	6.2
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	5.1	5.4	5.4
4	3.6	3.6	5.4	4.8	5.4	5.0

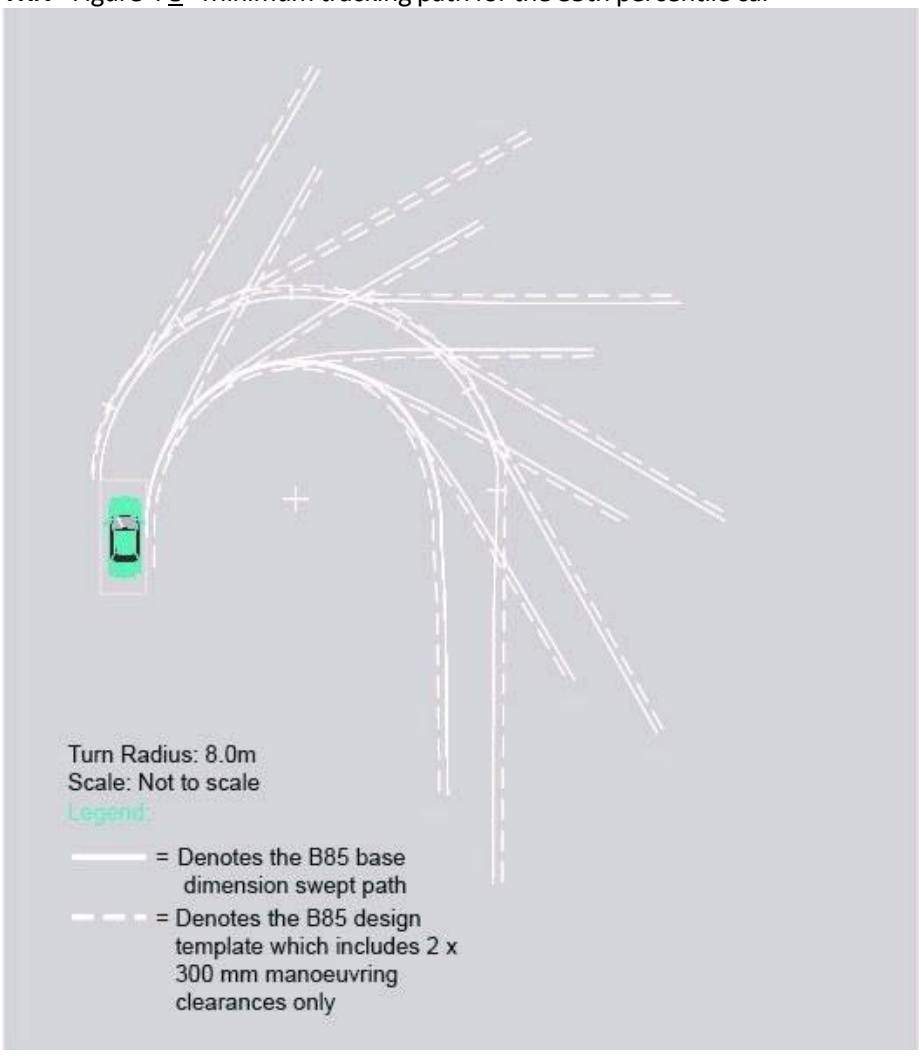


Parallel Parking Bays						
User Class	A	B	L1	L2	L3	Aisle Width
1, 2, 3	2.1	2.1				
4	3.6	3.6				
All			6.3	6.6	5.4	3.0
All			6.1	6.4	5.4	3.3
All			5.9	6.2	5.4	3.6

TRN - Figure ~~3~~ **7** - Tracking path for a 90th percentile two axle truck



TRN - Figure 4 **8** - Minimum tracking path for the 85th percentile car



Note:

With the exception of 90 degree car parks, aisle width dimensions are for manoeuvring into and out of car parks with one-way aisles.

User Class is identified as:

- for all day parking, such as tenant, employee and commuter parking;
- for medium-term parking, such as town centre parking, sports and entertainment centres, motels, airport visitors;
- for short-term parking, such as short-term town centre parking, shopping parking, hospitals, and the drop-off of children;
- accessible parking for people with disabilities.

Dimension C is selected as follows:

- C1: where parking is to a wall or high kerb not allowing any overhang;
- C2: where parking is to a low kerb which allows 600mm overhang;
- C3: where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern.

Dimension L is selected as follows:

- L1: space length for consecutive parallel parking spaces;
- L2: space length for obstructed end spaces;
- L3: space length for unobstructed end spaces.

TRN S12 – Requirements for on-site vehicle parking, loading and standing spaces – construction and formation

All RURZ - Rural Zones and FUZ - Future Urban Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **metaled** ~~formed, sealed~~,[443] marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All RESZ - Residential Zones and MPZ - Māori Purpose Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **formed, sealed,** ~~metaled,~~[444] marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All CMUZ - Commercial and Mixed Use, INZ - Industrial, OSRZ - Open Space and Recreation, AIRPZ - Airport, HOSZ - Hospital, STADZ - Stadium and PORTZ - Port Zones	For sites with ~~less~~ **more**[445] than four on-site vehicle parking / loading / standing spaces the surface must be formed, with a maximum gradient of 1:20; and the area over which vehicles obtain access to the parking area is sealed from the vehicle access point to 5m into the site; or if adjacent to a residential zone, the area must be formed, sealed, marked and

[443] Buller District Council S538.088
[444] Buller District Council S538.088
[445] Buller District Council S538.088

	drained.
All zones	If the spaces are sealed, stormwater from the sealed surface must not be discharged causing erosion to other sites or accesses.

Note. Marking does not require all lines to be shown. However, it should be clear to the user of the parking area where the edge of each space is.

TRN S13 – Requirement for rights of way – construction and formation

All RESZ - Residential Zones, MPZ - Māori Purpose Zone, All RURZ - Rural Zones and FUZ - Future Urban Zone	The minimum road width is 3.5m one to nine dwellings, 5.5m for ten or more dwellings.
All CMUZ - Commercial and Mixed Use Zones	The minimum road width is 3**.5**m[446] for 2 allotments, 4.5m for 3 or more allotments.
All INZ - Industrial, OSRZ - Open Space and Recreation Zones, HOSZ - Hospital, AIRPZ - Airport, STADZ - Stadium and PORTZ – Port zone	The minimum road width is 7m for 2 allotments, 10m for 3 or more allotments.
All zones	Stormwater from the right of way must not be discharged causing erosion to other sites or accesses. When a right of way services 3 or more allotments, one passing bay for every 50m of length shall be provided. Maximum gradient for right of way 1:5

TRN Table ~~6~~ **7** – High Trip Generating Activities **Thresholds**[447]

~~Activity~~	~~Qualifier~~
~~Childcare including preschool, kindergarten and play centre~~	~~25 children~~
~~Education – Schools~~	~~30 students~~
~~Education – Tertiary~~	~~150 FTE students~~
~~Industrial~~	~~5,000m² Gross Floor Area~~
~~Mining and Quarrying~~	~~>30 heavy vehicle movements per day~~
~~Warehousing and distribution~~	~~6,500m² Gross Floor Area~~
~~Healthcare~~	~~300m² Gross Floor Area~~

[446] Consequential Amendment from Fire and Emergency New Zealand S573.012
[447] NZTA Waka Kotahi S450.060

~~Office~~	~~2,000m² Gross Floor Area~~
~~Residential~~	~~20 residential sites / units~~
~~Retail – Shops and supermarkets~~	~~250m² Gross Floor Area~~
~~Retail – Large Format and Bulk Goods~~	~~500m² Gross Floor Area~~
~~Service Stations~~	~~2 filling pumps~~
~~Mixed use or other activities not otherwise listed in this Table~~	~~60 vehicle movements per day~~

Equivalent Car Movements* per day	**Access is to a road classified** as:**			
	Local	**Collector**	**Arterial**	**State Highway**
0-100	**N/A**	**N/A**	**N/A**	**N/A**
101-200	**N/A**	**Basic**	**Basic**	**Full**
210-400	**Basic**	**Basic**	**Full**	**Full**
>400	**Full**	**Full**	**Full**	**Full**

*** Equivalent Car Movements (a movement is one car out or into a site)**

- **1 equivalent car movement (ecm) = 1 car / light vehicle movement,**
- **3 ecm = 1 heavy commercial vehicle movement (1 truck),**
- **5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).**

**** Refer TRN S15 Road Classifications**

TRN S14 – High Trip Generating Activities - Transport Assessment requirements

1. ~~Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network.~~
2. ~~Whether the design and layout of the proposed activity maximises opportunities for travel other than private cars, including by providing safe and convenient access for travel using more active modes.~~
3. ~~Having particular regard to the level of additional traffic generated by the activity and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.~~
4. ~~Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250 hvm/d heavy vehicle movements per day.~~
5. ~~Whether the transport assessment has been prepared by a suitably qualified and experienced transport specialist and has been approved by the relevant District Council.~~

1. **Basic Traffic Impact Assessment:**

   a. **Whether the provision of access and on-site manoeuvring areas**

associated with the activity, including vehicle loading and servicing deliveries. affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).

b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

c. **Whether the traffic impact assessment has been prepared by a suitably qualified and experienced transport specialist.**

d. **Need for a traffic impact assessment - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring a traffic impact assessment, in a manner set out in this rule, is unnecessary.**

2. **Full Integrated Traffic Assessment:**

a. **Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).**

b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

c. **Having particular regard to the level of additional traffic generated by the activity while taking into account any particular effects from heavy vehicles and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.**

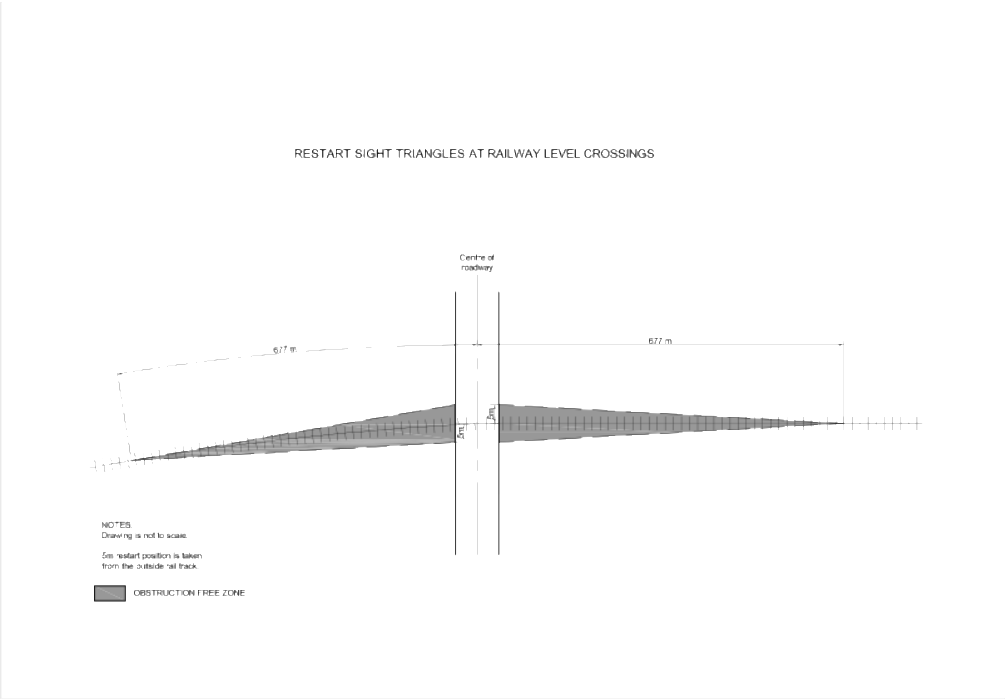
d. **Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250hvm/d.**

e. **Whether the ITA has been prepared by a suitably qualified and experienced transport specialist.**

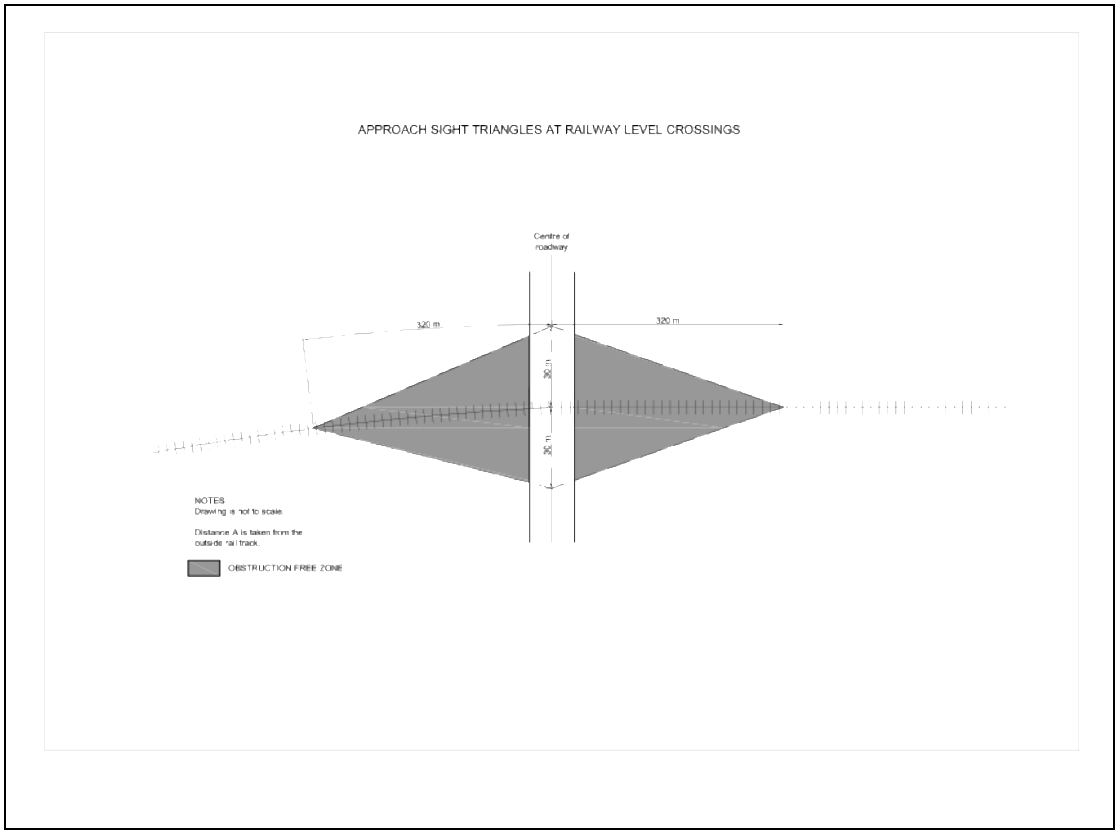
f. **Need for an ITA - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring an ITA, in a**

manner set out in this standard, is unnecessary.[448]

TRN – Figure 9 - Sight Line Requirements at Railway Crossings



[448] NZTA Waka Kotahi S450.060



TRN – S15 Road Classifications

State Highway	
Buller District	• **Westport - Mokihinui River (SH67)** • **Mokihinui – Seddonville Rd (SH 67)** • **Westport – Cape Foulwind (Cape Foulwind Road) (SH67A)** • **Westport – Dolomite Point (part SH6)** • **Upper and Lower Buller Gorge (SH6)** • **Lewis Pass - Ikamatua (part SH7)** • **Inangahua Junction - Reefton (SH 69)** • **Springs Junction - Boundary Road (Shenandoah) (part SH 65)**
Grey District	• **Dolomite Point – Taramakau River (SH6)** • **Big Grey River – Greymouth (SH7)**
Westland District	• **Taramakau River – Hokitika (SH6)** • **Hokitika – Haast (SH6)** • **Haast – Haast Pass (SH6)** • **Kumara Junction to Arthur's Pass (SH73)**
Arterial	
Buller District	• **Cobden St East (Russell St to Dommett St)** • **Cobden St West (Russell St to Palmerston St)** • **Derby St (Russell St to Palmerston St)** • **Derby St (Cobden St (RHS) to SH67 (Brougham St))** • **Golf Links Rd (SH67A to Mill St)** • **Mill St East (Russell St to Dommett St)** • **Mill St West (Russell St to SH67 (Palmerston St))**

	• **Palmerston St (Henley St to Sump at Bend (LHS))**
Grey District	• **Lake Brunner Rd (Bell Hill Rd to Bridge start)** • **Lake Brunner Rd (Ahau Rd to Bell Hill Rd)** • **Lake Brunner Rd (width change to Unnamed Road 16)** • **Taylorville Rd (SH6 to SH4)** • **Taylorville Rd (50km/hr sign to 97km/hr sign)** • **Stillwater Blackball Rd (Taylorville Rd to Blackball)** • **Arnold Valley Rd (SH7 to Ahau St)** • **Rutherglen Rd (SH6 to Maori Creek/Marsden New River)** • **Rutherglen Rd (end of widening to start of bridge)** • **Bright St (Blackett St to Richmond St)** • **Mawhera Quay (SH7 to Boundary St)** • **Mackay St (Mawhera Quay to Boundary St)** • **Boundary Street (Mawhera Quay to Preston Rd)** • **Tainui St (Mawhera Quay to SH4)** • **Herbert St (Mackay St to SH7)** • **Shakespeare St (SH6 to Alexander St)**
Westland District	• **Stafford St (Fitzherbert St to Town Belt East)** • **Kaniere Rd (Stafford St to Woodstock – Rimu Rd)** • **Woodstock – Rimu Rd (Kaniere Kowhitirangi Rd to Sandstone Rd)**
Collector	
Buller District	• **Abattoir Rd (Domett St to Kew Rd)** • **Alma Rd** • **Atarau Rd (SH7 to Rough River Bridge)** • **Banbury St South (Chamberlain St walkway to Elgin St (LHS))** • **Bridge St Karamea (2nd bridge abutment to Waverley St (LHS)** • **Bright St West (Palmerston St to end of seal)** • **Brougham St (Adderley St to SH67 (Palmerston St))** • **Buller Road (SH69 (Sinnamon St) to Walsh St)** • **Cape Foulwind Rd (End of SH67A (Concrete Pad) to Tauranga Bay Rd)** • **Craddock Drive (Orowaiti Rd to end of seal)** • **Darkies Terrace Rd (SH6 to end of seal)** • **Denniston Track (Elgin St (LHS) to Boswell St (LHS)** • **Derby St (Craddock Drive to Cobden St (RHS)** • **Derby St (Mill St to Robertson St)** • **Derby St (Start of KCC (LHS) to Start of KCC (RHS))** • **Dole St (SH67 to Tyler Rd)** • **Dommett St (Cobden St to Abattoir Rd)** • **Gannons Rd (SH69 (Buller Rd) to end of seal)** • **Golf Links Rd (50km/hr sign to Marine Parade)** • **Karamea Highway (50m past De Malmanches Rd to South Tce)** • **Karamea Highway (South Tce to 2nd bridge abutment)** • **Kew Rd (Eastons Rd to Abattoir Rd)** • **Kohaihai (South abutment/Oparara Bridge to 1st bridge abutment)** • **Kohaihai (East abutment/Quinlan Bridge to South Abutment/Oparara Bridge)** • **Lighthouse Road (Cape Foulwind Rd to Carpark entrance)** • **McGill St (SH67/sump(RHS) to Chamberlain St pathway)** • **McKenna Rd (Abbatori Rd to farm tracks (L and RHS)** • **Millerton Track (Stockton Rd) (SH67 to Stockton Mine gate)**

	• **Mokihinui Rd (SH67 to River Rd (LHS)** • **Mokihinui Rd (End of seal to Mokihinui Preserve Rd)** • **Nine Mile Rd (Stafford St to start of seal)** • **Nine Mile Rd (Railway crossing to start of seal)** • **Nine Mile Rd (Start of seal to end of seal)** • **Nine Mile Rd (End of seal to railway crossing)** • **Orowaiti Rd (Domett St to SH67)** • **Queen St (South) SH67 (Brougham St) to Stafford St)** • **Rintoul St (The Esplanade (LHS) to Adderley St (South))** • **Robertson St (Derby St to end of St)** • **Russell St (Gladstone St to end of St)** • **Sawmill Rd (Railway Rd to Sawmill Entrance)** • **Schadick Ave (Golf Links Rd to Tiphead Rd)** • **Seal Colony Rd (Tauranga Bay Rd to End of Loop)** • **Stafford St (Queen St to McKenna Rd)** • **Stephen Rd (McKenna Rd to Caledonian Rd)** • **Tauranga Bay Rd (Cape Foulwind Rd to end of Rd)** • **The Esplanade (SH67 to Fonblanque St)** • **Tiphead Rd (Seal join to end of Rd)** • **Utopia Rd (Westport) (SH67 to end of seal)** • **Victory St (Crampton Rd to Shaw St)** • **Waverley St (Oparara Rd to Wharf Rd)** • **Wharf Rd (Karamea) (East abutment/Quinlan Bridge to Waverley St)** • **Wilsons Lead Rd (SH6 to Tauranga Bay Rd)**
Grey District	• **Alexander St (Chapel St to Shakespeare St)** • **Atarau Rd (Main Road (to Blackball) to Rough River Bridge)** • **Bell Hill Rd (end of seal to Haupiri Rd, from Lake Brunner Rd to end of seal, from start of seal to start of seal)** • **Blair Rd (from Kotuku Bell Hill Rd to Arnold Valley Rd** • **Blair Rd (Arnold Valley Rd to Kotuku Bell Hill Rd)** • **Blair Rd (end of seal to private road LHS)** • **Blair Rd (bridge start to private road LHS)** • **Blair Rd (bridge start to private road RHS)** • **Bright St, Greymouth (SH6 to Blackett St)** • **Buccleugh St (SH6 to end of seal)** • **Camerons Rd (State Highway 6 to Forestry Rd begins)** • **Chesterfield St (Tasman St to end of seal)** • **Cowper St (Brunner St to SH7)** • **Deep Creek Rd (Blair Rd to Nelson Creek Bridge)** • **Domett Esplanade (Bright St to end of Road at Carpark)** • **Felix Campbell St (Water Walk Rd to Shelley St)** • **Gresson St (Boundary St to Gilbert St)** • **Guiness St (Tainui St to Boundary St)** • **Hart St (Denston St to Wilson St)** • **Heaphy St (State Highway 6 to Shakespeare St)** • **Kumara Inchbonnie Road (Kumara Bridge (start) to Lake Brunner Kotuku Bell Rd (Blair Rd to Bell Hill Rd)** • **Road)** • **Lake Brunner Rd (from 100/50 km/hr road sign to bridge end)** • **Lord St (SH6 to Herbert St)**

	• **McLean Pit Rd (State Highway 6 to end of road @ dump)** • **Main Rd (Main Rd (South) to Glassons Lane** • **Marlborough St (Cowper St to KCC start left hand side)** • **Marsden Rd (start of bridge to Rutherglen Rd)** • **Marsden Rd (Shakespeare St to Sinnott Road)** • **Marsden Rd (private road LHS to start of bridge)** • **Marsden Rd (Ridgeway Drive to start of KCC on RHS)** • **Packers Quay, Greymouth (Rigg St to Collins St)** • **Preston Road, Greymouth (Merrick St to end of KCC on right hand side)** • **Puketahi St (SH6 to Alexander St)** • **Raleigh St North (SH6 to Cowper St)** • **Roa Rd (Darcy St to end of Roa Rd)** • **Road to Hospital (Cowper St to start of bridge)** • **Shelley St (Chesterfield St to Nelson St West)** • **Swift St (Preston Rd to Achilles Triangle Rd)** • **Steer Avenue, Greymouth (Preston Rd to Reid St)** • **Taramakau Settlement Road (Kumara Inchbonnie Rd to end of seal, from start of 95/96 correction to Nicholas Rd)** • **Tasman St (Road Widens/Access Road to end of seal)** • **Turumaha St (Herbert St to Brunner St)** • **Water Walk Road (Raleigh St to Felix Campbell St)**
Westland District	• **Adamson Rd (Waitangitaoana Rd to end of seal)** • **Arahura Valley Rd (SH6 to German Rd)** • **Arthurstown Rd (Woodstock Rimu Rd to SH6)** • **Blue Spur Rd (Hau Hau Rd to Arahura Valley Rd)** • **Brickfield Rd (Hau Hau Blue Spur Rd to end of Rd)** • **Cook Flat Rd (SH6 to end of road at river)** • **Cron St (end of seal to end of stage (2024)** • **Forks – Okarito Rd (SH6 to end of seal)** • **Haast – Jackson Bay Rd (SH6 to end of seal)** • **Hampden St (Tancred St to Sewell St)** • **Hampden St (Fitzherbert St to Town Belt East)** • **Hans Bay Rd Arahutika (Sunny Bight Rd to Stuart St)** • **Hau Hau Rd (East Town Belt Rd to Blue Spur Rd)** • **Kaniere Kowhitirangi Rd (100km/hr sign to Cropp Rd)** • **Lake Brunner Rd (SH73 to Sir Stanley Gooseman Bridge)** • **Lake Kaniere Rd (Kaniere Kowhitirangi Rd to Sunny Bight Rd)** • **Park St (Fitzherbert St to Hoffman St)** • **Revell St (Hamilton St to Tudor St)** • **Sewell St (Hamilton St to Park St)** • **Stafford St West (Revell St to Tancred St)** • **Tancred St (Hamilton St to Stafford St)** • **Taramakau Settlement Rd (Kumara Inchbonnie Rd to end of seal)** • **Tudor St (sewell St to Fitzherbert St)** • **Upper Kokatahi Rd (Kaniere Kowhitirangi Rd to FF Road)** • **Wanganui Flat Rd (SH6 to end of road at riverbank)** • **Weld St (Revell St to Livingstone St)** • **Whataroa Flat Rd (SH6 to Whale Rd)**
Local Roads	

Buller, Grey and Westland Districts	The remainder of the roads not listed in this table are local roads.

Planning Maps

Amend the Planning Maps to include the Special Purposes Roads on the West Coast being:

- Haast – Jackson Bay Road
- Karamea Highway – Mokihinui River to Karamea



Dean Chrystal

Hearings Panel Chair



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member



Sharon McGarry

Hearings Panel Member



Anton Becker

Hearings Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

Term	Definition
~~CRITICAL INFRASTRUCTURE~~	~~means:~~ ~~the rail network, state highways, special purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.~~
REGIONALLY SIGNIFICANT INFRASTRUCTURE	**means:** a. The National Grid (as defined by the Electricity Industry Act 2010); b. Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity; c. Facilities for the generation of more than 1 MW of electricity, including the Turnbull Hydro Power Station and Fox Hydro Power Station, and their supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks; d. Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas; e. The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic; f. The regional rail networks; g. The Westport, Greymouth, and Hokitika airports; h. The Regional Council seawalls, stop banks and erosion protection works; i. Telecommunications networks and facilities and radio communications facilities; j. Public or council owned sewage treatment plants and associated reticulation and disposal systems;

	k. Public or council owned water supply intakes, treatment plants and distribution systems; l. Public or council owned drainage systems, including stormwater systems; m. The ports of Westport, Greymouth and Jackson Bay; n. Public or council owned solid waste storage and disposal facilities; o. Special Purpose Roads as identified on the planning maps; and p. Defence Facilities
INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below), means a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy; b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001; c. a network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989; d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding lines and support structures if a person- i. uses them in connection with the generation of electricity for the person's use; and ii. does not use them to generate any electricity for supply to any other person; e. a water supply distribution system, including a system for irrigation; f. a drainage or sewerage system; g. structures for transport on land by cycleways, rail, roads, walkways, or any other means; h. facilities for the loading or unloading of cargo or

	passengers transported on land by any means; i. an airport as defined in section 2 of the Airport Authorities Act 1966; j. a navigation installation as defined in section 2 (1) of the Port Companies Act 1988; **and** k. **facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988**; l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166. **Note:** **Electricity activities are addressed in the Energy Chapter of the Plan.**
ENERGY ACTIVITY	means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.
LARGE SCALE **DISTRIBUTED ELECTRICITY GENERATION**	means~~, when applied to provisions in the Energy Chapter,~~ electricity generation activities utilising renewable energy sources ~~with a capacity of greater than 100kW~~ **which are not Small and Community Scale Electricity Generation Activities** for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works
NATIONAL GRID	**has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008 (as set out below)** means the assets used or owned by Transpower NZ Limited
NATIONAL GRID SUBDIVISION CORRIDOR	means the area measured either side of the centreline of above ground National Grid transmission ~~and distribution~~ lines as follows (and illustrated in green below): a. 14m for 66kV or 110kV transmission lines on single poles; b. 16m for 110kV transmission lines on pi poles; and c. 32m for 110kV transmission lines on towers (including

	tubular steel towers where these replace steel lattice towers). **The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.**
NATIONAL GRID YARD	means as illustrated in red below: a. the area located 10m either side of the centreline of an overhead 66kV or 110kV National Grid transmission line on single poles; b. the area located 12m in any direction from the outer **visible** edge of a support structure for an overhead 66kV or 110kV National Grid transmission line; and c. the area located 12m either side of the centreline of any 66kV or 110kV overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers). The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer visible edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.
NETWORK UTILITY	**means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.**
NON-RENEWABLE ELECTRICITY GENERATION ACTIVITY	**means the construction, operation and maintenance of structures associated with electricity generation from non-renewable energy sources.**
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means the construction, operation, maintenance and upgrading of structures associated with renewable energy generation. This includes**, along with large scale activities,** small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, **earthworks, vegetation clearance,** roading, maintenance buildings, temporary concrete batching plants, internal

	transmission and fibre networks, and site rehabilitation works.
SMALL **AND COMMUNITY** SCALE **ELECTRICITY GENERATION**	~~means, in relation to energy, renewable electricity generation activities at a capacity of no greater than 20kW for the purpose of using or generating electricity on a particular site, or exporting from a site.~~ **means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.**
SUBSTATION (ZONE)	means the ground-mounted equipment used to convert ~~sub~~ transmission voltage (33kV and higher) to distribution voltages (22 or 11kV), and this equipment is generally enclosed in a fenced yard.
TRANSMISSION LINE~~S~~	**has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (as set out below).** means: a. the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid and: b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but c. does not include an electricity substation.
TELECOMMUNICATIONS KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**
UPGRADING /**UPGRADE**	means in relation infrastructure and renewable electricity generation activities, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair. (**Upgrade has the same meaning)**

INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below) means … a. **facilities for the loading or unloading of cargo or passengers carried by sea, including a port related**

	commercial undertaking as defined in section 2(1) of the Port Companies Act 1988; b. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.
TELECOMMUNICATION KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**
LAND TRANSPORT INFRASTRUTURE	**Means any infrastructure, building, equipment or devices that support the movement of people and goods by land or water, including:** **(a) Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;** **(b) Pedestrian facilities and accessways, including footpaths, footways and foot bridges;** **(c) Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;** **(d) Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;** **(e) Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;** **(f) Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;** **(g) Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices;** **(h) Parking control devices;** **(i) Site access including vehicle crossings;** **(j) Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;** **(k) Ancillary equipment and structures associated with public transport systems including seats, shelters,**

	real time information systems and ticketing facilities, bicycle storage and cabinets; **(l) Stormwater management facilities, ventilation structures, drainage devices and erosion control devices; and** **(m) Land based Port facilities.**

Energy Chapter

Energy - Te Pūngao
Overview

~~Energy activities, including r~~ Renewable electricity generation, **electricity** transmission, **and** distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they **need to be recognised and provided for,** ~~require specific recognition and protection,~~ as they are critical to the social, cultural, and economic well-being of people and communities. **Operation, maintenance, and repair of existing energy activities contribute to the resilience of the West Coast.**

The National Policy Statement for Electricity Transmission **2008**~~Activities~~ requires **that the National Grid is recognised and provided for**. ~~specific recognition and protection of the National grid, with renewable electricity recognised in the~~ **The** National Policy Statement on Renewable ~~Energy~~ **Electricity** Generation **recognises the national significance of renewable electricity generation activities, including the need for and benefits from, renewable electricity generation.**

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including **its protection from** reverse sensitivity effects**.** ~~**The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)** contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa~~.

~~Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the **Electricity (Hazards from Trees) Regulations 2003.**~~

~~Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for **Electricity Transmission Activities) apply**.~~

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

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

- **Overlay Chapters** - the Overlay Chapters have relevant provisions in relation to Sites of Significance to Māori, Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.

- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities ~~which impact on infrastructure~~.

- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

Energy Objectives	
ENG – O1	To recognise the local, ~~and~~ regional **and national** benefits of electricity transmission, distribution and renewable electricity generation activities, **by providing** for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
ENG – O2	To recognise the functional **need or** operational needs associated with the location and design of **renewable electricity generation, investigation, and distribution and transmission** ~~energy~~ activities, and to ~~minimise~~ **manage** adverse effects of these activities on communities and the environment.
ENG – O3	To provide for **development and enable** the ~~development~~, operation, maintenance and upgrade of **renewable electricity generation and investigation, and electricity distribution and transmission** ~~energy~~ activities and to protect them from the adverse effects of incompatible subdivision**, use** and development.
ENG – O4	To recognise and provide for the national, regional and local significance and benefits of the National Grid, by ensuring the safety, efficiency, operation, maintenance, repair, upgrade and development is not adversely affected by **incompatible** subdivision, use and development.
ENG-O5	**To ensure the efficient provision and use of electricity distribution and transmission activities by co-ordinating with subdivision, use and development.**

Energy Policies	
ENG – P1	Provide for **and enable** the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable generation infrastructure ~~and assets~~.
ENG – P2	When considering proposals to develop and operate new and existing **renewable electricity generation, investigation, and distribution and transmission** activities have particular regard to the benefits to be obtained from the proposal, including; a. Maintaining or increasing security of renewable electricity supply ~~by diversifying the type and/or location of electricity generation~~; b. **Providing for diversity of the type and location of renewable electricity generation;** c. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; d. Economic, social, environmental or cultural wellbeing; e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets; f. Effective transmission and distribution of electricity supply; g. Facilitation and use of renewable energy; h. Security of electricity supply; and i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.
ENG – P3	~~Minimise reverse sensitivity effects from~~ **Manage activities to avoid adverse reverse sensitivity effects from incompatible** subdivision, use and development on **renewable electricity generation and electricity distribution and transmission** ~~energy~~ activities. ~~and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development~~
ENG – P4	~~Minimise~~ **Avoid, remedy or mitigate** adverse effects on ~~communities and~~ the environment from **renewable electricity generation, investigation, distribution and transmission** ~~energy~~ activities by: a. **Having regard to effects on urban amenity**; b. Having regard to the **effect on areas of significant environmental values and** values ~~associated with~~ **identified in Schedules One – Eight and Appendix Ten**; ~~areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas~~; c. Implementing industry best management practices around electrical safe distances; d. Maintaining ongoing access to grid and distribution ~~elements~~ **infrastructure** and structures for **operation,** maintenance and

	upgrading works; and e. Avoiding exposure to health and safety risks.
ENG – P5	~~When considering proposals to develop, operate, maintain and upgrade new and~~ **Avoid, remedy or mitigate adverse effects from the development of new or the development, operation, maintenance or upgrading of** existing **renewable electricity generation, investigation, distribution and transmission** ~~energy~~ activities **by**: a. Recognise**ing** their functional ~~constraints~~ **need o**r~~and~~ operational ~~requirements~~ **need**; and b. ~~Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects~~ **Having regard to the extent to which any adverse effects of new significant electricity distribution lines** have been minimised in the route, site and method selection.
ENG – P6	Provide for the development, upgrading, maintenance and operation of: a. A range of ~~small, community and large scale~~ renewable electricity generation activities; and b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.
ENG – P7	Recognise and provide for the national, regional and local benefits of the National Grid, including by: a. Enabling the operation, maintenance and ~~minor~~ upgrading requirements of existing National Grid assets; b. Providing for ~~other upgrades and~~ the effective development of new National Grid assets; and c. When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to: i. The technical and operational constraints of the National Grid; and ii. The extent to which proposals **for new National Grid infrastructure or major upgrades to existing National Grid infrastructure** have avoided, remedied and mitigated effects through the route, site and method selection.
ENG – P8	Manage the adverse effects of the **development and major upgrade of the** National Grid by: a. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects; b. Seeking to avoid adverse effects on areas **of significant environmental values and the values** identified in Schedules **One – Eight and Appendix Ten;** c. Where the National Grid has a functional **need** or operational need to locate within the Coastal Environment, manage adverse effects by: i. Seeking to avoid adverse effects on ~~Overlay Chapter~~ areas **and values identified in Schedules One – Eight and Appendix Ten** and where it is not practicable to avoid **because of functional needs or operational needs of the National Grid**, to remedy or mitigate; **and**

	ii. Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and d. Recognise that there may be some areas within the sites and areas identified in Schedules **One – Eight and Appendix Ten** where avoidance of adverse effects is required to protect the identified values and characteristics; **and** e. **Remedying or mitigating any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.**
ENG – P9	Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to: a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised; b. Avoid incompatible land use**, buildings and structures that may directly affect or otherwise compromise the National Grid;** c. Manage subdivision **within the National Grid Subdivision Corridor** to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid; d. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) and avoid exposure to health and safety risks from the National Grid; ~~and~~ e. **Maintain ongoing access for maintenance and upgrading works on the National Grid; and** f. Avoid**, to the extent reasonably possible, the** potential for reverse sensitivity effects on the National Grid.
ENG– P10	**Manage activities in and around Significant Electricity Distribution Lines to:** a. **Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;** b. **Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety risks from Significant Electricity Distribution Lines; and** c. **Protect the lines from potential reverse sensitivity effects.**
ENG-P11	**Discourage the development of non-renewable electricity generation activities.**
ENG-P12	**Ensure that subdivision and development is adequately serviced including:** **a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; and** b. **Infrastructure is installed at the time of subdivision, except for on- site infrastructure that cannot be determined until the**

	allotment is developed.

Permitted Activities	
ENG - R1	**Energy Permitted Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.	
Activity status where compliance not achieved: Non-complying	
ENG - R2	**Substations (Zone)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is t~~ **T**he operation, maintenance, repair and upgrade **is** of an existing substation (zone) where ~~any~~ upgrades are undertaken within existing switchyards or buildings, in any zone; or 3. ~~This is a~~**A** new substation (zone) **is** ~~or upgrade to an existing substation (zone)~~: i. Located in an Industrial Zone; and ii. The substation will be visually screened from the road and any **existing** residential building **located adjacent to the Industrial Zone** by fencing and / or landscaping.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R3	**Substations (Distribution)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is~~ t **T**he maintenance, repair, upgrade and operation **is** of an existing distribution a. substation; or 3. ~~This is a~~ **A**ny new distribution substation.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R4	**~~Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations~~ The operation, maintenance, repair and upgrading of distribution lines and 110kv Dobson Tee A line above and below ground not managed by the National Environmental Standard for Electricity Transmission Activities**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; **and** 2. Any realignment, relocation or replacement of a network utility pole, pipe, tower, and	

structure, ~~building or minor utility structure~~ is within 5m of the alignment or location of the original existing pole, tower, **and** structure, ~~building or minor utility structure~~; 3. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation; 4. **Specific to distribution lines,** ~~T~~ **t**he diameter or width of the replacement pole **structures, at its widest point:** a. does not exceed twice that of the replaced pole at its widest point; and b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point; 5. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent of the original; 6. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided above; 7. The face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent; 8. There are no~~t~~ additional towers; and 9. A pole is not replaced with a tower.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R5	~~**The construction, operation, maintenance, repair and upgrade of renewable energy structure for small scale use**~~ **Renewable Electricity Generation Activity**
Activity Status Permitted Where: 1. Performance standards in Rule ENG – R1 are complied with; and 2. ~~Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically~~ **The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:** ~~3. Small scale w~~ i. a. **Wind turbines do not exceed 8m in tower height**;~~Small scale wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise;~~ b. **Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:** **Settlement Zone - SETZ – R2** **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** 3. ~~Land based structure, building or impermeable surface for hydroelectricity generation must not exceed~~: ~~a footprint of 25m^2 and~~ **The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:** **Settlement Zone - SETZ – R2** **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** 4. ~~Any building or structure must not be located within an existing esplanade reserve or strip~~	

Activity status where compliance not achieved: **Restricted Discretionary where this is new small and community scale renewable electricity generation subject to Rule ENG – R14** **Discretionary where this is new large scale renewable electricity generation subject to Rule ENG – R15** ~~Restricted Discretionary where performance standards 1 - 3 or 5 - 6 are not complied with.~~ Non-complying where with performance standard ~~4~~ **1** is not complied with.	
ENG – R6	**Activities in and around the Significant Electricity Distribution Lines**
Activity Status Permitted Where: Performance standards in Rule ENG - R1 are complied with; and 1. These are Energy Activities; 2. The following other activities are able to occur under the conductors where these are Permitted within the relevant zone and overlay: Fences less than 2.5m high; **or** a. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building envelope; **or** b. Network Utilities within a transport corridor or any part of electricity infrastructure; **or** c. Structures used for agricultural and horticultural activities excluding buildings for sensitive activities; **and** 3. The only buildings or structures erected within 12m of any support structure are: a. Network Utilities within a transport corridor; or b. Any part of electricity infrastructure; **or** c. Fences more than 5m from the support structure and less than 2.5m in height; and 4. Structures and activities located near ~~transmission~~ **distribution** lines must comply with the safe distance requirements in the NZECP 34:2001.	
Activity status where compliance not achieved: Non-complying	
ENG – R7	**Buildings, Structures and Activities within the National Grid Yard**
Activity Status Permitted Where: 1. These are the following activities where they are also ~~P~~**p**ermitted within the relevant zone and overlay: a. Fences less than 2.5m high; b. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint; c. Infrastructure undertaken by a Network Utility **operation** ~~Operator within a transport corridor~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid; d. ~~Non - habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds~~ **Agriculture and horticulture activities, and associated non-**	

habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:

i. **Buildings and structures used for intensive indoor primary production;**
ii. **Dairy and milking sheds;**
iii. **Commercial greenhouses;**
iv. **Produce packing facilities;**
v. **Protective canopies; and**
vi. **Wintering barns.**

e. **The activity is not a sensitive activity**;
f. An accessory building or structure associated with an existing residential activity that is less than 10m^2 and 2.5m in height;

2. All buildings, structures and activities permitted by 1. above must ~~have~~:
   a. **Have a** ~~A~~ minimum vertical clearance of at least 10m below the lowest point of a conductor
      - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;
         i. Not result in the loss of vehicle access to a National Grid support structure;
         ii. Be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure~~ National Grid Yard transmission support~~ except where it is:
   b. Infrastructure undertaken by a network utility **operation** ~~operator~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid;
   c. A fence not exceeding 2.5m in heigh**t** that is located at least:
      i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; ~~or~~**and**
      ii. 5m from the outer visible edge of a foundation of a National Grid transmission line pole; **or**
   d. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:
      i. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and
      ii. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or
   e. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.

Activity status where compliance not achieved: Non-complying

ENG – R8	**Installation of electricity cabinets**

Activity Status Permitted
Where:

1. All performance standards in Rule ENG - R1 are complied with; and
2. The cabinet has a maximum height above ground level of 2m **and a maximum area of 1.4m^2**.

Activity status where compliance not achieved: Restricted Discretionary

ENG – R9	**Temporary Energy Activities**

Activity Status Permitted Where: 1. The temporary energy activity is for up to a period of 24 months following a national, regional or local state of emergency declaration; 2. All performance standards in Rule ENG - R1 are complied with; and 3. Any temporary structures are removed from the site ~~when operation ceases and the sites is rehabilitated~~ **and the site is rehabilitated within one month of the operation ceasing;** 4. **The temporary energy activity is a back-up generator, provided this equipment is:** i. **Being tested and maintained for a period not exceeding 48 hours in duration; or** ii. **To provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the underlying zone; or** iii. **For emergency purposes only and operates for a maximum of 12 months.**
Activity status where compliance not achieved: Restricted Discretionary

~~**ENG – R10**~~	~~**Environmental monitoring and meteorological facilities associated with Energy Activities**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. All performance standards in Rule INF-R1 are complied with; and~~ ~~2. Monitoring equipment is not more than 4m in height and 25m² in area.~~	
~~**Activity status where compliance not achieved**: Non-complying~~	

ENG – R10	**The construction of new distribution lines above or below ground**
Activity Status Permitted **Where:** **1. All performance standards in Rule ENG - R1 are complied with; and** **2. The line will comply with the requirements of NZECP 34:2001;** **3. The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines has a maximum height above ground level of 7m;** **4. The installation or modification of a sign is at a height no greater than 2m above ground level and is no larger than 1m² and is associated with an electricity network utility.**	
Activity status where compliance not achieved: Discretionary	

Restricted Discretionary Activities	
ENG - R11	**Substation~~s~~ (Zone and Distribution) not meeting ~~Permitted Activity~~ standards, or otherwise not provided for in another rule**
Activity Status Restricted Discretionary Discretion is restricted to: a. ~~Landscape measures~~ **Measures to mitigate landscape effects**; b. Locational, technical**, functional** and operational constraints; c. Impacts on resilience of the community to natural hazards and climate change; d. The benefits of the proposal to Aotearoa New Zealand meeting its Greenhouse Gas	

targets; h. ~~Impacts of contamination from the substation on any overlay;~~ e. Benefits to the community from the substation; and f. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~.	
Activity status where compliance not achieved: N/A	
ENG – R12	~~**Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations**~~ **Operation, maintenance, repair and upgrading of distribution lines and transmission lines above or below ground not managed by the National Environmental Standard for Electricity Transmission Activities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with~~; Discretion is restricted to: a. Degree of non-compliance with Rule ENG - R4; b. Locational, technical**, functional** and operational constraints; c. Benefits to the community; and d. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~.	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**	
ENG – R13	**Installation of electricity cabinets not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~ Discretion is restricted to: a. Locational, technical**, functional** and operational constraints; b. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~; and c. Benefits to the community.	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**	
ENG – R14	**The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation ~~structures, renewable energy investigation activity~~ and temporary energy activities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~ Discretion is restricted to: a. Impacts on resilience of the community to natural hazards and climate change;	

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets; c. **The ~~B~~ benefits of the proposal** to the **local and regional** community **and to resilience for Te Tai o Poutini/ the West Coast**; d. Functional, **locational, technical** and operational constraints; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**; ~~and~~ f. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10 ~~Overlay Chapter matters~~ and** g. **The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people**.
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**

Discretionary Activities	
ENG – R15	**New and existing ~~L~~large scale renewable electricity generation activity ~~excluding wind~~ not meeting Permitted Activity standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
~~ENG – R16~~	**~~Wind farm construction and operation~~**
~~Activity Status Discretionary~~ ~~Where:~~ ~~1. This complies with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise.~~	
~~Activity status where compliance not achieved~~: ~~Non-complying~~	
ENG – R16	**Construction of distribution lines above and below ground not meeting Permitted Activity Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
ENG – R17	**Construction of National Grid assets, including transmission lines, not otherwise provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
ENG – R18	**Any Energy Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

Non-complying Activities	
~~**ENG – R17**~~	~~**Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics – Wind Farm Noise**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~	
ENG - R1~~8~~9	**Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
ENG - R~~19~~20	**Activities within ~~and around~~ the National Grid Yard ~~and between the Significant Electricity Transmission Lines,~~ that do not comply with Permitted Activity standards or are not otherwise provided for in a rule**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
~~**ENG – R20**~~	~~**Energy Activities that do not meet Rules ENG - R12, ENG - R13, or ENG - R14**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~	
ENG – R21	**Non-renewable Electricity Generation Activities**
Activity Status Non-complying **Activity status where compliance not achieved: N/A** **Advice Note: This rule does not apply to backup generators that do not comply with permitted activity standards of ENG-R9 and ENG-14 applies.**	
ENG – R22	**Activities in and around significant electricity distribution lines, that do not comply with permitted activity standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**	

Infrastructure

Infrastructure - Te Tūahanga
Overview Infrastructure is critical to the social, cultural and economic wellbeing of people and communities, including providing for their health and safety, and has national, regional and local

benefits. The West Coast Regional Policy Statement requires specific recognition and protection of regionally significant infrastructure.

While infrastructure is often seen as a necessary and normal part of urban and rural environments, it can also have adverse effects on surrounding land uses and the environment. The sustainable management of natural and physical resources requires a balance between the effects of different land uses.

However, infrastructure also needs to be protected, where possible, from encroachment by incompatible activities that may result in reverse sensitivity effects. Some infrastructure has specific operational and functional needs that need to be accommodated for its operation.

Infrastructure includes a range of structures, services and activities as defined in Definitions – Ngā Tautuhinga. The Infrastructure Chapter contains the objectives, policies, rules for managing a range of specified Infrastructure activities**, such as three waters, telecommunications networks and radio communication networks**. Port Activities are however managed in the Port Zone and Airport Activities are managed in the Airport Zone. The Infrastructure Chapter also does not apply to energy activities **nor National Grid activities** as these are addressed in the Energy Chapter nor does it apply to Transport Activities that are addressed in the Transport Chapter.

The Area Specific Provisions (Zone chapters) do not apply to the Infrastructure activities managed in the Infrastructure chapter. The Overlay chapters and other District-Wide rules do apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport chapter sets out the requirements for activities in and around transport corridors that may be relevant to infrastructure.
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscape; Natural Character and Margins of Waterbodies; Natural Hazards; Historic Heritage, Notable Trees and the Coastal Environment. Where an infrastructure activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **General District Wide Matters -** provisions in relation to Activities on the Surface of Water and Earthworks in particular may be relevant to infrastructure activities.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

INF – O1	To enable the safe, efficient and sustainable development, operation, maintenance and upgrading of ~~utilities and~~ infrastructure, to meet the **current and future** needs of the West Coast/Te Tai o Poutini.

INF – O2	To protect ~~utilities and~~ infrastructure from the adverse effects of incompatible subdivision, land use and development.

INF – O3	To ensure the efficient provision and use of infrastructure for communities by co-ordinating the provision of utilities with subdivision, use and development of land.

INF – O4	To consider natural hazard resilience and impacts of climate change in infrastructure **location,** design and provision.

INF – O5	The adverse effects of infrastructure on the environment are minimised, **including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water,** while recognising: a. The functional **need** and operational ~~need~~s of infrastructure; and b. That positive effects of the infrastructure may be realised locally, regionally, or nationally.

INF – P1	Recognise ~~and provide for~~ the positive social, economic, cultural and environmental benefits from the development, continued operation, **maintenance,** and upgrading of ~~utilities and~~ infrastructure.
INF – P2	Manage the design and location of ~~utilities and~~ infrastructure, including when sited in **all** overlays in a way which considers: a. ~~Locational, technical and operational constraints~~ **Operational need and functional need**; b. Resilience to natural hazards and climate change; c. Poutini Ngāi Tahu requirements for discharge of wastewater to land; d. Benefits of co-location of infrastructure; e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and f. The need to ~~minimise~~ **avoid, remedy and mitigate** adverse effects on the environment.
INF – P3	Manage reverse sensitivity effects from subdivision, use and development, on ~~utilities and~~ infrastructure to ensure their safe, secure and efficient operation.
INF – P4	Ensure that subdivision and development, is adequately serviced **to meet the current and future needs** including: a. Safe and efficient vehicle access; b. Drinking water compliant with Safe Drinking Water Standards; c. Adequate water supply for firefighting; d. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk; e. Treatment and safe disposal of wastewater with a preference for land-based treatment; f. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including consideration of off-grid supply / wireless /satellite; g. Connections are made to wastewater, water supply and stormwater

	systems where they are available and there is capacity; h. Where new infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance; and i. Financial contributions are provided where additional or upgraded ~~network utility~~ infrastructure is required to service development.
INF – P5	Minimise the effect of stormwater run-off associated with development activity, including requirements for onsite detention, upgrades to pump networks and roadside drainage networks where necessary, to reduce flooding risk to roads and property.
INF – P6	Provide flexibility for ~~network utilities~~ **infrastructure** to adopt new technologies that: a. Improve access to, and efficient use of, networks and services; b. Allow for the re-use of redundant services and structures where they are safe and operating to required standards; c. Increase resilience, safety or reliability of networks and services; d. Result in environmental benefits and enhancements; e. Promote environmentally sustainable outcomes including green; or infrastructure and the increased utilisation of renewable resources.

Permitted Activities	
INF - R1	**Infrastructure ~~Permitted~~ Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the **World Health Organisation**'s monograph Environmental Health Criteria 238, June 2007; and 2. Radio Frequency Fields - An activity generating radio frequency fields does not result in radio frequency field levels that exceed the maximum exposure level of the general public in New Zealand Standard **NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels** - 3kHz to 300 GHz.	
Activity status where compliance not achieved: Non-complying	
INF – R2	**Connections to <u>water,</u> wastewater, stormwater ~~and~~ reticulated systems**
Activity Status Permitted Where: 1. The building is serviced by, and capacity exists within the reticulated water supply, wastewater or stormwater networks.	
Activity status where compliance not achieved: Restricted Discretionary	
INF – R3	**Maintenance and operation of existing gas pipeline under 2,000 kilopascals**
Activity Status Permitted Where: 1. The pipeline is located underground and is not on or within a natural waterbody, except where it is: a. Attached to and/or incorporated within an existing bridge structure; or b. Within an existing attached conduit or duct; and 2. Any realignment, relocation or replacement of a pipeline is within: a. An existing easement in favour of the pipeline; and b. Is within 12 metres of the existing alignment or location.	
Activity status where compliance not achieved: Discretionary	
INF – R4	**Temporary Network Activities**
Activity Status Permitted Where: 1. The temporary network is operated by a network utility operator; 2. The temporary network activity is: i. For up to a period of 24 months following a national, regional or local state of emergency declaration; or ii. For up to a period of four weeks to provide for additional capacity; ~~and~~ **<u>or</u>** iii. **<u>For a period of up to 12 months as part of construction or re-construction activity; and</u>**	

3. All performance standards in Rule INF-R1 are complied with; and 4. The utility must be removed from the site when operation ceases and the site reinstated.	
Activity status where compliance not achieved: **Non-complying where standard 3 is not complied with.** Discretionary **where standards 1, 2 and 4 are not complied with**	
~~**INF – R5**~~	~~**Environmental monitoring and extreme weather event monitoring facility**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. Monitoring equipment is not more than 4m in height 25m² in area.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~	
INF – R~~6~~5	**Navigational aids/beacons, environmental monitoring equipment and Meteorological facilities**
Activity Status Permitted Where: ~~1. These are located in a RURZ - Rural Zone or INZ - Industrial Zone.~~ **1. All performance standards in Rule INF-R1 are complied with;** **2. Monitoring equipment is not more than 25m² in area; and** **3. Monitoring equipment complies with the relevant zone performance standards in Rule R1 of the applicable zone or in the case of the:** • **Settlement Zone - SETZ – R2** • **Buller Coalfield Zone - BCZ – R3** • **Mineral Extraction Zone - MINZ – R3**	
Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Restricted Discretionary **where standards 2 and 3 are not complied**	
INF – R~~7~~6	~~**Installation, extension, maintenance, operation, upgrade and repair of lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator**~~ **Operation, maintenance, repair and extension of existing network utilities**

Activity Status Permitted
Where:

1. All performance standards in Rule INF-R1 are complied with;
2. ~~These~~ **The network utilities** are not gas pipelines regulated under Rule INF - R3;
3. Where any realignment, relocation or replacement of a network utility pole, tower, structure, building or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building, or minor utility structure;
4. A replacement pole, tower or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation;
5. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point;
6. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent;
7. The building footprint or the footprint of the structure does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided for in 4 above;
8. The largest face area of a replacement panel antenna or the diameter of a replacement dish
   antenna does not increase by more than 20 percent;
9. There are no additional towers; and
10. A pole is not replaced with a tower.

Advice Note:

1. Where the activities undertaken under this rule are located within an Outstanding Natural Feature or Landscape, earthworks associated with the activity are Permitted under Rules NFL - R6 and NFL - R8.

Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Discretionary **where standards 2-10 are not complied with.**

~~**INF – R8**~~	~~**New Network Utility Customer Connections**~~

~~**Activity Status Permitted**~~
~~Where:~~

~~1. The connection does not include a new tower;~~
~~2. The connection does not exceed three additional poles; and~~
~~3. The diameter of conductors, lines or cables does not exceed 30mm.~~

~~**Advice Note:** Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH - R5.~~

~~**Activity status where compliance not achieved**: Discretionary~~

INF – R~~9~~7	**New Lines, Telecommunication Poles or Towers**

Activity Status Permitted
Where:

1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**;
2. This is located in a GRUZ - General Rural Zone or INZ - Industrial Zone;
3. Poles do not exceed a height of 25m; **and**
4. Towers do not exceed a height of 15m; **or**
5. **The activity is located below ground.**

Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.	
INF – R~~108~~	**New Telecommunications Kiosk**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**; and 2. The maximum height is 3.5m and gross floor area is 1.5m^2.	
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Restricted Discretionary where standard 2 is not complied with	
INF – R~~119~~	**New Small Cell Utility**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF – R1 **are complied with; and** 2. **The volume (including any ancillary equipment but not including any cabling) is not more than 0.11m^3.**	
Activity status where compliance not achieved: Non-complying **where standard 1 is not complied with. Discretionary where standard 2 is not complied with**	
INF – R1~~2~~0	**New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES-TF or regulated equipment not meeting the permitted standards of the NES-TF**
Activity Status Permitted Where: 1. ~~This~~ **The telecommunication pole, or antenna** is located within a ~~land~~ transport corridor; and a. The combined height of the pole and antenna does not exceed: i. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or CMUZ - Commercial and Mixed Use Zone; ii. 20m in an INZ - Industrial Zone; or iii. 35m in all other zones. b. A panel antenna: i. Does not exceed a width of 0.7m; and ii. When in a ~~land~~ transport corridor a formed legal road, fits within an envelope of 3.5m in length and 0.7m in diameter; c. A dish antenna does not exceed a diameter: i. Within a railway corridor of: 1. 1.2-m~~etres~~ in a GRUZ - General Rural Zone or INZ - Industrial Zone; 2. 0.9m in a CMUZ - Commercial and Mixed Use Zone ii. Outside of a railway corridor: 1. 1.2m outside of RESZ - Residential Zones and the SETZ - Settlement Zone d. Omni directional "whip" or dipole antennas do not exceed: I. 1.6m in vertical length; II. 60mm in diameter; and	

III. 1.5m in horizontal length.

e. A headframe does not exceed the following:

I. 2.5m in diameter in RESZ - Residential Zones and the SETZ - Settlement Zone;

II. 6m in diameter in all other zones (including unformed legal road).

2. ~~This~~ **The telecommunication pole, or antenna** is located outside a ~~land~~ transport corridor:

a. The combined height (network utility) of a telecommunications pole and antenna does not exceed:

i. 15m in a RESZ - Residential Zone, ~~CMUZ - Commercial and Mixed Use Zone~~ or SETZ - Settlement Zone;

ii. **20m in a CMUZ - Commercial and Mixed Use Zone**;

iii. 20m in a ~~IN~~**LIZ – Light** Industrial Zone **or 25m in a GIZ – General Industrial Zone**;

iv. 25m in all other locations, or 30m where there are two or more users of the same pole.

b. A panel antenna does not exceed a width of 0.7m;

c. A dish antenna does not exceed a diameter of 1.2m;

d. Omni directional "whip" or dipole antennas do not exceed:

i. 1.6m in vertical length;

ii. 60mm in diameter; and

iii. 1.5m in horizontal length

e. A headframe does not exceed:

i. 2.5m in diameter in RESZ - Residential Zones and SETZ - Settlement Zones;

ii. 6m in diameter in all other zones.

f. A new panel antenna face does not exceed 1.5m^2, and a new dish antenna does not exceed 1.2m; and

i. The antenna does not exceed a height of 5m above the point of attachment to the building, and is not attached to a building in the RESZ - Residential Zones or SETZ - Settlement Zone, except where the antenna is attached at least 15m above ground level.

Activity status where compliance not achieved: Restricted Discretionary

INF–R11	**Back-up Generators**

Activity Status Permitted
Where:

1. **All performance standards in Rule INF–R1 are complied with; and**
2. **The equipment is:**
   a. **being tested and maintained for a period not exceeding 48 hours in duration; or**
   b. **to provide backup electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the zone; or**
   c. **for emergency purposes only and operates for a maximum of 12 months.**

Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with.

. **Controlled Activities**	
INF – R1~~3~~2	**New telecommunications poles and antennas in road reserve (regulated by Regulations 26 or 28 of the NES-TF that do not meet the permitted activity standards in Regulations 27 or 29 of the NES - TF)**
Activity Status Controlled Where: 1. The permitted activity combined height (network utility) of a telecommunications pole and antenna is exceeded by a maximum of 1m; 2. The telecommunications pole permitted activity notional envelope i**s** exceeded by a maximum of 1m in height up to 4.5m; 3. A panel antenna does not exceed a width of 0.8m; 4. A dish antenna does not exceed a diameter of **0.9m**. ~~iii. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone;~~ ~~iv. 0.9m in all other zones.~~ Matters of control are: a. Visual effects;~~ in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**; c. Potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: Restricted Discretionary	
INF-R14~~3~~	**New telecommunications poles and antennas not in road reserve (regulated by Regulations ~~30, 32 or~~ 34 of the NES - TF that do not meet the permitted activity standards in Regulations ~~31, 33~~ or 35 or subject to Rule INF-R10(2) and not meeting the permitted activity standards)**
Activity Status Controlled Where: a. In the GRUZ - General Rural Zone or an INZ - Industrial Zone, the height does not exceed 30m, or 35m where two or more operator's utilities are on the same pole; b. A panel antenna does not exceed a width of 0.8m~~ (excluding those in a RESZ - Residential Zone or SETZ - Settlement Zone)~~; c. A dish antenna does not exceed a diameter of: iii. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone; iv. 2m in all other zones. Matters of control: a. Visual effects;~~ in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**. **Advice Note:** **For activities subject to Rule INF-R10, this rule only applies in regard to the specific alternative standards set out above.**	
Activity status where compliance not achieved: Restricted Discretionary	
INF-R15~~4~~	**New telecommunications cabinets (regulated by Regulation 19 of the NES – TF that do not meet the permitted standards in Regulations 20, 31 or 22)**

Activity Status Restricted Discretionary Where: a. A single telecommunications cabinet does not have a footprint exceeding 2.5m^2 or a height (network utility) of 2m; and b. A group of telecommunications cabinets does not have a footprint exceeding 3m^2. Matters of control: c. Visual effects; ~~in particular on the amenity values~~ ~~of the locality and streetscape~~ d. **Effects on amenity values**.	
Activity status where compliance not achieved: Restricted Discretionary	
Restricted Discretionary Activities	
INF-R1~~6~~5	**Connections to water, wastewater and stormwater ~~and~~ reticulated systems not meeting Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Level of flood hazard mitigation through stormwater control; b. Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system; c. Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards; **and** d. Provision for wastewater connections in accordance with NZS 4404: Code of Practice or Land Development and Subdivision Infrastructure and Council Engineering Standards. **Advice Note:** Any discharge to land and/or water may require~~d~~ a discharge permit from the West Coastal Regional Council under the relevant regional plan.	
Activity status where compliance not achieved: N/A	
INF-R1~~7~~6	**New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment**
Activity Status Restricted Discretionary Where: ~~1. Performance standards in Rule INF - R1 are complied with;~~ **1.** The gas pipeline will be underground. Discretion is restricted to: a. ~~Landscape measures~~**Measures to mitigate landscape effects**; b. Locational, technical and operational constraints; ~~and~~ c. Benefits to the community**; and** d. **Effects on indigenous biodiversity.**	
Activity status where compliance not achieved: Discretionary	
INF-R1~~8~~7	**Lighthouses, navigational aids and beacons, environmental monitoring equipment and Meteorological facilities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Where: **1. All ~~P~~p**erformance standards in Rule INF-R1 are complied with. Discretion is restricted to:	

~~Landscape measures~~ a. **Measures to mitigate landscape effects**; a. Locational, technical and operational constraints; ~~and~~ b. Benefits to the community**; and** c. **Effects on indigenous biodiversity.**
Activity status where compliance not achieved: Non-complying

~~**INF-R19**~~	~~**Environmental monitoring and extreme weather event monitoring and meterological facilities not meeting Permitted Activity standards**~~
~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~1. Impact on the resilience of the community to natural hazards and climate change;~~ ~~2. Benefits to the community;~~ ~~3. Locational, technical and operational constraints; and~~ ~~4. Landscape measures.~~	
~~**Activity status where compliance not achieved**: N/A~~	
~~**INF-R20**~~	~~**Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards**~~
~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~a. Locational, technical and operational constraints; and~~ ~~b. Landscape measures.~~	
~~**Activity status where compliance not achieved**: N/A~~	
INF-R~~2~~18	**Community Wastewater Treatment Facility in the Community Living Precinct**
Activity Status Restricted Discretionary Where: 1. This is located in accordance with a Concept Plan in Appendix Eight; 2. Disposal of treated effluent is through a land based effluent system. Discretion is restricted to: a. The design of the wastewater treatment plant and land based disposal method; b. Effects on Poutini Ngāi Tahu values within or adjacent to the site; c. Natural hazards or geotechnical ~~constraints~~ **considerations**; d. Effects on natural character, landscape, water quality and ecosystems; e. Any requirements arising from meeting the **NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure** or the Council Engineering Standards. **Advice Note:** 1. A Discharge Consent under the West Coast Regional Land and Water Plan may also be required. 2. Applicants are encouraged to jointly lodge applications for consent under the Regional Plan and TTPP provisions at the same time to enable efficient processing.	
Activity status where compliance not achieved: Discretionary	

INF-R19	**New Telecommunications Kiosk not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**.	
Activity status where compliance not achieved: N/A	
INF-R2~~3~~0	**New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. The functional and operation needs of, and benefits derived from the network utility; b. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ c. **Effects on amenity values**; d. ~~significant~~**A**~~a~~dverse effects on ~~the values and attributes~~ **indigenous biodiversity and Overlay Chapter matters**. ~~adverse effects on of scheduled overlay chapter areas~~; e. The potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: N/A	
Discretionary Activities	
INF–R21	**New Community Wastewater treatment facility or New Community Reticulated Water Treatment Plant not provided for as a Controlled or Restricted Discretionary Activity**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
INF–R22	**Maintenance and operation of existing gas pipeline or new pipelines and ancillary facilities up to 2,000 kilopascals not meeting Permitted or Restricted Discretionary Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
INF–R23	**Installation, extension, maintenance, operation, ~~minor~~ upgrade and repair of lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards**
Activity Status Discretionary	
INF–R24	**Temporary Network Activities and New Network Utility Customer Connections not meeting Permitted Activity standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
INF–R25	**Any Infrastructure Activity not provided for in another rule**
Activity Status Discretionary	

Activity status where compliance not achieved: N/A	
Non-complying Activities	
INF–R2~~6~~8	**Any infrastructure activity which does not meet with Performance Standards in Rule INF - R1, or any rule which refers to those standards, in relation to Electric Fields, Magnetic Fields or Radio Frequency Fields**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	

Transport

Transport - Te Tūnuku

Overview

The West Coast/Te Tai o Poutini has an extensive road and rail network with a growing number of shared pathways. It is essential that people and goods are safely and efficiently transported to destinations through a multimodal transport network that enables all users to meet their economic, social and cultural needs.

The Transport Chapter contains all the objectives, policies and rules for managing the land transport corridors and the works and activities that occur within them. The Plan encourages safe, efficient and cost-effective transport corridors to support the movement of people, goods and services through integrated, accessible, and well-connected transport corridors.

Transport Performance Standards are contained in Appendix One: Transport Performance Standards. The Plan uses the One Network Roading Classification System (ONRCS). This national system divides roads into categories based on how busy they are, whether they connect to important destinations, or if they are the only route available. The ONRCS is used to specify the key standards for the design and construction of infrastructure. To support safety and connectivity, Te Tai o Poutini Plan also requires minimum design standards in respect of driveways, vehicle access points, visibility, road widths and other transport related infrastructure while also requiring on-site parking in appropriate places.

Land use and subdivision are managed to protect the land transport corridors from incompatible activities that could undermine the provision of an integrated, responsive, and sustainable transport system. The Transport Chapter is linked to the Part 2 – District-Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.

The transport provisions apply to each zone identified in the Planning Maps and Part 3 - Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.

Provisions for Ports and public Airports/Heliports are included within the Port Zone and Airport Zone respectively.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-**W**~~w~~ide Matters chapters also contain provisions that may be relevant for energy activities, including:

Noise - The Noise Chapter contains the provisions for managing reverse sensitivity effects relating to noise sensitive activities establishing next to the state highways.

Signs - The Signs Chapter contains the provisions for signs, including those within the transport corridors.

Light - The Light Chapter contains the provisions for artificial outdoor light, including that within transport corridors.

Subdivision - The Subdivisions **C**~~c~~hapter sets out the requirements for the development of new transport connections.

Financial Contributions - The Financial Contributions **C**~~c~~hapter sets out the requirements for contributions of costs for activities which impact on the local roading network.

Overlay Chapters - The Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; **Historic Heritage**; Ecosystems and Indigenous Biodiversity; Natural Features and Landscape**s**; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where a transport activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

Transport Objectives	
TRN– O1	To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.
TRN – O2	To ~~manage the effects~~ **provide for the safe and efficient operation** of land transport infrastructure ~~on the character, landscape and amenity of the towns, settlements and rural areas and minimise~~, **while**

	managing adverse effects on the environment.
TRN – O3	To enable accessibility, safety and connectivity of land transport infrastructure and ~~consider~~**to provide for** the amenity of all transport users, including pedestrians and cyclists.
TRN– O4	To encourage resilience within the transport network to natural hazards and climate change reflecting its vital role in community wellbeing and economic activity.
TRN – O5	To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

Transport Policies

TRN – P1	The road and rail **transport** networks shall**:** ~~;~~ a. Be maintained or enhanced to provide safe and efficient transportation; b. Consider the needs of all transport users and modes of transport; ~~and~~ c. Minimise effects on adjoining properties including the impacts of vibration, noise and glare**; and** d. **Recognise the different functions and design requirements for each road classification under the National Transport Network classification system**.
TRN – P2	Vehicle crossings and associated access will**:** ~~;~~ a. Be designed and located to provide for safe, effective and efficient movement to and from sites; b. Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and c. Manage **separation of** vehicle access to and from sites adjacent to intersections, **rail level crossings,** and where State Highways meet.
TRN – P3	Maximise user safety at road and rail level crossings by ~~considering the location of~~ **restricting** buildings**, structures, planting** and other visual obstructions within sightlines.
TRN – P4	~~Ensure any new r~~Road and pedestrian rail level crossings ~~carefully consider~~ ensure the safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.

TRN – P5	Control vehicle access to sites adjacent to all road **and** ~~/~~rail level crossings to improve safety for road users on the approach to level crossings.
TRN – P6	Enable provision of electric vehicle and bicycle charging stations.
TRN – P7	Support increased cycling and walking by: a. Requiring larger developments to provide bicycle parking; ~~and~~ b. Providing for off-road pedestrian and bicycle facilitates to complement facilities located within the road network; **and** c. **Providing for connectivity within, between and across subdivisions and communities.**
TRN – P8	Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the following: a. The safe, efficient and effective operation of the transport network; b. The functional and operational requirements of activities; ~~c. The recognition of different activities having different trip characteristics;~~ c. The use of sustainable transport options including cycling and walking; d. Provision of safe access and egress for vehicles, pedestrians and cyclists; e. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; f. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking; **and** g. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.
TRN – P9	Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise: a. The safe, effective and efficient operation of roads including State Highways; or b. Pedestrian access and amenity; or c. Safe and functional access.
TRN – P10	**Recognise the function of land transport infrastructure and provide for the safe and efficient movement of people and goods.**
TRN – P11	**Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA).**

Transport Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Advice Notes:
Works undertaken in a road reserve / transport corridor or an area subject to a transport designation, that are undertaken by a Utility Provider who is not the roading authority are Permitted where these are compliant with the Utilities Access Act 2010 and Code of Practice.
Works undertaken in a road reserve / transport corridor or areas subject to a District Council designation also require road opening approval from the relevant District Council.
Minimum vehicle parking spaces, except for accessibility parking and bicycling parking, are not set. A minimum number of vehicle parking spaces do not have to be provided, however, if vehicle parking is provided it must comply with the vehicle parking standards.
Any work required for a new or upgraded vehicle crossing intersecting with a State Highway, requires a Corridor Access Request prior to any works occurring with the State Highway road reserve and approval from Waka Kotahi NZ Transport Agency.
Any crossing that intersects with the Rail Network requires approval from KiwiRail.
The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

Permitted Activities	
TRN - R1	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces**
Activity Status Permitted Where: 1. Vehicle crossings and access way standards - TRN Tables 1 – ~~3~~ **4**, Standards TRN S1 - S3, and TRN Figure 1**-5** are complied with; 2. Parking, loading, queuing and standing standards - TRN Tables ~~4~~**5** – ~~5~~**6**, Standards TRN S4 - S6 **and TRN S12** and TRN Figures ~~2~~ **6** and ~~3~~**7** are complied with; 3. Manoeuvring standards TRN S7 - S11 are complied with; 4. Where an impermeable carparking area greater than 1000m^2 in area is provided, stormwater treatment is provided; and 5. Formation standards TRN S12 and TRN S13 are complied with. **Advice Note:** The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN - R2	~~**Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to designation**~~ **Maintenance or upgrading of existing transport infrastructure within the existing transport corridor**
Activity Status Permitted Where: 1. **The works are undertaken by a requiring authority in accordance with a designation listing in this Plan; or** 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: a. By, or on behalf of, a road controlling authority; or b. In accordance with a subdivision consent.~~; or~~ ~~c. By a requiring authority in accordance with a designation listing in this Plan~~.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R3	**Formation of an unformed legal road**
Activity Status Permitted Where: 1. **This is by a requiring authority in accordance with a designation listing in this Plan; or** 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: i. By, or on behalf of, a road controlling authority; or ii. In accordance with a subdivision consent.~~; or~~ iv. ~~By a requiring authority in accordance with a designation listing in this Plan.~~	
Activity status where compliance not achieved: Restricted Discretionary	

~~**TRN – R4**~~	~~**Formation of a new transport corridor**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. This is undertaken by a requiring authority in accordance with a designation listed in this Plan.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~	

TRN – R~~54~~	**Establishment of shared pathways including cycleways and bridleways on public land**
Activity Status Permitted Where: 1. The activity is below 1000m above sea level.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R~~65~~	**Establishment of e-bike and e-vehicle charging stations ~~in the transport corridor~~**
Activity Status Permitted Where: 1. All performance standards in Rule TRN - R1 are complied with; and 2. These are not more than 2m in height and 10m^2 in area. **Advice Note:** If within the legal road reserve, contact the appropriate ~~land transport~~ **road controlling** authority to obtain a license to occupy.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R6	**Trip Generation Activities**
Activity Status Permitted **Where:** **1. The High Trip Generating Activities Thresholds in TRN Table 7 are complied with**	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R7	**Sight Lines at Railway Crossings**
Activity Status Permitted **Where:** **1. The sightlines standards in TRN Figure 9 are complied with.**	
Activity status where compliance not achieved: Restricted Discretionary	

Restricted Discretionary Activities	
TRN – R~~7~~8	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards**

Activity Status Restricted Discretionary Discretion is restricted to: a. The impact on other road users including pedestrians; b. Effects on the safety and efficiency of the transport system; c. The ability to safely and effectively park, load, queue; d. Any requirements for **natural** ~~flood~~ hazard mitigation; ~~and~~ e. Stormwater treatment and control; f. **The location, size and design of accessways, vehicle crossings, parking and loading areas; and** g. **The types of vehicle crossings serving the site, their intensity, the time of day the site is frequented and likely trip generation**.	
Activity status where compliance not achieved: N/A	

TRN – R~~8~~9	**Land transport operation, removal, repairs and maintenance within a ~~road reserve /~~ transport corridor ~~or an area subject to a designation~~ not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Impacts during construction; b. Any requirements for **natural**~~flood~~ hazard mitigation; **and** c. Stormwater treatment and control.	
Activity status where compliance not achieved: N/A	

TRN – R~~9~~10	**Formation of unformed legal road not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on the safety and efficiency of the transport ~~system~~ **network**; b. The ability for accessibility park users to safely and effectively park, enter and exit a vehicle; c. The impact on other road users including pedestrians; d. Any requirements for **natural**~~flood~~ hazard mitigation; and e. Stormwater treatment and control.	
Activity status where compliance not achieved: N/A	

TRN – R~~10~~11	**Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual **effects** ~~impacts on landscapes over 1000m above sea level~~; b. **Effects on cultural, heritage and natural environment values**; c. Effects on public access; and d. Effects on the transport network.	
Activity status where compliance not achieved: N/A	

TRN – R~~11~~12	**Establishing e-bike and e-vehicle charging stations ~~in the transport corridor~~ not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on **safety and efficiency of** the transport network.~~; and~~ b. ~~Outcome of consultation with the relevant transport agency.~~	
Activity status where compliance not achieved: N/A	

TRN – R~~12~~13	**High trip generating transport activities**
Activity Status Restricted Discretionary Where: 1. This is the establishment of a new activity or the expansion of an existing activity **that exceeds the thresholds** listed in Table TRN ~~6~~ **7** ~~that complies with Standard TRN S14.~~ Discretion is restricted to: a. **The matters outlined in TRN S14 – High Trip Generating Activities Transport Assessment requirements** ~~b. Effects on the transport network; and~~ ~~c. Effects and recommendations to minimise effects from the transport assessment.~~	
Activity status where compliance not achieved: ~~Discretionary~~ N/A	

TRN – R14	**Sight Lines at Railway Crossings not meeting the Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. **The potential for adverse effects on the safety and efficiency of the rail network.**	
Activity status where compliance not achieved: N/A	

Discretionary Activities	
TRN – R~~14~~15	**Formation of a new Transport Corridor not undertaken by a requiring authority in accordance with a designation ~~meeting Permitted Activity standards~~**
Activity Status Discretionary **~~Notification:~~** ~~Applications will always be publicly notified.~~	
Activity status where compliance not achieved: N/A	

~~**TRN – R14**~~	~~**High Trip generating activities not meeting Restricted Discretionary Activity standards**~~

~~**Activity Status Discretionary**~~	
~~**Activity status where compliance not achieved**: N/A~~	
TRN – R16	**Any Transportation Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

Appendix One: Transport Performance Standards Te Āpitihanga Tuatahi: Ngā Ture Tūnuku

TRN Table 1 – Vehicle Access Design Standard – State Highway: Minimum **sight** distance ~~of~~ **from** vehicle access point ~~relative to intersections and minimum spacing~~

Posted Legal speed limit	Minimum sight distance	~~Minimum distance of vehicle access point relative to intersections~~	~~Minimum spacing between vehicle access points on same or opposite frontages~~
~~K~~ km/h~~r~~	Distance x in metr~~e~~s	~~Distance y in meters~~	~~Distance z in meters~~
50	115	~~30~~	~~9m for residential, 15m all other~~
60	140	~~30~~	~~20~~
70	170	~~100~~	~~40~~
80	205	~~100~~	~~100~~
100	280	~~200~~	~~200~~

TRN Table 2 – Vehicle Access Design Standard for vehicle access onto a local road, arterial or collector road, up to 60 vehicle movements a day: Minimum distance of vehicle access point relative to intersections and minimum spacing.

Posted Legal speed limit	Minimum sight distance Local Road	Minimum sight distance Collector Road	Minimum sight distance Arterial Road	Minimum spacing between vehicle access points on same or opposite frontages
~~K~~ km/h~~r~~	Distance x in metr~~e~~s	Distance x in metr~~e~~s	Distance x in metrers	Distance z in metr~~e~~s

50 or below	40	90	90	NA
60	55	115	115	NA
70	85	140	140	10
80	105	175	175	10
100	160	250	250	10~~m~~
Total maximum combined width of vehicle access points				4m or 50% of the road boundary, on any site

TRN Table 3 – **Vehicle Access** Design ~~s~~**S**tandards for minimum distances between any vehicle access point and **other vehicle access point or** transport corridor intersection

	~~Posted speed limit of 60km/hr or less~~			~~Posted speed limit of greater than 60km/hr~~		
	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~
~~All RESZ - Residential Zones~~	~~15m~~	~~9m~~	~~9m~~	~~15m~~	~~9m~~	~~9m~~
~~MPZ - Māori Purpose, RURZ - Rural and FUZ - Future Urban Zones~~	~~30m~~	~~30m~~	~~30m~~	~~50m~~	~~50m~~	~~50m~~
~~OSRZ - Open Space and Recreation Zones~~	~~50m~~	~~30nm~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~
~~AIRPZ - Airport and PORTZ - Port Zone~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

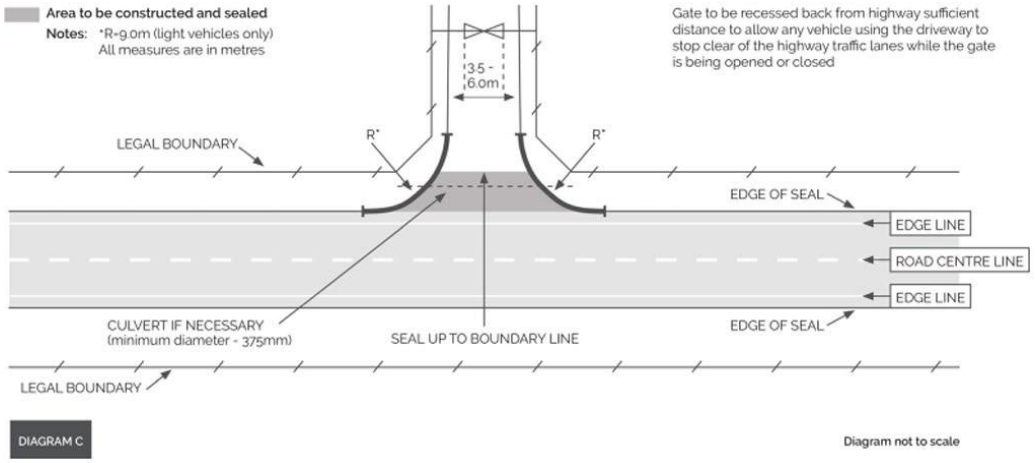
~~CMUZ - Commercial and Mixed Use, HOSZ - Hospital, STADZ - Stadium and all INZ - Industrial Zones~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

Type of traffic using accessway (more than one slow, heavy or long vehicle movements per week)	**Separation (m) for Posted Speed Limit (km/h) (refer Figure 5)**								
	30 – 50 km/h			**60 – 70 km/h**			**80 – 100 km/h**		
	K	**M**	**N**	**K**	**M**	**N**	**K**	**M**	**N**
Yes	**30**	**30**	**5**	**60**	**40**	**40**	**200**	**60**	**200**
No	**20**	**20**	**5**	**60**	**30**	**20**	**150**	**60**	**200**

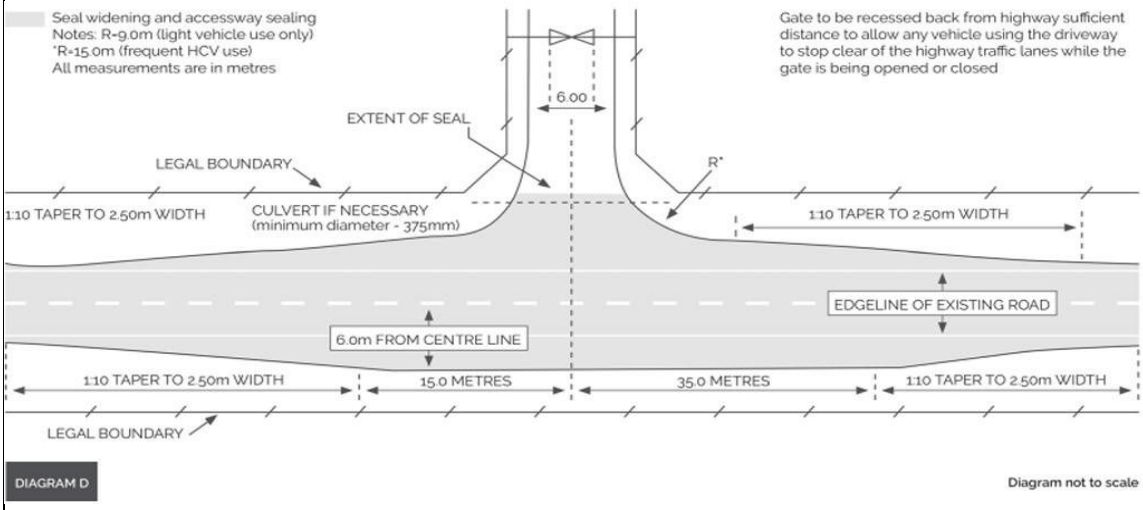
TRN Table 4: Accessway standards and guidelines for a new vehicle crossing on a sealed road where the posted speed limit is 70 km/h or above.

Daily traffic volume using the vehicle crossing (ECMs*)	**Is the vehicle crossing on a state highway?**	**Accessway type**
1 – 30; and no more than 2 heavy vehicle movements per week	**N/A**	**TRN Figure 1 Diagram C, Perspective C**
1 – 30; and more than 2 heavy vehicle movements per week, or, 31-100	**No**	**TRN Figure 2, Diagram D, Perspective D**
1 – 30; and more than 2 heavy	**Yes**	**TRN Figure 3, Diagram E,**
vehicle movements per week, or 31-100		**Perspective E**

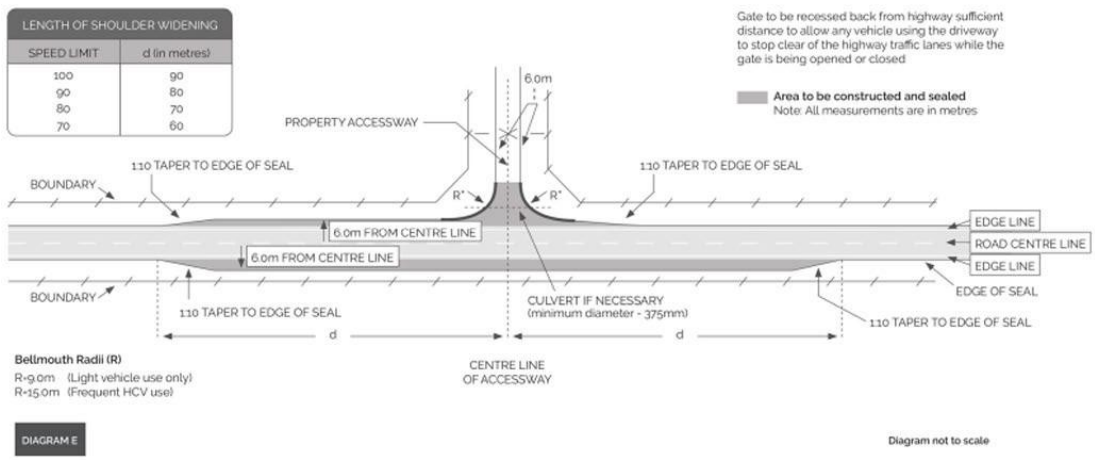
TRN Figure 1 – Diagram C, Perspective C



TRN Figure 2 – Diagram D – Perspective D



TRN Figure 3 – Diagram E – Perspective E



TRN S1 – All new vehicle access points shall be located a minimum of 30m from a railway level

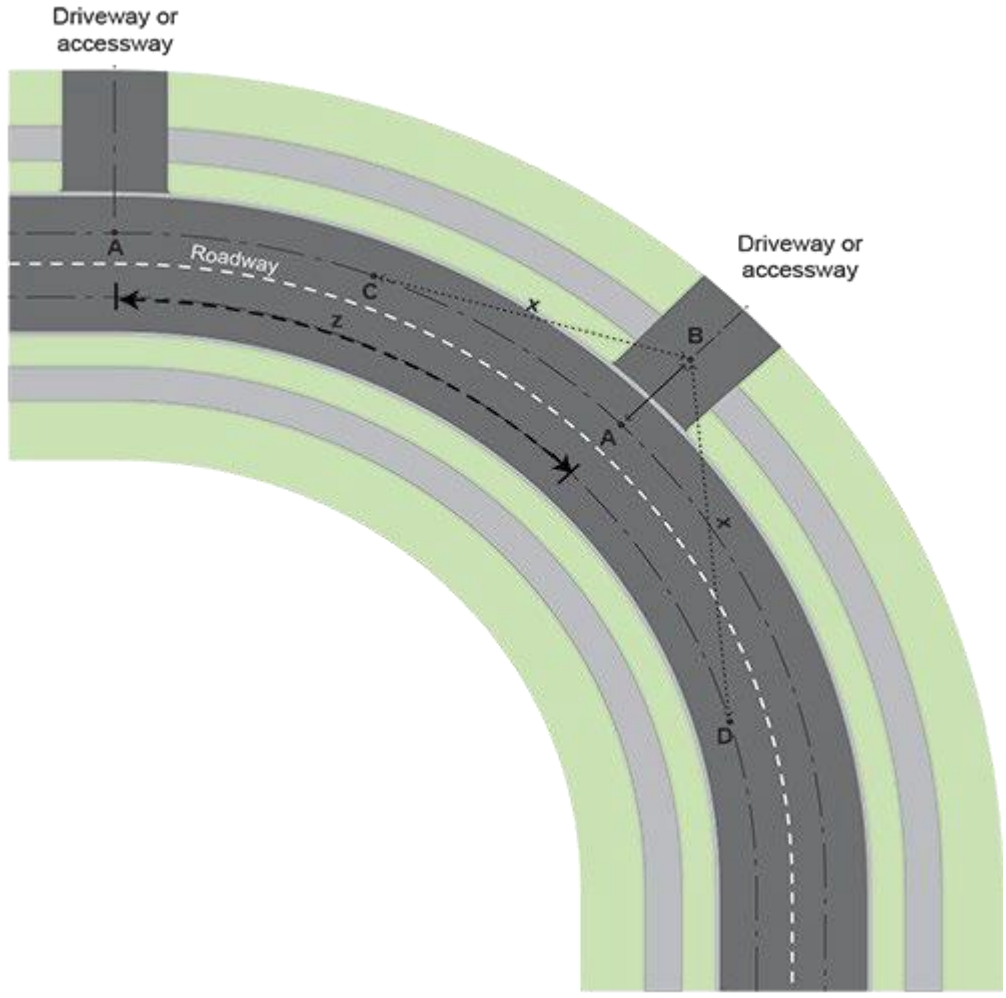
crossing. The 30m is measured from the closest rail track to the edge of the seal on the proposed vehicle access point. All new vehicle access points that intersect a railway require the approval of Kiwi~~r~~Rail.

TRN S2 Access areas must accommodate the 85th percentile car tracking curves in **TRN** Figure ~~4~~ **~~8~~**. The required driveway must not include any space used for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.

TRN S3 – Requirements for driveways:

For all zones the minimum driveway width is 3**.5**m, and maximum gradient is 1:5.
For all zones, where the driveway is longer than 50m, passing bays must be provided at no more than 50m intervals. Turning areas must be provided when the driveway length is 50m or longer.

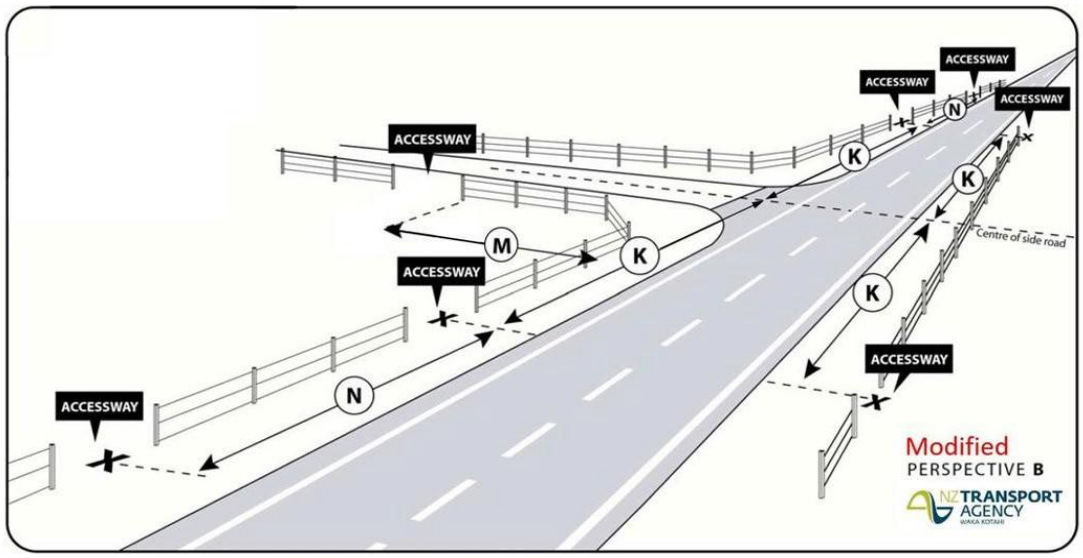
TRN Figure ~~1~~ **4** – Sight line calculations for **TRN** Table 1 and **TRN** Table 2



Sight lines shall be from driver's eye height to drivers eye height (1.15m) above ground level.
Point A: Intersection of lane centreline and driveway centreline.
Point B: Position of centreline of driveway where sight distance is measured (note - this is measured

from the edge lane line and where there is no edge lane line, from the edge of seal).
Point C and D: Position on centreline of lane where sight distance is measured.

TRN Figure 5 – Minimum Distance Calculation from vehicle access point and transport corridor intersection for TRN Table 3



TRN S4 – Where accessibility parking spaces are provided, they must be located on a level surface; clearly marked, designed and constructed in accordance with NZS 4121: 2001 Design for Access and Mobility – Buildings and Associated Facilities

TRN Table ~~4~~ **5** – Minimum number of on-site accessibility parking spaces

Total number of **vehicle** spaces provided	Number of accessibility parking spaces (inclusive of total)
Less than 20	1
Between 21 and 50	2
In excess of 50	2 plus 1 additional accessibility space per 50 vehicles spaces thereafter

TRN S5 – Where bicycle parking spaces are provided the space must enable bicycles to be securely attached to an immovable object and located so as not to impede pedestrian movement.

TRN Table ~~5~~ **6** – Minimum number of on-site bicycle parking spaces

Total number of **vehicle** spaces provided	Number of bicycle parking spaces
Less than 10	1
Between 10 and 20	2

In excess of 20	2 plus 1 additional accessibility space per 10 vehicles spaces thereafter

TRN S6 – Residential developments in Moana and Iveagh Bay must provide the equivalent of three car-parking spaces on-site for trailer / boat storage.

TRN S7 – Dimensions for on-site vehicle parking spaces including manoeuvring dimensions.

- Parking space and area for vehicles must not include any space for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.
- Must meet the requirements specified for on-site dimensions for car parking areas and circulating routes for vehicles of dimensions less than service vehicles shown in **TRN** Figure ~~2~~ **6**, and
- For vehicles of dimensions equal or greater than a service vehicle.
- The two-way aisle width for parallel parking bays must be at least 3m wider than for one- way aisle. The two-way aisle width for parking bays at 90 degrees must be at least 5.5m.
- Where a parking space is located at the end of a blind aisle, an additional 1m clearance must be provided.
- Where any parking space has a side directly next to a wall, support column or other obstacles, an additional 300mm width must be provided.

TRN S8 – Where loading spaces and or standing spaces are provided, they must be designed to accommodate a 90th percentile two-axle truck in accordance with **TRN** Figure ~~3~~ **7**, and where articulated trucks and trailer, or buses are to be used, the loading space(s) must be designed to accommodate these vehicles. Every vehicle space must be of a useable shape and comply with the following dimensions:

- Minimum width of 3.5m if adjacent to a kerb or 4.5m when adjacent to a wall; minimum depth 8m, minimum height of 4.5m above ground / floor level.
- The loading space must not include any space for on-site queue, tracking curve, manoeuvring, standing space, bicycle parking space, or vehicle access point.
- The standing space must not include any space for on-site queue, tracking curve, manoeuvring, loading space, bicycle parking space, or vehicle access point.

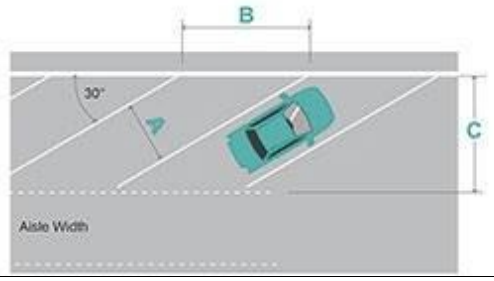
TRN S9 - On-site queuing spaces must be provided when six or more parking, loading, and / or standing spaces combined are provided on-site. On-site queuing lengths, measured from the commencement of the driveway to the site boundary, must comply with the following: 6m into the site if the largest vehicle to visit the site is a car, or 8m into the site if the largest vehicle to visit the site is a service vehicle; or when the largest vehicle to visit the site is greater than a service vehicle, then this vehicle must be able to be accommodated within the site.

TRN S10 – Minimum onsite manoeuvring space provision - On-site manoeuvring space must be provided where a single vehicle access point services four or more parking spaces; or access to a site is obtained from a state highway, arterial road or collector road.

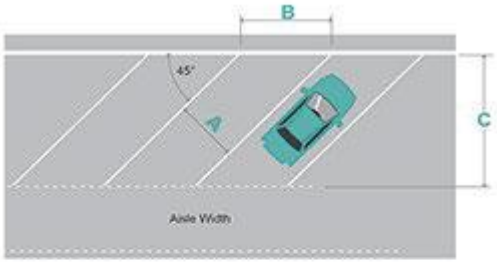
TRN S11 – Minimum onsite manoeuvring space design -The manoeuvring space must not include any space for on-site parking, queuing, loading, or standing space, or vehicle access point and must meet the requirements for the relevant tracking curve in **TRN** Figure ~~2~~ **6**.

This standard does not apply where the site has direct vehicle access to a service lane, right of way or driveway which be utilised instead of the required manoeuvring space.

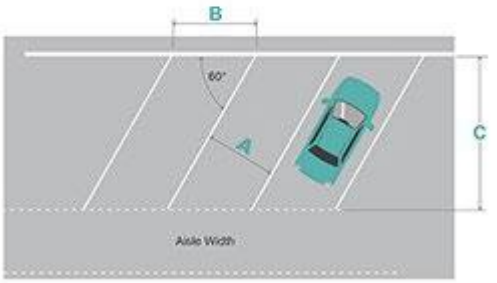
TRN – Figure ~~2~~ **6** – On-site car parking space dimensions



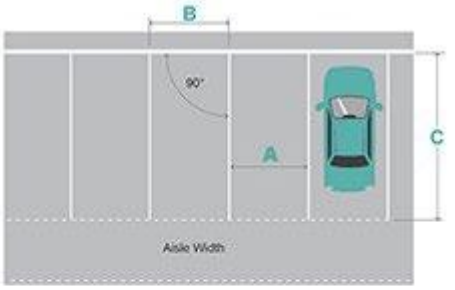
Parking Bays at 30°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
4	3.5	6.4	4.4	4.1	5.5	2.9



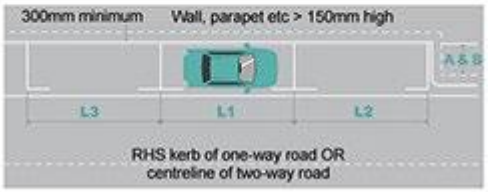
Parking Bays at 45°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
4	3.6	5.1	5.2	4.8	6.1	3.3



Parking Bays at 60°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.8	5.7	5.1	5.9	4.9
2	2.5	2.9	5.7	5.1	6.0	4.6
3	2.6	3.0	5.7	5.1	6.0	4.3
4	3.6	4.2	5.7	5.1	6.3	4.0

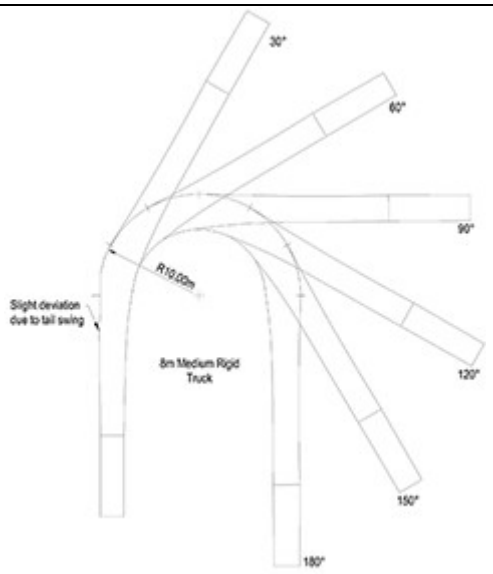


Parking Bays at 90°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.4	5.4	4.8	5.4	6.2
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	5.1	5.4	5.4
4	3.6	3.6	5.4	4.8	5.4	5.0

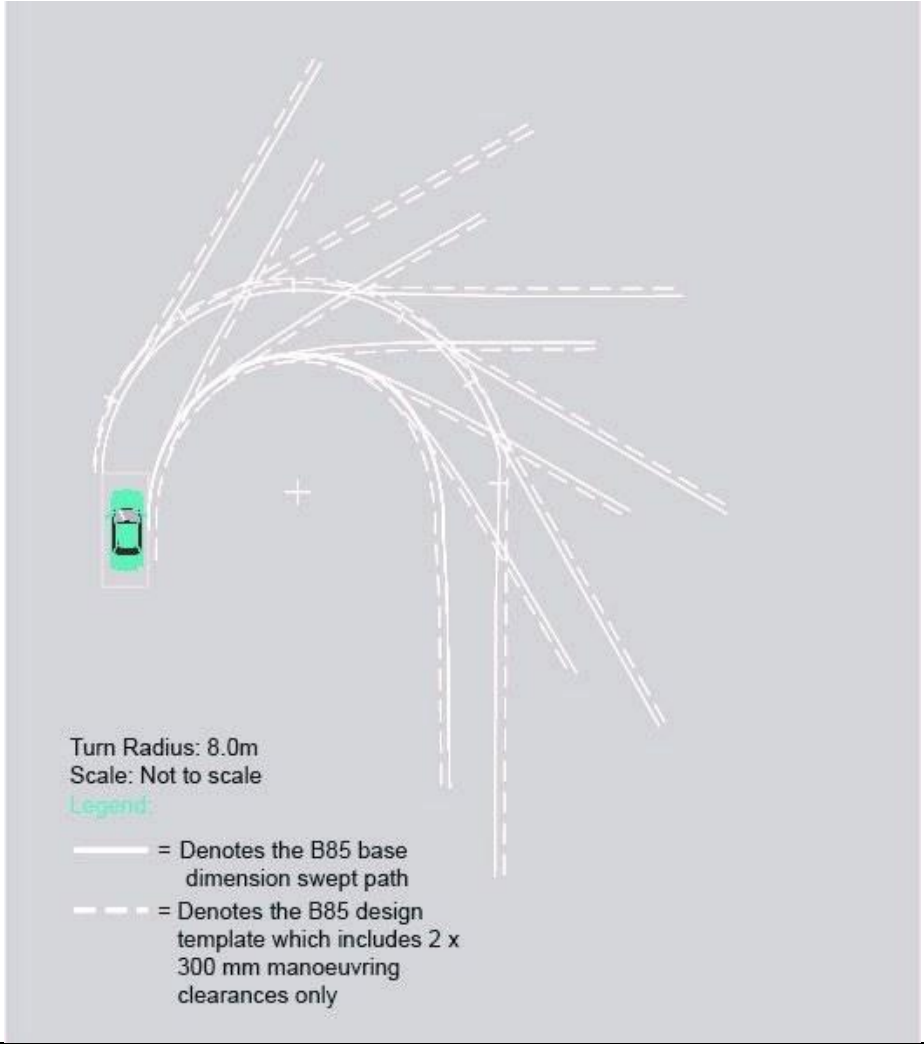


Parallel Parking Bays						
User Class	A	B	L1	L2	L3	Aisle Width
1, 2, 3	2.1	2.1				
4	3.6	3.6				
All			6.3	6.6	5.4	3.0
All			6.1	6.4	5.4	3.3
All			5.9	6.2	5.4	3.6

TRN - Figure ~~3~~ **7** - Tracking path for a 90th percentile two axle truck



TRN - Figure ~~4~~ **8** - Minimum tracking path for the 85th percentile car



Note:

With the exception of 90 degree car parks, aisle width dimensions are for manoeuvring into and out of car parks with one-way aisles.

User Class is identified as:

- for all day parking, such as tenant, employee and commuter parking;
- for medium-term parking, such as town centre parking, sports and entertainment centres, motels, airport visitors;
- for short-term parking, such as short-term town centre parking, shopping parking, hospitals, and the drop-off of children;
- accessible parking for people with disabilities.

Dimension C is selected as follows:

- C1: where parking is to a wall or high kerb not allowing any overhang;
- C2: where parking is to a low kerb which allows 600mm overhang;
- C3: where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern.

Dimension L is selected as follows:

- L1: space length for consecutive parallel parking spaces;
- L2: space length for obstructed end spaces;
- L3: space length for unobstructed end spaces.

TRN S12 – Requirements for on-site vehicle parking, loading and standing spaces – construction and formation

All RURZ - Rural Zones and FUZ - Future Urban Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **metaled** ~~formed, sealed~~, marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All RESZ - Residential Zones and MPZ - Māori Purpose Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **formed, sealed,** ~~metaled,~~ marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All CMUZ - Commercial and Mixed Use, INZ - Industrial, OSRZ - Open Space and Recreation, AIRPZ - Airport, HOSZ - Hospital, STADZ - Stadium and PORTZ - Port Zones	For sites with ~~less~~ **more** than four on-site vehicle parking / loading / standing spaces the surface must be formed, with a maximum gradient of 1:20; and the area over which vehicles obtain access to the parking area is sealed from the vehicle access point to 5m into the site; or if adjacent to a residential zone, the area must be formed, sealed, marked and drained.
All zones	If the spaces are sealed, stormwater from the sealed surface must not be discharged causing erosion to other sites or accesses.

Note. Marking does not require all lines to be shown. However, it should be clear to the user of the parking area where the edge of each space is.

TRN S13 – Requirement for rights of way – construction and formation

All RESZ - Residential Zones, MPZ - Māori Purpose Zone, All RURZ - Rural Zones and FUZ - Future Urban Zone	The minimum road width is 3.5m one to nine dwellings, 5.5m for ten or more dwellings.
All CMUZ - Commercial and Mixed Use Zones	The minimum road width is 3**.5**m for 2 allotments, 4.5m for 3 or more allotments.
All INZ - Industrial, OSRZ - Open Space and Recreation Zones, HOSZ - Hospital, AIRPZ - Airport, STADZ - Stadium and PORTZ – Port zone	The minimum road width is 7m for 2 allotments, 10m for 3 or more allotments.
All zones	Stormwater from the right of way must not be discharged causing erosion to other sites or accesses. When a right of way services 3 or more allotments, one passing bay for every 50m of length shall be provided. Maximum gradient for right of way 1:5

TRN Table ~~6~~ **7** – High Trip Generating Activities **Thresholds**

~~Activity~~	~~Qualifier~~
~~Childcare including preschool, kindergarten and play centre~~	~~25 children~~
~~Education – Schools~~	~~30 students~~
~~Education – Tertiary~~	~~150 FTE students~~
~~Industrial~~	~~5,000m² Gross Floor Area~~
~~Mining and Quarrying~~	~~>30 heavy vehicle movements per day~~
~~Warehousing and distribution~~	~~6,500m² Gross Floor Area~~
~~Healthcare~~	~~300m² Gross Floor Area~~
~~Office~~	~~2,000m² Gross Floor Area~~
~~Residential~~	~~20 residential sites / units~~
~~Retail – Shops and supermarkets~~	~~250m² Gross Floor Area~~
~~Retail – Large Format and Bulk Goods~~	~~500m² Gross Floor Area~~
~~Service Stations~~	~~2 filling pumps~~
~~Mixed use or other activities not otherwise listed in this Table~~	~~60 vehicle movements per day~~

Equivalent Car Movements*	**Access is to a road classified** as:**			
	Local	**Collector**	**Arterial**	**State Highway**

per day				
0-100	**N/A**	**N/A**	**N/A**	**N/A**
101-200	**N/A**	**Basic**	**Basic**	**Full**
210-400	**Basic**	**Basic**	**Full**	**Full**
>400	**Full**	**Full**	**Full**	**Full**

*** Equivalent Car Movements (a movement is one car out or into a site)**

- **1 equivalent car movement (ecm) = 1 car / light vehicle movement,**
- **3 ecm = 1 heavy commercial vehicle movement (1 truck),**
- **5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).**

**** Refer TRN – S15 for Road Classifications**

TRN S14 – High Trip Generating Activities - Transport Assessment requirements

1. ~~Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network.~~
2. ~~Whether the design and layout of the proposed activity maximises opportunities for travel other than private cars, including by providing safe and convenient access for travel using more active modes.~~
3. ~~Having particular regard to the level of additional traffic generated by the activity and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.~~
4. ~~Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250 hvm/d heavy vehicle movements per day.~~
5. ~~Whether the transport assessment has been prepared by a suitably qualified and experienced transport specialist and has been approved by the relevant District Council.~~

1. **Basic Traffic Impact Assessment:**

   a. **Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries. affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).**

   b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

   c. **Whether the traffic impact assessment has been prepared by a suitably qualified and experienced transport specialist.**

   d. **Need for a traffic impact assessment - Any characteristics of a proposed activity or**

site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring a traffic impact assessment, in a manner set out in this rule, is unnecessary.

2. **Full Integrated Traffic Assessment:**

   a. **Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).**

   b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

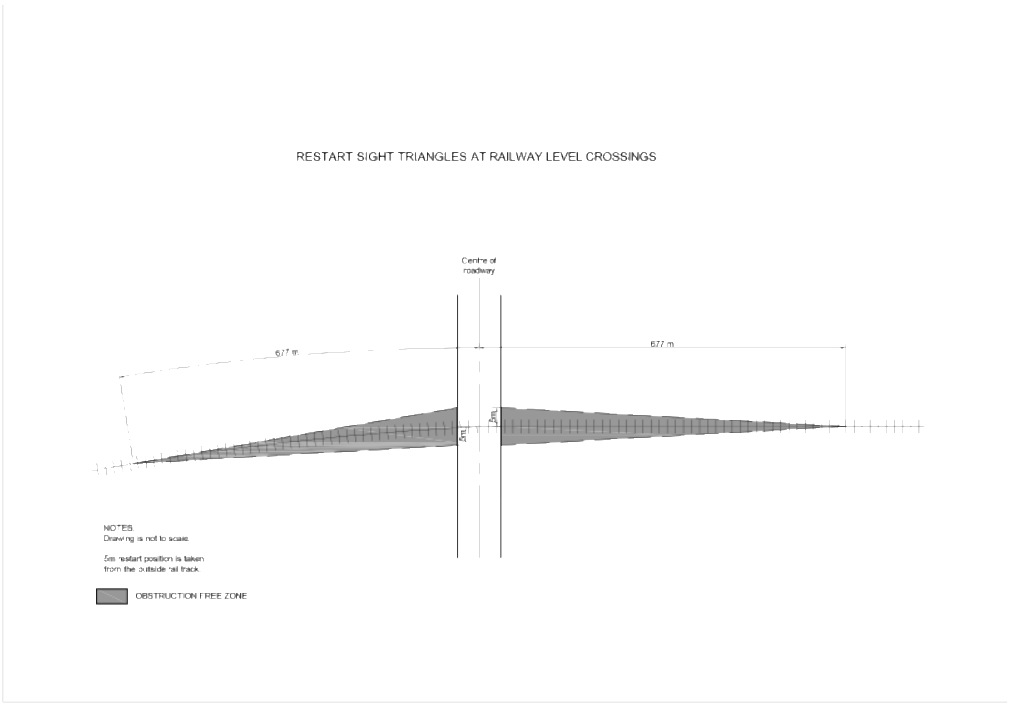
   c. **Having particular regard to the level of additional traffic generated by the activity while taking into account any particular effects from heavy vehicles and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.**

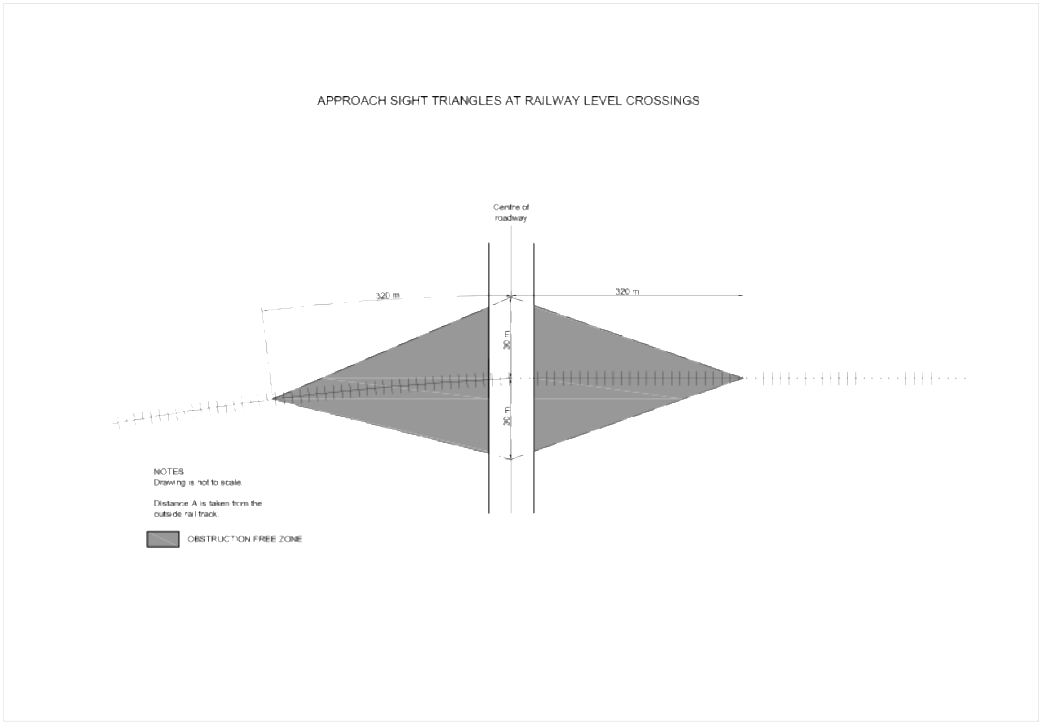
   d. **Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250hvm/d.**

   e. **Whether the ITA has been prepared by a suitably qualified and experienced transport specialist.**

   f. **Need for an ITA - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring an ITA, in a manner set out in this standard, is unnecessary**.

TRN – Figure 9 - Sight Line Requirements at Railway Crossings





S - 15 Road Classifications

State Highway

Buller District	• **Westport - Mokihinui River (SH67)** • **Mokihinui – Seddonville Rd (SH 67)** • **Westport – Cape Foulwind (Cape Foulwind Road) (SH67A)** • **Westport – Dolomite Point (part SH6)** • **Upper and Lower Buller Gorge (SH6)** • **Lewis Pass - Ikamatua (part SH7)** • **Inangahua Junction - Reefton (SH 69)** • **Springs Junction - Boundary Road (Shenandoah) (part SH 65)**
Grey District	• **Dolomite Point – Taramakau River (SH6)** • **Big Grey River – Greymouth (SH7)**
Westland District	• **Taramakau River – Hokitika (SH6)** • **Hokitika – Haast (SH6)** • **Haast – Haast Pass (SH6)** • **Kumara Junction to Arthur's Pass (SH73)**
Arterial	
Buller District	• **Cobden St East (Russell St to Dommett St)** • **Cobden St West (Russell St to Palmerston St)** • **Derby St (Russell St to Palmerston St)** • **Derby St (Cobden St (RHS) to SH67 (Brougham St))** • **Golf Links Rd (SH67A to Mill St)** • **Mill St East (Russell St to Dommett St)** • **Mill St West (Russell St to SH67 (Palmerston St))** • **Palmerston St (Henley St to Sump at Bend (LHS))**
Grey District	• **Lake Brunner Rd (Bell Hill Rd to Bridge start)** • **Lake Brunner Rd (Ahau Rd to Bell Hill Rd)** • **Lake Brunner Rd (width change to Unnamed Road 16)** • **Taylorville Rd (SH6 to SH4)** • **Taylorville Rd (50km/hr sign to 97km/hr sign)** • **Stillwater Blackball Rd (Taylorville Rd to Blackball)** • **Arnold Valley Rd (SH7 to Ahau St)** • **Rutherglen Rd (SH6 to Maori Creek/Marsden New River)** • **Rutherglen Rd (end of widening to start of bridge)** • **Bright St (Blackett St to Richmond St)** • **Mawhera Quay (SH7 to Boundary St)** • **Mackay St (Mawhera Quay to Boundary St)** • **Boundary Street (Mawhera Quay to Preston Rd)** • **Tainui St (Mawhera Quay to SH4)** • **Herbert St (Mackay St to SH7)** • **Shakespeare St (SH6 to Alexander St)**
Westland District	• **Stafford St (Fitzherbert St to Town Belt East)** • **Kaniere Rd (Stafford St to Woodstock – Rimu Rd)** • **Woodstock – Rimu Rd (Kaniere Kowhitirangi Rd to Sandstone Rd)**
Collector	
Buller District	• **Abattoir Rd (Domett St to Kew Rd)** • **Alma Rd**

	• **Atarau Rd (SH7 to Rough River Bridge)** • **Banbury St South (Chamberlain St walkway to Elgin St (LHS))** • **Bridge St Karamea (2nd bridge abutment to Waverley St (LHS)** • **Bright St West (Palmerston St to end of seal)** • **Brougham St (Adderley St to SH67 (Palmerston St))** • **Buller Road (SH69 (Sinnamon St) to Walsh St)** • **Cape Foulwind Rd (End of SH67A (Concrete Pad) to Tauranga Bay Rd)** • **Craddock Drive (Orowaiti Rd to end of seal)** • **Darkies Terrace Rd (SH6 to end of seal)** • **Denniston Track (Elgin St (LHS) to Boswell St (LHS)** • **Derby St (Craddock Drive to Cobden St (RHS)** • **Derby St (Mill St to Robertson St)** • **Derby St (Start of KCC (LHS) to Start of KCC (RHS))** • **Dole St (SH67 to Tyler Rd)** • **Dommett St (Cobden St to Abattoir Rd)** • **Gannons Rd (SH69 (Buller Rd) to end of seal)** • **Golf Links Rd (50km/hr sign to Marine Parade)** • **Karamea Highway (50m past De Malmanches Rd to South Tce)** • **Karamea Highway (South Tce to 2nd bridge abutment)** • **Kew Rd (Eastons Rd to Abattoir Rd)** • **Kohaihai (South abutment/Oparara Bridge to 1st bridge abutment)** • **Kohaihai (East abutment/Quinlan Bridge to South Abutment/Oparara Bridge)** • **Lighthouse Road (Cape Foulwind Rd to Carpark entrance)** • **McGill St (SH67/sump(RHS) to Chamberlain St pathway)** • **McKenna Rd (Abbatori Rd to farm tracks (L and RHS)** • **Millerton Track (Stockton Rd) (SH67 to Stockton Mine gate)** • **Mokihinui Rd (SH67 to River Rd (LHS)** • **Mokihinui Rd (End of seal to Mokihinui Preserve Rd)** • **Nine Mile Rd (Stafford St to start of seal)** • **Nine Mile Rd (Railway crossing to start of seal)** • **Nine Mile Rd (Start of seal to end of seal)** • **Nine Mile Rd (End of seal to railway crossing)** • **Orowaiti Rd (Domett St to SH67)** • **Queen St (South) SH67 (Brougham St) to Stafford St)** • **Rintoul St (The Esplanade (LHS) to Adderley St (South))** • **Robertson St (Derby St to end of St)** • **Russell St (Gladstone St to end of St)** • **Sawmill Rd (Railway Rd to Sawmill Entrance)** • **Schadick Ave (Golf Links Rd to Tiphead Rd)** • **Seal Colony Rd (Tauranga Bay Rd to End of Loop)** • **Stafford St (Queen St to McKenna Rd)** • **Stephen Rd (McKenna Rd to Caledonian Rd)**

	• **Tauranga Bay Rd (Cape Foulwind Rd to end of Rd)** • **The Esplanade (SH67 to Fonblanque St)** • **Tiphead Rd (Seal join to end of Rd)** • **Utopia Rd (Westport) (SH67 to end of seal)** • **Victory St (Crampton Rd to Shaw St)** • **Waverley St (Oparara Rd to Wharf Rd)** • **Wharf Rd (Karamea) (East abutment/Quinlan Bridge to Waverley St)** • **Wilsons Lead Rd (SH6 to Tauranga Bay Rd)**
Grey District	• **Alexander St (Chapel St to Shakespeare St)** • **Atarau Rd (Main Road (to Blackball) to Rough River Bridge)** • **Bell Hill Rd (end of seal to Haupiri Rd, from Lake Brunner Rd to end of seal, from start of seal to start of seal)** • **Blair Rd (from Kotuku Bell Hill Rd to Arnold Valley Rd** • **Blair Rd (Arnold Valley Rd to Kotuku Bell Hill Rd)** • **Blair Rd (end of seal to private road LHS)** • **Blair Rd (bridge start to private road LHS)** • **Blair Rd (bridge start to private road RHS)** • **Bright St, Greymouth (SH6 to Blackett St)** • **Buccleugh St (SH6 to end of seal)** • **Camerons Rd (State Highway 6 to Forestry Rd begins)** • **Chesterfield St (Tasman St to end of seal)** • **Cowper St (Brunner St to SH7)** • **Deep Creek Rd (Blair Rd to Nelson Creek Bridge)** • **Domett Esplanade (Bright St to end of Road at Carpark)** • **Felix Campbell St (Water Walk Rd to Shelley St)** • **Gresson St (Boundary St to Gilbert St)** • **Guiness St (Tainui St to Boundary St)** • **Hart St (Denston St to Wilson St)** • **Heaphy St (State Highway 6 to Shakespeare St)** • **Kumara Inchbonnie Road (Kumara Bridge (start) to Lake Brunner Kotuku Bell Rd (Blair Rd to Bell Hill Rd)** • **Road)** • **Lake Brunner Rd (from 100/50 km/hr road sign to bridge end)** • **Lord St (SH6 to Herbert St)** • **McLean Pit Rd (State Highway 6 to end of road @ dump)** • **Main Rd (Main Rd (South) to Glassons Lane** • **Marlborough St (Cowper St to KCC start left hand side)** • **Marsden Rd (start of bridge to Rutherglen Rd)** • **Marsden Rd (Shakespeare St to Sinnott Road)** • **Marsden Rd (private road LHS to start of bridge)** • **Marsden Rd (Ridgeway Drive to start of KCC on RHS)** • **Packers Quay, Greymouth (Rigg St to Collins St)** • **Preston Road, Greymouth (Merrick St to end of KCC on right hand side)** • **Puketahi St (SH6 to Alexander St)**

	• **Raleigh St North (SH6 to Cowper St)** • **Roa Rd (Darcy St to end of Roa Rd)** • **Road to Hospital (Cowper St to start of bridge)** • **Shelley St (Chesterfield St to Nelson St West)** • **Swift St (Preston Rd to Achilles Triangle Rd)** • **Steer Avenue, Greymouth (Preston Rd to Reid St)** • **Taramakau Settlement Road (Kumara Inchbonnie Rd to end of seal, from start of 95/96 correction to Nicholas Rd)** • **Tasman St (Road Widens/Access Road to end of seal)** • **Turumaha St (Herbert St to Brunner St)** • **Water Walk Road (Raleigh St to Felix Campbell St)**
Westland District	• **Adamson Rd (Waitangitaoana Rd to end of seal)** • **Arahura Valley Rd (SH6 to German Rd)** • **Arthurstown Rd (Woodstock Rimu Rd to SH6)** • **Blue Spur Rd (Hau Hau Rd to Arahura Valley Rd)** • **Brickfield Rd (Hau Hau Blue Spur Rd to end of Rd)** • **Cook Flat Rd (SH6 to end of road at river)** • **Cron St (end of seal to end of stage (2024)** • **Forks – Okarito Rd (SH6 to end of seal)** • **Haast – Jackson Bay Rd (SH6 to end of seal)** • **Hampden St (Tancred St to Sewell St)** • **Hampden St (Fitzherbert St to Town Belt East)** • **Hans Bay Rd Arahutika (Sunny Bight Rd to Stuart St)** • **Hau Hau Rd (East Town Belt Rd to Blue Spur Rd)** • **Kaniere Kowhitirangi Rd (100km/hr sign to Cropp Rd)** • **Lake Brunner Rd (SH73 to Sir Stanley Gooseman Bridge)** • **Lake Kaniere Rd (Kaniere Kowhitirangi Rd to Sunny Bight Rd)** • **Park St (Fitzherbert St to Hoffman St)** • **Revell St (Hamilton St to Tudor St)** • **Sewell St (Hamilton St to Park St)** • **Stafford St West (Revell St to Tancred St)** • **Tancred St (Hamilton St to Stafford St)** • **Taramakau Settlement Rd (Kumara Inchbonnie Rd to end of seal)** • **Tudor St (sewell St to Fitzherbert St)** • **Upper Kokatahi Rd (Kaniere Kowhitirangi Rd to FF Road)** • **Wanganui Flat Rd (SH6 to end of road at riverbank)** • **Weld St (Revell St to Livingstone St)** • **Whataroa Flat Rd (SH6 to Whale Rd)**
Local Roads	
Buller, Grey and Westland Districts	**The remainder of the roads not listed in this table are local roads.**

TE TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Rural Zones

Ngā Takiwa Tuawhenua

Hearing Dates: 29th & 30th and 1st & 2nd August 2024

Hearing Panel

Dean Chrystal (Chair)

Paul Rogers

Anton Becker

Maria Bartlett

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (pTTPP or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Rural Zones - Ngā Takiwa Tuawhenua of the pTTPP. It contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on Part 1 (Definitions), Part 2 (Subdivision), Part 3 (Rural Zones), and the planning maps.

3. The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections of Part 3 of the Plan.

4. The Section 32 Report[1] provided an evaluation of the Rural Zones (General Rural and Rural Lifestyle), and how they were managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.

5. The Section 42A Officer's Report[2] ('s42A Report') for the Rural Zones was authored by Ms Lois Easton, a planner with Kererū Consultants as the Reporting Officer, was circulated before the hearing. The s42A Report provided an analysis of submissions and further submissions received, and made recommendations on changes to the notified plan provisions.

6. Ms Easton subsequently provided an Addendum s42A Report[3] covering the rural and settlement zone topics and prepared to address submission points which were omitted, and updated commentary and recommendations on the specific submission of Russell Robinson concerning rezoning at Moana as a result of further technical information received from the Grey District Council. The latter matter is covered in the Settlement Zone Recommendations Report.

1.2. Rural Zones

7. The Rural Zones s42A Report assessed a total of 1499 submission points and 298 further submission points on the RURZ objectives and policies, GRUZ and RLZ Chapters, relevant definitions, minimum allotment sizes for subdivision and the planning maps. It provided summaries of all submissions and further submissions received, as well as the relief sought; an analysis of the proposed changes to the provisions; and recommendations on changes to the plan provisions.

8. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the following key issues:

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Twelve
[2] Te Tai o Poutini Plan Section 42A Officer's Report Rural Zones (excluding Settlement Zone) – Ngā Takiwa Tuawhenua
[3] Addendum to Rural Zones and Settlement Zones s42A Reports and Appendices

- Definitions
- General Submissions;
- Overview;
- Objectives;
- Policies;
- Rules;
- Rezonings
- Associated Planning Maps

9. A s32AA Evaluation for the changes was provided at the end of the s42A Report.

1.3. Recommendation Report

10. This Recommendation Report follows the same structure as the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

11. As with Ms Easton's s42A reports, the provisions concerning Mineral Extraction within this zone are not included within this Recommendation Report. The provisions affected are Objective RURZ – O5, Policies RURZ – P18 – P25, and Rules GRUZ-R11, GRUZ – R12, GRUZ – R18, GRUZ – R25, GRUZ – 32, RLZ – R11 and RLZ – R15.

12. These Plan provisions are dealt with in our Recommendation Report on the Mineral Extraction chapter.

13. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision, recording all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining**, indicating additions and strikethrough, indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

14. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either the adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

15. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

    a. The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or

    b. The Panel has adopted the reasoning and recommendation to retain the provision as notified, as recommended in the Reporting Officer's reply evidence; or

c. The Panel has recommended retaining the provision as notified for reasons set out in this Recommendation Report.

16. Where there is a recommended change to a notified provision of the TTPP, it is because:

(a) The Panel has recommended an amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

(b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

(c) The Panel has adopted the reasoning and recommendation in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

17. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

18. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

19. If any changes are recommended to the provisions (since the Section 32A Report was completed), a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate that a further evaluation was undertaken.

20. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below, each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.4. Terminology in this Report

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

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
BCG	Buller Conservation Group
BDC	Buller District Council

Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
Federated Farmers	Federated Farmers of New Zealand
FENZ	Fire and Emergency New Zealand
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone
HortNZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MOE	Ministry of Education
NZAAA	New Zealand Agricultural Aviation Association
NPSHPL	National Policy Statement for Highly Productive Land
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai Poutini Plan
RNZ	Radio New Zealand
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF	Silver Fern Farms Limited
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.5. Hearing Arrangements

22. The hearing was held at two venues, the first being the NBS Theatre in Westport on the 29 & 30 July 2024, and the second being the West Coast Regional Council Building on the 1 & 2 August 2024. Some submitters appeared via internet connection.

23. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and Addendum Report.

1.6. Appearances

24. The following submitters appeared at the combined Rural and Settlement zones hearing:

Mr John Menlove for himself

Ms Emily Levenson for Horticulture New Zealand

Mr Tony Michelle for NZAAA

Mark & Emily Wiechern for themselves

Mr Vance Boyd for himself

Mr Hadleigh Pedler, Mr Steve White and Mr Mark Bullen for Radio New Zealand

Ms Sarah Eveleigh, Ms Amy Callaghan & Ms Kathrine Jones for CMP Kokiri Limited

Mr Steve Tuck, Planner for Silver Fern Farms Limited (SFF)

Mr Frank O'Toole for himself and **Ms Anna Bensemann** for Mr Frank O'Toole

Mr Philippe Dumout, Mr Andrei Cotiga, Mr Jade McFarlane, Ms Claire McKeever, Mr Garry Howard, Ms Holly Luzak, Mr Anthony Fisher, Mr Tom McGaveston & Mr Bryan McGillan for Tauranga Bay Holdings Ltd

Mr Larry Eade and **Ms Jane Bayley** for Cape Foulwind Stape 1 (CFS1) and Cape Foulwind Stape 2 (CFS2)

Mr Murray Stewart for himself

Mr Jeremy Dillon for Forest Habitats Ltd

Ms Marie Elder for herself

Ms Christina Bushby for herself

Ms Pauline Hadfield for T Croft Ltd, International Panel & Lumber Ltd, Te Kinga Investments Ltd and Davis Oglivie Ltd

Ms Shari McLaughlin for herself and representing Mr John Boyles; Mr David McInRoe; Ms Kay Leighton, Mr Ken and Mrs Robyn Ferguson

Ms Kelsey Barry, Mr Russel Robinson, Mr Tony Penny, Mr Richard Nichol, Ms Helen Kellet, Ms Louise Bailey & Mr Craig Barr for Russell Robinson and Brunner Builders Limited

Mr Jonathan Bhana-Thomson for New Zealand Heavy Haulage Association Inc

Mr Karl Luxon for Scenic Hotel Group

Mr Andrew Beaumont for himself

Mr Rob Kinney for Te Kinga Estate Ltd

Mr Martin Kennedy for himself

Mr Martin Kennedy for Westpower

Mr Tom McGaveston for himself

Ms Frida Inta for herself and Buller Conservation Group

1.7. Overview of submitter evidence received

25. Legal submissions were received from Ms Sarah Eveleigh for CMP Kokiri Limited, Hadleigh Pedler for RNZ.

26. For those appearing at the hearing, the following evidence and/or statements were received:

    a. Mr Steve Tuck, planner for SFF (dated 1 July 2024).

    b. Ms Jane Bayley, planner for CFS1 and CFS2 (dated 22 March 2024 and 2 July 2024).

    c. Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc (dated 14 June 2024);

    d. Mr Martin Kennedy, planner for Westpower Limited (dated 1 July 2024);

    e. Barry MacDonell, planner for Forest Habitats Ltd (dated 25 June 2024)

    f. Emily Levenson, policy advisor to HortNZ, (dated 1 July).

    g. Anna Jane Bensemann, planner for Frank O'Toole (dated 1 July 2024)

    h. Amy Callaghan, planner, Katharine Jones, transport engineer, and Darryl Tones, General Manager Operations of ANZCO Foods Limited, for CMP Koriri limited (dated 18 March 2024). Supplementary evidence from Amy Callaghan and Katharine Jones (dated 1 July 2024), and summary statements from Amy Callaghan, Katharine Jones and Darryl Tones, (dated 29 July 2024)

    i. Steve White, Transmission Engineer Specialist for RNZ (dated 2 July 2024).

    j. Andrea Cotiga, Jade McFarlane, Claire McKeever, Philippe Dumont for Tauranga Bay Holdings, (dated 4 July 2024).

    k. Lionel Hume, policy advisor, and Simon Cameron (West Coast Provincial President of Federated Farmers of NZ), for Federated Farmers (dated 1 July 2024).

    l. Pauline Hadfield, planner for International Panel and Lumber and T Croft Ltd, (dated 1 July 2024).

    m. Statement of Tony Michelle, NZAAA (dated 12 July 2024)

27. Following the receipt of the s42A Report and the Addendum to the s42A Report, the following were received:

    a. FENZ provided a letter[4] with additional discussion on those submission points that the reporting officer rejected.

    b. KiwiRail provided a letter[5] confirming that they did not wish to be heard. The letter indicated that KiwiRail sought minimum building setback requirements from the rail corridor in the rural zones.

    c. Stephanie Styles, planner for Manawa Energy Ltd, provided a statement of evidence (dated 19 June 2024). The statement discusses submission points that were not addressed in the s42A Report and confirms support for various recommendations made by the reporting officer.

    d. A site location map was provided by Shirley Godfrey, confirming the location of the properties requested to be rezoned.

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

    a. Jane Bayley (for Cape Foulwind Staple 1 and 2) responded to the WCRC discharge report by BTW dated 20 December 2024.

    b. Forest Habitats Ltd provided a letter[6] addressing flood mapping.

    c. Emily Levenson responded to Panel questions on greenhouses and artificial crop protection structures (dated 31 July 2024).

    d. Memoranda of Counsel were submitted on behalf of CMP Kokiri Ltd (dated 14 August 2024 and 12 December 2024) confirming that CMP Kokiri Ltd continue to seek rezoning of 7 Blair Road, Arnold Valley, and provide further clarification on the officer's zoning recommendation.

    e. Closing legal submissions and statement of planning evidence were submitted on behalf of Russell Robinson and Brunner Builders Ltd (dated 9 September 2024).

    f. Further legal submissions were submitted on behalf of RNZ, providing legal advice on the scope of RNZ's submission and confirming support for the draft provisions prepared by the s42A Officer (dated 25 September 2024).

    g. Scenic Hotels Ltd provided a letter and memo[7] responding to the Panel's request for proposed text amendments to the Proposed Plan.

    h. SFF provided a letter[8] in response to Panel requests confirming the extent of SFF landholdings and confirming that a car park is under development at Lot 3 DP 577157.

    i. Suzanne Hills provided an email requesting rezoning of 3342 Coast Road, to Natural Open Space Zone (dated 30 September 2024).

[4] Letter from Alec Duncan dated 19 July 2024
[5] Letter from Michelle Grinlinton-Hancock dated 1 July 2024
[6] Letter from Barry MacDonnell dated 1 October 2024
[7] Letter from Karl Luxon dated 22 August 2024 and attached memo from Planz Consultants dated 23 August 2024
[8] Letter from Steve Tuck dated 16 August 2024

j. Tauranga Bay Holdings provided a letter responding to the Panel's request for a proposed Outline Development Plan framework[9], and a letter reviewing the WCRC onsite wastewater disposal report by BWT dated 20 December 2024. Copies of a presentation made to the TTPP Planning Committee in May 2021, a contaminated land map dated January 2018, and further information relating to the potential yield of areas proposed to be rezoned were also provided.

k. Te Tumu Paeroa and Poutini Ngāi Tahu provided an agreed statement dated 14 August 2024 addressing RURZ-P17 and GRUZ-R4.

1.8. Right of Reply

29. Ms Easton provided a written right of reply (dated 30 September 2024) that addressed the Panel's questions on various matters. She proposed amendments to several provisions, including both track changes and a clean copy of the amended provisions.

30. Ms Easton provided a written right of reply (dated 12 February 2025) addressing the matters raised by the Panel with rezoning at Moana and Cape Foulwind.

31. A joint right of reply was also received in response to the submission from SFF (dated 17 October 2024).

1.9. Procedural Steps and Issues

32. The Panel notes that Commissioner Chrystal took no part in recommendations relating to Cape Foulwind Stape 1, O'Connor Crossroads Limited or Scenic Hotel Group and Commissioner Becker took no part in in the recommendations on Highly Productive Land. No procedural issues arose from this hearing.

1.10. Site Visits

33. As part of this hearing, we undertook several site visits as follows:

a. The Cape Foulwind sites

b. 261 Utopia Road,

c. Sergeants Hill

d. Nine Mile Road

e. Buller Road

f. Alma Road Terrace

g. Grey Valley-Atarua

h. Waipuna

i. CMP Kokiri Site, Arnold Valley Road

j. 11 Lake Brunner Road -Kempl Block

k. SH67A between Bulls Road and Bradshaw Road,

l. 28 Tuis Way

[9] Letter from Claire McKeever dated 13 September 2024

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

34. Rural Zones are in Part 3 – Area-specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The Rural Zones include the General Rural, Rural Lifestyle and Settlement Zone. The section contains one objective and policies chapter that applies across the zones, and three rules chapters, with the rules that are specific to each zone. The Settlement Zone provisions have been addressed in the Settlement Zone Recommendations Report.

35. The Section 32 Report outlined the relevant statutory considerations applicable to the Rural Zones, and the relationships between the sections of the RMA and higher order documents.

36. The section 42A Report highlighted the relevant sections of the RMA, and higher order statutory documents and relevant documents. The Panel notes in particular the following:

    a. National Policy Statement for Highly Productive Land (NPS HPL)

    b. National Planning Standards

37. It is also noted there are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

38. There is also a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented

39. The purpose of Strategic Direction in Part 2, in combination with objectives within the relevant topic sections and chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts. With these strategic directions and objectives and policies in place, the articulation of location-specific and activity-specific objectives and policies is enabled in other chapters of the pTTPP, which are consistent with the strategic provisions. Relevant to our recommendations in this Report are the Rural Production and Climate Change and Resilience strategic provisions.

40. Clause 4 of the First Schedule, RMA, sets out the requirements to be inserted prior to notification of proposed district plans.

41. Clause 10 of the First Schedule, RMA, states that it is not necessary to provide decisions on individual submissions.

42. The National Planning Standards mandatory direction requires that the zones must be included in the order in which they are set out in Table 4. The Zone Framework Standard specifies that the Council can only use zones provided for in the standard. The District Spatial Layers Standard sets out the spatial layers that can be used. The Definitions Standard sets out standard definitions that must be applied if used in the District Plan. Of relevance to the Rural sections are the definitions for '*intensive indoor primary production'* and '*rural industry'*. We are satisfied that the Plan structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

43. Forty-five submission points and thirty-four further submission points relating to definitions are summarised in a Table on pages 14-24 of the s42A Report. Seven submissions sought the inclusion of the NPS definition of '*primary production'*, six submissions related to the definition of '*agricultural, pastoral and horticultural activities'*, and twenty-one submissions related to the definition of '*intensive indoor primary production'*. The remainder of the submissions related to various other definitions.

44. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

45. Ms Easton acknowledged Federated Farmers' support for the notified '*rural industry'* definition.

46. Ms Easton supported the submission point from NZAAA (S166.006) seeking a new definition of '*Agricultural aviation activity'* to be included in the Plan, albeit that she proposed a slight amendment to the proposed wording, which references '*Primary production'*. Ms Easton noted that the definition of '*primary production*' includes mineral extraction, and she considers that the focus of the agricultural aviation activity needs to relate to rural production activities.

47. Ms Easton did not support the NZAAA submission point (S166.011) seeking a new definition of *Rural Airstrip,* as she was not convinced there was a significant need for this definition.

48. Ms Easton did not support the NZAAA (S166.012) submission point seeking a new definition *of Helicopter Landing Area* as she considered it would widen the definition to include a heliport or potentially a rural industry, as it includes buildings and helicopter servicing. She noted this is not what is intended by the current Plan provisions.

49. Ms Easton supported the NZAAA submission point (S166.013) seeking a new definition of Rural Production, stating "*While the primary definition around farming type activities in relation to the rules is Agricultural, Pastoral and Horticultural activities, in terms of policies there is a need for a term that includes forestry activities which would apply where the NESPF does not permit these.*"

50. Seven submission points from BRM Developments Ltd (S603.004), Birchfield Ross Mining Ltd (S604.004), Birchfield Coal Mines Ltd (S601.0049, Phoenix Minerals Ltd (S606.004), Whyte Gold Ltd (S607.004), and Tiga Minerals and Metals Ltd (S493.004) sought that the National Planning Standards (NPS) definition of *Primary Production* be included in the Plan. Ms Easton supported these submissions, noting that the definition would be helpful for interpretation as the term is used in the Plan policies. However, she did not include a definition for *Primary Production* within her s42A Report, Appendix 1. We discuss this issue further in our Recommendations section.

51. In response to a submission point (S486.076) from HortNZ seeking a new definition for *Artificial Crop Protection Structures,* Ms Easton considered that definition unnecessary as she did not support the proposed rule, and *Artificial Crop Protection Structures* are permitted under the Minor Structures provisions.

52. Ms Easton did not support a submission point (S486.077) from HortNZ seeking a new definition for *Greenhouses*, noting that she did not see a compelling case for specific provisions for *Greenhouses*, and these structures would be permitted subject to compliance with standards for Agricultural, Pastoral and Horticultural Activities.

53. Ms Easton did not support a submission point (S489.001) from Rural Contractors New Zealand Incorporated seeking a new definition for a *Rural Contractor Depot*, as she considers this activity falls within the definition of rural industry.

54. Ms Easton did not support a submission point (S524.026) from Federated Farmers seeking that a new definition of *Quarrying* be included within the Plan, as she considered the wide range of provisions and definitions for mineral extraction addressed quarrying.

55. Ms Easton supported in part a submission point (S524.008) from Federated Farmers seeking to amend the definition of a *Farm Quarry* to remove the requirement that this occurs on the same site, acknowledging that a farm may consist of multiple allotments. Ms Easton, therefore, proposed an amendment to the definition to refer to the activity occurring on the same "*property*" rather than the same "*site*."

Agricultural, Pastoral and Horticultural Activities

56. Ms Easton acknowledged NZAAA's support of rural airstrips and helicopter landing areas being included in this definition. She supported their submission (S166.008) seeking a change to the wording of matter k. in the notified definition, to replace "*rural production*" with "*agricultural aviation activities*".

57. HortNZ (S486.001) and Federated Farmers (S524.003) sought to amend the title to this definition to "*Rural Production Activities*", and to delete from clause a. the exclusion of intensive indoor primary production from this definition (i.e. to include intensive indoor primary production). Ms Easton did not support this submission point to amend the title, noting that she had proposed a new definition for Rural Production to be used in policies, which encompasses a broader range of activities than the Agricultural, Pastoral, and Horticultural Activities definition, used in the chapter rules. Ms Easton also considered that intensive indoor primary production has effects that need to be specifically managed, beyond what can be managed within a Permitted Activity status. Therefore, these activities should not be included in the definition, and the exclusion in clause a. should remain.

58. Forest and Bird (S560.410) sought that clause *j. farm quarries* be deleted from the definition, or alternatively, the provisions in GRUZ be amended to exclude *farm quarries* to ensure SNAs are adequately protected. Ms Easton did not support this definition, on the basis that the provisions for SNAs and vegetation clearance are found in the Ecosystems and Biodiversity chapter, not the zone rules. Ms Easton noted she has supported an amendment to the Chapter Overview to emphasise this. Ms Easton pointed out that *farm quarries* are a normal part of farming operations, and there is no need to exclude them from this definition.

Intensive Indoor Primary Production

59. BDC (S538.012) sought that the definition be amended to include the words "*For the avoidance of doubt, Herd Homes and Wintering Barns are not considered Intensive Indoor Primary Production".* GDC (S608.007) sought an explanatory note to be added to the definition with similar wording, and several other submitters sought identical relief. Ms Easton supported these submissions but noted that, as the definition is a National Planning Standard definition,

it cannot be amended, so an advice note would be an appropriate way to manage this. She included wording for an Advice Note.

60. Frida Inta (S553.021) sought that the definition be amended to state that it includes intensive indoor and outdoor primary production. Ms Easton did not support this submission point, noting that, as a National Planning Standard definition, it cannot be amended.

Recommended changes

61. Ms Easton recommended the following amendments to the definitions:

> ***Agricultural aviation activities:*** *means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for farming activities, plantation forestry production, and conservation activities for biosecurity, or biodiversity purposes, including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAVs).*
>
> ***Agricultural, Pastoral and Horticultural Activities*** *means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:*
>
> *a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive*
> *b. indoor primary production;*
> *c. beekeeping;*
> *d. sphagnum moss collection;*
> *e. storage of products and initial processing of horticultural and agricultural products produced on that site;*
> *f. the storage, treatment and disposal of solid and liquid animal waste;*
> *g. wood lots;*
> *h. stock sale yards;*
> *i. rural research;*
> *j. rural produce retail (where the rural produce is grown or produced on site, and*
> *k. products manufactured from it are offered for sale);*
> *l. farm quarries;*
> *m. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for*
> *n. ~~rural production purposes~~ agricultural aviation activities; and*
> *o. ancillary structures/accessory buildings.*
>
> ***Farm Quarry*** *means an open pit or excavation from which quantities of soil, stone, gravel or mineral ~~is~~ **are** extracted for farming activities on the same ~~site~~ property.*
>
> ***Intensive Indoor Primary Production*** *means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.*
>
> ***Advice Note:*** *For the avoidance of doubt, intensive indoor primary production does not include wintering barns or herd homes where the primary production activity principally occurs in an outdoor environment.*

Rural Production *means agricultural, pastoral, horticultural, or forestry activities.*

Hearing and Submitter Evidence

62. NZAAA supported the revised definitions of *Agricultural aviation activities, Agricultural, Pastoral and Horticultural activities,* and *Rural Production* in the s.42A report and seeks that these are accepted.

63. NZAAA continued to seek a new definition for *Rural Airstrip*, noting that it would provide clarity between regularly used airstrips for general aviation and those used intermittently for agricultural aviation activities. NZAAA acknowledged the concerns raised in the s42A Report regarding the proposed definition of Helicopter Landing Area and sought a definition that provides clarity to prevent future ambiguity. They noted that the inclusion of these additional definitions would provide clarity for the proposed policies.

64. In relation to the *Farm Quarry* and Quarrying definitions, Federated Farmers supported the reporting officer's recommendation to replace the words '*on the same site'* with the phrase '*on the same property'*. Federated Farmers continued to request a new definition of quarrying, maintaining that it is sufficiently different from other forms of mineral extraction to justify its own definition.

65. Federated Farmers also suggested that a definition of *Stock Sale Yards* may be necessary to differentiate these from stock yards used in normal farming operations.

66. HortNZ accepted the officer's recommendation to retain the exclusion of intensive primary production from the *Agricultural, Pastoral and Horticultural Activities* definition, but sought an amendment to include *Greenhouses* in the list of activities covered by the definition of *Agricultural, Pastoral and Horticultural Activities* to provide specificity and clarity.

67. HortNZ continued to seek a new definition for an *Artificial Crop Protection Structure* and an additional definition of a *Crop Support Structure*.

68. Frida Inta, representing herself and Buller Conservation Group, sought changes to the *Agricultural, Pastoral and Horticultural Activities* definition because it did not exclude small cottage industries such as selling surplus home garden produce or eggs, etc. She also noted that the Plan does not include a definition of *Woodlot*, although the term is used in the Plan rules. Neither Ms Inta nor the Buller Conservation Group had made submissions on these definitions.

69. ANZCO Kokiri's planner sought the addition of a new definition for *Meat Processing Facility/Meat Processing* as follows:

> *means the use of a site for the yarding and slaughtering of animals; the associated processing of meat including fish processing, stock finishing, by-product and co-product processing; rendering; fellmongery, tanning, casing and pelt processing; the associated chilling, freezing, packaging and storage of meat and associated products; the treatment and disposal of effluent from the above processes; and ancillary activities.*

Reporting Officer Reply Evidence

70. In relation to the definition of a *Farm Quarry*, Ms Easton considered that referring to '*farm property'* rather than just '*property*' is an appropriate amendment, and that there is scope to make this change under the Federated Farmers submission.

> ***Farm Quarry*** *means an open pit or excavation from which quantities of soil, stone, gravel or mineral are extracted for farming activities on the same ~~site~~ farm property.*

71. In response to a Panel question on the regulatory framework for *Woodlots*, Ms Easton noted that a definition had been recommended under the Sites and Areas of Significance to Māori topic as follows:

> *Woodlot means a forest of up to 1ha of continuous forest cover of deliberately established forest species that has been planted and has or will be harvested or replanted. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long-term ecological restoration planting of forest species or willows and poplars, or space planted for soil conservation purposes.*

72. Ms Easton noted that the NES-CF does not regulate *Woodlots* established for personal, not commercial purposes and considered it prudent to amend the proposed definition to include forests greater than 1ha that the NES does not regulate. She recommends the following changes:

> *Woodlot means a forest of ~~up to 1ha of continuous forest cover~~ deliberately established forest species that has been planted and has or will be harvested or replanted ~~and is not regulated by the NES – CF due to its size or non-commercial nature.~~ It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long-term ecological restoration planting of forest species or willows and poplars, or space planted for soil conservation purposes.*

73. In response to the Panel asking whether the NPSHPL definition of Land Based Primary Production could be used rather than the proposed *Rural Production* definition, Ms Easton replied that she did not support using the NPSHPL definition, as Primary Production is an NPS definition. Ms Easton also noted that there are technical problems with using definitions that include words from another definition for the automatic definition pop-ups in the e-plan. Ms Easton also stated that, as no submitters had sought to use this definition, there may not be scope for this change.

74. Ms Easton confirmed her support for the HortNZ submission point, requesting that *Greenhouses* and *Artificial Crop Protection Structures* be listed as sub clauses l. and m. respectively in the definition of Agricultural, Pastoral or Horticultural Activities.

75. In response to a Panel question about Highly Productive Land, Ms Easton confirmed the submission points from HortNZ and Federated Farmers both sought to add a new definition of *Highly Productive Land*, providing scope for this change. However, Ms Easton did not include a new definition of *Highly Productive Land* in her Appendix 1 of recommended changes to the Plan.

Hearing Panel's Evaluation

76. Concerning the definition of ***Agricultural Aviation Activity***, the Panel agrees with Ms Easton and NZAAA (S166.006) that a new definition of *Agricultural Aviation Activity* should be included in the Plan. We prefer Ms Easton's version, as it is more in keeping with the zone chapter. Ms Easton noted that the definition of *Primary Production* includes mineral extraction, and she considers that the focus of the *Agricultural Aviation Activity* needs to relate to *rural production activities*, as she prefers. We agree.

77. We also note that, arising from the recommendation to include this definition, further changes result, namely the deletion from clause k. of the notified definition of Agricultural, Pastoral

and Horticultural Activities, the words '*rural production purposes'* to be replaced by *'agricultural aviation activities'.*

78. The Panel agrees with Ms Easton's reasons not to include the definitions of a *Rural Airstrip* or a *Helicopter Landing Area*. The Panel notes that, other than being included within the definition of both *Agricultural aviation activities and Agricultural, Pastoral and Horticultural Activities,* these two terms are not used elsewhere within the Plan, so defining them is unnecessary.

79. Regarding the definition of **Rural Production**, the Panel notes that Ms Easton supported including a definition in the Plan, mainly because a clear definition would aid interpretation of how the term is used in the Plan's policies. Ms Easton also agreed with NZAA's submission (S166.013) that "*While the primary definition around farming type activities in relation to the rules is Agricultural, Pastoral and Horticultural activities, in terms of policies, there is a need for a term that includes forestry activities which would apply where the NESPF does not permit these."* We concur with Ms Easton that this submission offers an additional reason—namely, the reference to forestry—to include such a definition. We disagree with Ms Easton that '*Rural production*' is the right term to use, given that the NPSHPL contains a definition that achieves the same result of incorporating forestry, and we must give effect to the higher order instrument. Our preference is therefore to use the term '*Land based primary production'* from the NPSHPL, which we consider is supported by the HortNZ submission seeking implementation of the NPSHPL. We note that '*Rural Production'* has been used as the topic heading in the Strategic Directions Chapter and are satisfied with that heading remaining.

80. Ms Easton supported submissions from (S601.004) Birchfield Coal Mines Ltd, (S603.004) BRM Developments Limited, (S604.004) Birchfield Ross Mining Limited, (S606.004) Phoenix Minerals Limited, (S607.004) Whyte Gold Limited, (S608.492) GDC, and (S493.004) Tiga Minerals and Metals Limited, seeking the inclusion of the National Planning Standards definition of *Primary Production* in the Plan. , noting that the definition would be helpful for interpretation as the term is used in the Plan policies. However, she did not include a definition for *Primary Production* within her s42A Report, Appendix 1. We note that the NPS provides that where terms defined in the Definitions List of the NPS are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. To avoid confusion caused by the absence of a definition and for the reasons Ms Easton provides, we recommend the inclusion of the NPS definition of *Primary Production* within the plan.

81. Regarding the notified definition of **Agricultural, Pastoral and Horticultural Activities** we agree with Ms Easton's recommendations for the reasons she provides, to reject the submissions from both HortNZ (S486.001) and Federated Farmers (S524.003) that sought to amend the title to this notified definition to include the words "*Rural Production Activities*", and to delete the exclusion of intensive indoor primary production from this definition (i.e. to include intensive indoor primary production).

82. The Panel agree that an amendment to the title of the definition is not required and support retaining the definition. The Panel also agrees with Ms Easton's reasons for not including intensive indoor primary production within this definition. We note that when presenting evidence to the hearing, HortNZ accepted Ms Easton's recommendation to retain the exclusion of intensive primary production from the Agricultural, Pastoral and Horticultural activities definition, as it then was.

83. Concerning the inclusion of a definition for **Greenhouse and Artificial Crop Protection Structures,** the Panel notes that HortNZ, in their submission, (S486.077), originally sought the addition of a new definition for a Greenhouse and specific rules attached to this. However, in their supplementary statement of 31 July, they proposed an alternative to include Greenhouse within the definition of "Agricultural, Pastoral or Horticultural Activities". Ms Easton supported this approach because she considered that both Greenhouses and Artificial Crop Protection Structures implicitly fall within the notified definition of "Agricultural, Pastoral or Horticultural Activities". However, in the interests of clarity, she supported the addition of both types of structures to that definition. The Panel agrees with Ms Easton's reasoning and recommendation to add both types of structure to the definition of Agricultural, Pastoral or Horticultural Activities.

84. While on the point of these structures, the Panel notes Ms Easton considered that an amendment to Rule RURZ–R1 to specifically clarify that the rule applies to structures as well as buildings would be useful, as the definition of "*Agricultural, Pastoral or Horticultural Activities"* specifically includes "*ancillary structures/accessory buildings*". She considered that this could be regarded as either a consequential amendment or a minor amendment. She considered that this rule is the most appropriate for managing these structures, rather than the Minor Structures rule or another bespoke rule. We agree with her reasoning and her recommendation to amend RURZ-R1 by adding the word '*structures'* to the rule, clarifying that the rule applies to buildings and structures.

85. Concerning the submission from Rural Contractors New Zealand Incorporated (S489.001) seeking a new definition for *Rural Contractor Depot*, as Ms Easton considered this activity falls within the definition of a rural industry and that other plan provisions apply to that activity. The Panel agrees with her reasoning and agrees with her recommendation not to include a definition of a Rural Contractors Depot. In any event, the Panel is concerned about the ramifications of including the definition promoted by the Rural Contractors due to its extensive reach.

86. The Panel agrees with Ms Easton that a *Quarry* is defined elsewhere in the Panel and a further definition of a *Quarry* for this chapter is not required as sought by Federated Farmers (S524.026). However, the Panel agrees with her recommendation to amend the definition of a *Farm Quarry*, as the amendment recognises that a farm may comprise more than one site. Using the descriptor '*farm property'* provides recognition that a farm may operate over several sites. We recommend one clause 16 amendment to delete the word '*is'* and replace it with '*are'*.

87. Concerning *farm quarries*, the Panel agrees with Ms Easton that such quarries are a regular part of farming operations, and there is no need to exclude them from this definition. We agree with Ms Easton that the Forest and Bird issue of concern, namely that SNAs are protected from farm quarries, is addressed, on the basis that the provisions for safeguarding SNAs and vegetation clearance are found in the Ecosystems and Biodiversity chapter, not the zone rules of this chapter.

88. Regarding the definition of *Intensive Indoor Primary Production*, the Panel agrees with Ms Easton, for the reasons she outlines, that the only suitable way to address BDCs' submission point (S538.012) is to add an advice note to the rule. We concur with her proposed wording for that advice note. We have considered the submission by BCG (S552.224) on including a definition of Factory Farming and consider it is not necessary.

89. Regarding the definition of '*Meat works'* sought by ANZCO Kokiri's planner, we note Ms Easton makes no recommendation on that definition, and the definition is not included in Ms Easton's recommendations for Plan provisions in her Appendix 1. We note that the submitter sought rezoning of the meat works site, which Ms Easton supported. We also recommend rezoning, so to that extent, the submitters' needs are met. The words *Meat works* are not used extensively in the Plan, so we see no need to define them.

90. Regarding the *Woodlot* definition, the Panel have given consideration to the definitions before us. We do not consider the definition proposed by Ms Easton which eliminates the 1ha requirement is appropriate as it would mean that there is no distinction between Woodlots and Plantation Forestry which is defined in the NES-CF. We consider that the 1ha distinction is important and as a belts and braces approach, we consider adding in '*and is not regulated by the NES–CF due to its size or non-commercial nature*', which ensures that Woodlots are separately regulated in the Plan. We also consider that the definition of Plantation Forestry in the NES-CF should be included in the Plan as requested in submissions.[10]

91. The Panel also note that the NES-CF was amended after notification of the Plan and now differentiates between Plantation Forestry and Commercial Forestry. The Panel consider that the definition of Commercial Forestry is required to be included in the Plan in order to understand the definition of Plantation Forestry as requested by submitters. The definition of Commercial Foresty relies on a definition of exotic continuous-cover forestry that the Panel also consider is required in the Plan. The Panel notes that these definitions have implications for other chapters which utilise them.

92. Regarding the submission to include a definition of *Highly Productive Land*, the Panel consider a definition is required in the Plan and recommends the sentiments of the NPS-HPL definition are adopted in the Plan as set out below.

93. The Panel has included a definition of *Specified Māori Land*, which arises from discussion of RURZ-P5 and implementation of the NPSHPL, as well as the NPSIB.

Hearing Panel's Recommendation

94. We agree with the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments be made to the **Definitions**:

Term	Definition
Agricultural aviation activities	**means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for rural production activities, plantation forestry production, and conservation activities for biosecurity, or biodiversity purposes, including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAVs).** [11]

[10] Poutini Ngāi Tahu (S620.026), Buller Conservation Group (S552.026)
[11] New Zealand Agricultural Aviation Association (S166.006)

Agricultural, Pastoral and Horticultural Activities	means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes: a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive indoor primary production; b. beekeeping; c. sphagnum moss collection; d. storage of products and initial processing of horticultural and agricultural products produced on that site; e. the storage, treatment and disposal of solid and liquid animal waste; f. wood lots; g. stock sale yards; h. rural research; i. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale); j. farm quarries; k. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for ~~rural production purposes~~ **agricultural aviation activities**;[12] ~~and~~ **l. greenhouses** **m. artificial crop protection structures; and**[13] n. ancillary structures/accessory buildings.
Commercial Forestry	**means exotic continuous-cover forestry or plantation forestry.**[14]
Exotic continuous-cover forestry	**means** **(a) a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—** **(i) will not be harvested or replanted; or** **(ii) is intended to be used for low-intensity harvesting or replanted; and** **(b) includes all associated forestry infrastructure; but** **(c) does not include—** **(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or**

[12] New Zealand Agricultural Aviation Association (S166.038, S166.039)
[13] HortNZ (S486.077),
[14] Consequential amendment stemming from Poutini Ngāi Tahu (S620.026)

	(ii) forest species in urban areas; or **(iii) nurseries and seed orchards; or** **(iv) trees grown for fruit or nuts; or** **(v) long-term ecological restoration planting of indigenous forest species; or** **(vi) willows and poplars space planted for soil conservation purposes.**[15]
Farm quarry	means an open pit or excavation from which quantities of soil, stone, gravel or mineral ~~is~~ **are**[16] extracted for farming activities on the same ~~site~~ **farm property.**[17]
Intensive Indoor Primary Production	Means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry. **Advice Note: For the avoidance of doubt intensive indoor primary production does not include wintering barns or herd homes where the primary production activity principally occurs in an outdoor environment.**[18]
Primary Production	**Means:** **a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and** **b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);** **c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but** **d. excludes further processing of those commodities into a different product.**[19]
Land Based Primary Production	**means production from agricultural, pastoral, horticultural, or forestry activities that is reliant on the soil resource of the land.**[20]
Plantation Forestry	**means a forest deliberately established for commercial purposes, being—** **a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and** **b. includes all associated forestry infrastructure; but**

[15] Consequential amendment stemming from Poutini Ngāi Tahu (S620.026)
[16] Clause 16(2) of the RMA
[17] Federated Farmers (S524.008)
[18] Buller District Council (S538.012), Grey District Council (S608.007), Jared Avery (S508.001), Kyle Avery (509.001), Avery Bros (S510.001), Bradshaw Farms (S511.001), Paul Avery (S512.001), Brett Avery (S513.001), Leonie Avery (S507.001), Geof Volkman (S563.001), Catherine Smart-Simpson (S564.004), Koiterangi Lime Co Ltd (S577.001), Chris J Coll Surveying Limited (S566.307), William McLaughlin (S567.037), Laura Coll McLaughlin (S574.307), Chris + Jan Coll (S558.307), Avery Bros (S609.001), Karamea Lime Company (S614.001), Peter Langford (S615.001), Ngai Tahu (S620.033)
[19] Birchfield Coal Mines Ltd (S601.004), BRM Developments Limited (S603.004), Birchfield Ross Mining Limited (S604.004), Phoenix Minerals Limited (S606.004), Whyte Gold Limited (S607.004), TiGa Minerals and Metals Limited (S493.004)
[20] New Zealand Agricultural Aviation Association (S166.013)

	c. does not include— **(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or** **(ii) forest species in urban areas; or** **(iii) nurseries and seed orchards; or** **(iv) trees grown for fruit or nuts; or** **(v) long-term ecological restoration planting of forest species; or** **(vi) willows and poplars space planted for soil conservation purposes.**[21]
Specified Māori land	**means:** **(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):** **(b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:** **(c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:** **(d) land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:** **and in the context of implementing the National Policy Statement on Indigenous Biodiversity, also means:** **(e) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):** **(i) as part of redress for the settlement of Treaty of Waitangi claims; or** **(ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.**[22]
Woodlot	**means a forest of up to 1ha of continuous forest cover of deliberately established forest species that has been planted and has or will be harvested or replanted and is not regulated by the NES – CF due to its size or non-commercial nature. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long term ecological restoration**

[21] Poutini Ngāi Tahu (S620.026), Buller Conservation Group (S552.026)
[22] Consequential amendment as a result of HortNZ (486.068) and their overarching submission

	planting of forest species or willows and poplars space planted for soil conservation purposes.[23]

3. RURAL ZONES

3.1. Whole Chapter

Submissions and Further Submissions

95. Six submission points and one further submission point were received on the chapter as a whole.

96. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

97. Ms Easton acknowledges support from several submitters for the approach of having three zones, the chapter generally, and the use of NES-PF to manage exotic forestry.

98. Ms Easton did not support GDC's submission point (S608.106) seeking references to "*Site or Area of Significance to Māori*" be deleted, noting that cross-referencing in the Plan is important for clarity.

99. Ms Easton supported in part the submission point by HortNZ (S486.086) seeking that the provisions manage reverse sensitivity pressures on horticultural growers. Ms Easton noted that the Plan was drafted with consideration given to reverse sensitivity and that this was a key matter that TTPP sought to address. She did not propose any amendments as a result of this submission point. HortNZ also sought that the provisions recognise highly productive land in line with the National Policy Statement Highly Productive Land.

Hearing and Submitter Evidence

100. There was no specific hearing or submitter evidence on the topic as a whole.

Reporting Officer Reply Evidence

101. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

102. The Panel agrees, for the reasons put forward by Ms Easton, that no changes to the Plan provisions are required as a consequence of the matters raised in the submissions and further submissions. We note however that we have addressed a component of the HortNZ submission in our discussion of Highly Productive Land later and have recommended amendments.

Hearing Panel Recommendation

103. No changes to the provisions are recommended in relation to the general matters raised in submissions and further submissions across the GRUZ.

[23] Poutini Ngāi Tahu (S620.026)

3.2. General Rural Overview-RURZ and GRUZ Overviews

Submissions and Further Submissions

104. Seventeen submission points and seven further submission points relating to the zone Overview were received and are summarised in a table on pages 27-30 of the s42A report and pages 2-4 of the s42A addendum report.

105. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and addendum report.

Section 42A Report

106. Ms Easton acknowledged support for the Overview from several submitters.

107. Forest and Bird (S560.370) sought that a section "*Other relevant Te Tai o Poutini Plan provisions*" be included, listing all relevant chapters, that it be made clear that the ECO chapter deals with clear vegetation clearance, and that cross references be included. Ms Easton supported listing other relevant Plan provisions, consistent with amendments made to other plan chapters, but considered additional cross-referencing within rules to be unnecessary. She recommended the following amendments:

> ~~*Overlay Chapters - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply*~~
>
> ***Sites and Areas of Significance to Māori**, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Rural Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.*
>
> ***Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Rural Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.*
>
> ***Natural Character and Margins of Waterbodies** -in some locations areas of General Rural Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.*
>
> ***Ecosystems and Biodiversity** – Where indigenous vegetation clearance is proposed within a Rural Zone, the provisions of the Ecosystems and Biodiversity chapter apply.*

108. NZAAA (S166.028) sought a note or amendment to ensure that *Agricultural aviation activities* are part of forestry production activities. Ms Easton supported the submission point in part, recommending a new definition and amendments to the *Agricultural, Pastoral and Horticultural Activities* definition to address this issue. No change to the overview was recommended.

109. Ms Easton did not support the Foodstuffs submission point (S464.034), seeking additional wording to the Overview, and noted that settlements include existing commercial activities, such as supermarkets. Ms Easton stated that paragraph 4 identifies that commercial activity can be in settlements, and that there are no supermarkets in the rural zones.

110. Ms Easton supported a submission point (S489.003) from Rural Contractors New Zealand Incorporated ("RCNZ") seeking an amendment to paragraph 6 to include the words "*including through enabling support industries and services*". Ms Easton did not support a similar change to the seventh paragraph of the overview section as she considered it unnecessarily repetitive.

111. Ms Easton did not support the Celine Stokowski Anthony Thrupp submission point (S522.007), seeking to delete text referring to the mineral extraction strategic direction. Ms Easton noted that consequential changes to the Overview resulting from decisions affecting the strategic direction would be made at the time.

112. Buller Conservation Group's submission (S552.172) sought that the third paragraph of the Overview be amended to refer to proximity to resource extraction sites as a driver for some settlements becoming more like commuter areas. Ms Easton disagreed with this assessment and did not support the submission point.

113. Ms Easton did not support Buller Conservation Group's submission point (S552.172), seeking a cap on dairy and other intense rural production, noting that many of the effects of intensive rural production are managed through regional plans, and that the TTPP manages land use effects of intensive rural production by requiring a resource consent. (Note – the s.42A report addresses this submission point in the overview section, but the original submission indicates that this submission point relates to the chapter as a whole).

114. Ms Easton supported Federated Farmers' submission point (S524.104), seeking a minor error correction to the Overview text. The submission also sought an amendment to note that since on-farm accommodation for workers is often located near other dwellings, separation from neighbours is not guaranteed. Ms Easton did not support this part of the submission, noting that the Overview provides a general statement about the character of rural areas, and that dwellings are generally separated by much greater distances than in urban environments.

115. Manawa Energy (S438.136) seek amendments to the Rural Zones Objectives and Policies Overview, identifying the Connections and Resilience strategic directions around regionally significant infrastructure and renewable electricity generation. Ms Easton supported this submission and the proposed amendments, as the Rural Zones are a major location for these activities.

Hearing and Submitter Evidence

116. Frida Inta and the Buller Conservation Group sought minor changes to the Overview reference to strategic direction AG-Agriculture, and to insert the word '*economic*' into the last paragraph.

117. Federated Farmers agreed with Ms Easton that the statement that there are '*lower levels of development*' in rural areas is generally correct. Still, they continued to seek an amendment to delete the wording '*and greater separation distance from neighbours.'*

118. Manawa continued to seek several changes to the Overview to recognise renewable energy generation operation, which had not been addressed in the original s42A report.

S.42A Addendum Report

119. The addendum addressed several submission points that were not addressed in the original s42A report. Ms Easton supported the submission point from Manawa Energy seeking amendments to identify that regionally significant infrastructure and renewable electricity generation are located within the zone.

Reporting Officer Reply Evidence

120. There was no specific consideration of these general matters in the reply evidence.

121. The reporting officer considered changes to the Rural Zones Overview sought in the Scenic Hotel Group presentation to the hearing to be outside the scope of their original submission.

Hearing Panel's Evaluation

122. The Panel agrees, for the reasons put forward by Ms Easton, that the Federated Farmers submission to delete the word '*a* 'from the seventh line of the Overview should be accepted along with the Buller Conservation Group submission to include the word '*is*' within the first line following the heading *"Key Points to Note are*".

123. The Panel agrees, for the reasons Ms Easton provides, that the submission of RCNZ to add the words, "*including through enabling support industries and services*." to the first bullet point under the heading '*Key Points to note are'* should be accepted as the addition is a clarification.

124. The Panel agrees, for the reasons Ms Easton provides, that all of Manawa's submission points on the Overview should be accepted for inclusion within the Overview because there is a range of structures, including regionally significant infrastructure and renewable energy, associated with regionally significant infrastructure that are a feature of the rural areas. Recognition within the Overview is considered appropriate, however we have amended this to better reflect the revised strategic directions, and the following wording is recommended:

> *Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around climate change and resilience, and are necessary activities within Rural zones.*

125. The Panel agrees with Ms Easton's reasons for accepting the submission points made by Forest and Bird to amend that part of the Overview that details the relationship between this chapter and others within the Plan. We agree this change should be applied to all 3 Rural Chapters.

126. The Panel does not agree with Ms Easton's reasons to amend the General Rural Zone Overview to detail the relationship between this chapter and the Energy, Infrastructure and Transport chapters, and instead recommends including reference to these chapters under the other plans provisions section of the Overview.

127. Regarding the remaining submission points on the Overview, the Panel agrees with Ms Easton's analysis of them and her reasons for not supporting them. We agree with her that no changes or amendments to the Overview are appropriate after considering those submission points.

Hearing Panel Recommendation

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

accepted or accepted in part, and recommends amendments be made to the Overviews for the **Rural Zones-Objectives and Policies** and the **General Rural Zone**.

Rural Zones – Objectives and Policies
Overview

Rural areas represent the majority of private land within the West Coast/Te Tai o Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, wetlands, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by ~~a~~[24] lower levels of built development and greater separation distance from neighbours.

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

Small settlements and townships are a significant feature within the rural areas of the West Coast/Te Tai o Poutini, with numerous coastal and inland settlements around the districts. Some of these settlements were once much larger, due to past mining and forestry activities which supported the settlements population. Some are expanding, mainly due to the increase in tourism activities or their proximity to the main centres meaning they are becoming more like commuter areas.

Settlements have a range of characteristics – coastal, historic, bush living and rural. They are often typified by the presence of historic or longstanding industrial uses, although commercial activity is only found in the largest of these places.

Because the Rural areas represent such a large part of the West Coast/Te Tai o Poutini, in addition to the RURZ - Rural Zones Objectives and Policies the Strategic Objectives also provide particularly relevant considerations for the management of these areas.

Key points to note are:

- The strategic direction for **LBPP** – **Land Based Primary Production is** to maintain productive values and maintain agricultural viability **including through enabling support industries and services.**[25]
- **Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around climate change and resilience, and are necessary activities within Rural zones**[26]
- The importance of identifying and protecting unique and important NENV - Natural Environments as well as areas where subdivision use and development can occur;
- Supporting POU - Poutini Ngāi Tahu as kaitiaki, in economic activity around tourism and visitors and in their management of Pounamu and Aotea stone resources;
- The role that the rural areas play in terms of supporting TRM – Tourism as a major economic activity on the West Coast/Te Tai o Poutini.

[24] Federated Farmers (S524.104)
[25] Rural Contractors New Zealand Inc (S489.003)
[26] Manawa Energy (S438.136)

There are three RURZ - Rural Zones on the West Coast/Te Tai o Poutini - the GRUZ - General Rural Zone, the RLZ - Rural Lifestyle Zone and the SETZ - Settlement Zone.

- The GRUZ - General Rural Zone covers much of the land on the West Coast/Te Tai o Poutini where primary production uses are the major activities. There are two Precincts within the Zone - GRUZ - PREC1 - Community Living Precinct and GRUZ - PREC5 - Highly Productive Land Precinct.
- The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Because of the range of conditions within the Settlement Zone there are three Precincts within the Zone - SETZ - PREC2 -Settlement Centre Precinct, SETZ - PREC3 Coastal Settlement Precinct, and SETZ - PREC4 - Rural Residential Precinct.
- The RLZ - Rural Lifestyle Zone is located around the edges of towns and settlements. It includes areas that were predominantly farmed in the past, but have gradually moved out of economic primary production, although they still may have rural activities occurring.

Alongside the RURZ - Rural Zone Policies there is a specific policy for each Precinct.

Note with Regard to ~~Plantation~~ Commercial Forestry[27]

There are no specific provisions as relate to ~~plantation~~ **commercial**[28] forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial**[29] forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial**[30] Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

3.3. General Rural Objectives

Submissions and Further Submissions

129. Seventy-three submission points relating to the Rural Zone objectives were received and are summarised in a Table on pages 32-39 of the s42A Report. Nineteen submission points related to the objectives as a whole, and four sought the addition of a new objective.

130. Twenty-four submission points related to **RURZ-O1**, of which twelve were in support, and sought to retain the objective as notified. The remaining twelve submission points sought amendments.

131. Nine submission points related to **RURZ-O2**, of which six were in support, and three sought amendments.

132. Six submission points related to **RURZ-O3**, of which four were in support, and two sought amendments.

133. Eight submission points related to **RURZ-O4**, of which six were in support, and two sought amendments.

[27] Clause 16(2) of the RMA
[28] Clause 16(2) of the RMA
[29] Clause 16(2) of the RMA
[30] Clause 16(2) of the RMA

134. Seven submission points related to **RURZ-O6**, of which six were in support, and one requested amendments.

135. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

Objectives (General)

136. Concerning the objectives (as a group), Ms Easton acknowledged the support from the submitters that sought to retain the objectives as notified.

137. Ms Easton did not support a submission point (S419.005) from Richard Aldridge seeking that the objectives and policies be amended to reflect better that the rural zones are residential locations and that agriculture and mineral extraction are not prioritised over rural residential living. Ms Easton noted that the Rural Lifestyle and Settlement Zones are identified explicitly as zones that prioritise residential living over agriculture and primary production, and the objectives and policies reflect this.

138. HortNZ (S486.085) sought policy support for future potential horticultural development on the west coast. Ms Easton supported this submission point in part, noting that RURZ-O1 and RURZ-P5 recognise the need to protect the future potential for horticultural development.

139. Forest and Bird (S560.373) sought a new objective requiring the maintenance and protection of natural values. Frida Inta (S553.173) and Buller Conservation Group (S552.173) sought similar relief through a new objective to protect indigenous biodiversity. Ms Easton did not support these submission points on the basis that these matters are addressed in the Natural Environmental Values chapters in the district-wide provisions.

140. HortNZ (S486.062) sought a new objective to give effect to the NPS-HPL. Ms Easton supported this submission point in part, but did not recommend any changes to the provisions, noting that this matter would be more appropriately addressed after WCRC develops the required amendments to the WCRPS to give effect to the NPS-HPL, which TTPP must, in turn, give effect to.

141. GDC (S608.107) sought a new objective stating, *'The General Rural Zone is managed to ensure its availability for primary production activities and its long term protection from being compromised by reserve sensitivity*'. Ms Easton supported this submission point, noting that the notified objectives are not sufficiently clear that the General Rural Zone is being managed principally for primary production activities, and this objective addresses this omission. Ms Easton recommends the following objective wording:

> *RURZ-OX The General Rural Zone is managed to maintain its availability for primary production purposes and its long term protection from being compromised by reverse sensitivity*

RURZ-O1

142. Ms Easton acknowledged the submissions in support of this objective.

143. Ms Easton supported submission points from Federated Farmers (S524.106) and HortNZ (S486.061), seeking to amend the objective to focus on primary production activities. Ms

Easton noted that the recommended new objective addresses the relief sought in these submission points.

144. Ms Easton did not support three submission points from Peter Jefferies (S544.003), Martin and Lisa Kennedy (S545.003), Nick Pupich and Sandy Jeffries (S546.005), seeking to delete the reference to *Highly Productive Land*, noting that this reference is appropriate and recognises the clear direction in the NPSHPL clause 3.5(7).

145. Six submission points from WMS Group (HQ) LTD and WMS Land Co Ltd (S599.105), Tiga Minerals and Metals LTD (S493.090), Birchfield Coal Mines Ltd (S601.084), Birchfield Ross Mining Ltd (S604.074), Phoenix Minerals Ltd (S606.059) and Whyte Gold Ltd (S607.059) sought that the objective be amended to add the words '*including primary production'* and that it refer to highly productive land '*and*' rural activities rather than '*for*' rural activities. Ms Easton supported these submission points in part, noting that the recommended new objective addresses the relief sought by these submitters. Ms Easton did not consider any further amendment to RURZ-O1 necessary. She considered that replacing '*and*' with '*for*' would alter the intent of the objective concerning why highly productive land is being retained.

RURZ-O2

146. Ms Easton acknowledged the submissions in support of this objective.

147. HortNZ (S486.063) and Federated Farmers (S524.107) sought to amend the objective to refer to the Rural Lifestyle Zone specifically. Ms Easton supported this part of these submission points, noting that although the objective relates to the rural lifestyle zone, this is not explicitly addressed in the wording, and she recommended the following amendment:

> *~~To~~ **The Rural Lifestyle zone** provide~~s~~ for low density rural lifestyle living while still enabling primary production to occur, while avoiding conflicts and reverse sensitivity effects with rural production activities.*

148. These submissions also sought amendments to the objective, which would remove reference to rural character and instead focus on enabling primary production and avoiding reverse sensitivity. Ms Easton did not support these parts of these submission points, noting that rural character is important to reference and that this zone may not be an appropriate location for some types of primary production

149. Ms Easton did not support a submission point (S461.005) from Cashmere Bay Dairy Limited seeking to amend the objective to cater for residential activity, noting that the objective correctly provides direction for the Rural Lifestyle Zone, which has an intermediary role between the General Rural Zone and the Settlement Zone.

RURZ-O3 and RURZ-O4

150. Ms Easton acknowledged the submissions in support of these objectives.

151. HortNZ (S48.064) and Federated Farmers (S524.108) sought that these objectives be moved to the Settlement zone chapter and renamed SETZ-O1 and SETZ-O2, respectively. Ms Easton did not support these submission points as all Rural zones objectives are found in the RURZ chapter, and this is consistent with the structure of the pTTPP's other zone chapters.

RURZ-O6

152. Ms Easton acknowledged the submissions in support of these objectives.

153. Cashmere Bay Dairy Ltd, (S461.008), sought an amendment that would allow on-site servicing where there are no existing Council services and where effects can be contained on-site. Ms Easton supported this submission point in part, as the objective already states that on-site servicing is expected outside of settlements and major developments. Ms Easton noted that the Settlement policies and rules also recognise that on-site servicing may be required, as provision of community infrastructure varies by location across the West Coast.

Hearing and Submitter Evidence

154. SFF sought the addition of a new, issue-specific objective to be added if the zoning configuration for five lots, adjacent to SFF's Hokitika meat processing facility, recommended in the residential zones s42A Report is accepted. The requested objective wording is as follows:

RURZ-O8 The Rural Lifestyle Zone is managed to avoid reverse sensitivity effects on lawfully established industrial activity located at 140 Kumara Junction Highway, Hokitika.

RURZ-O1

155. HortNZ sought an amendment to change the wording from 'retain' to 'protect' in relation to highly productive land.

156. Federated Farmers maintained that a highly productive rural working environment should be the first and foremost objective for the rural zone. They continued to seek an amendment to RURZ-O1 to provide for primary production activities.

RURZ-O2

157. Scenic Hotels requested that the objective be reworded to refer to the Rural Lifestyle Zone specifically. The following wording is requested:

The Rural Lifestyle Zone ~~*To*~~ *provide**s** for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character*

RURZ-O3

158. HortNZ accepted the s42A Report assessment in part, but sought an amendment to make it clear that this objective relates to the Settlement Zone, through the following wording:

*To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements **in the Settlement Zone** while:*

1. *Allowing settlements to grow and adapt as economic activity changes;*
2. *Providing for commercial and industrial land uses in larger settlements*

where these land uses provide for the local community and rural services

RURZ-O4

159. HortNZ accepted the s42A Report assessment in part, but sought an amendment to make it clear that this objective relates to the Settlement Zone, through the following wording:

> *To support the expansion of existing settlements **in the Settlement Zone** and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high-risk locations*

RURZ-O7

160. Federated Farmers considered the recommended new objective 'a step in the right direction' but sought that it be reworded to provide more actively for primary production and associated activities.

Reporting Officer Reply Evidence

161. The Panel asked Ms Easton whether the term '*protect*' should be used in Objective RURZ-O1 rather than 'retain' concerning highly productive land. Ms Easton considered the term 'protect' to be appropriate if the objective is referring specifically to Highly Productive Land as defined in the NPS-HPL.

162. No changes to the wording of the objectives were recommended in the Right of Reply.

Joint Right of Reply

163. A joint right of reply was prepared by Briar Belgrave, Ruth Evans and Lois Easton, all Reporting Officers, concerning the SFF submission and noted that Ms Easton did not support the additional objective that the submission sought on the basis that there was insufficient supporting evidence for this amendment. The reply acknowledged that the request to refer specifically to the SFF site was only a secondary request and not the submitter's preferred option.

Hearing Panel's Evaluation

164. In relation to Objective RURZ-O1, the Panel agrees with the reasoning provided by Ms Easton to amend this objective. However, we consider that the objective requires further amendment to emphasise the importance of protecting highly productive land and to give effect to the NPS-HPL. We therefore have recommended reordering and rewording the objective to better reflect this position.

165. In relation to Objective RURZ-O2, the Panel agrees with Ms Easton's reasons to amend this objective to refer to the Rural Lifestyle Zone specifically based on submissions. Ms Easton supported this part of these submission points, noting that although the objective relates to the rural lifestyle zone, this is not explicitly addressed in the wording, and she recommended an amendment to achieve that outcome. We agree with that amendment.

166. The Panel agrees with Ms Easton's reasons for rejecting all other submission points on RURZ-02, including those from Cashmere Bay Dairy Limited seeking to amend the objective to cater for residential activity, noting that the objective correctly provides direction for the Rural Lifestyle Zone, which has an intermediary role between the General Rural Zone and the Settlement Zone.

167. In relation to Objectives RURZ-O3 and RURZ-04, the Panel agrees with Ms Easton's analysis of the HortNZ and Federated Farmers submissions that sought that these objectives be moved to the Settlement zone chapter and renamed SETZ-O1 and SETZ-O2, respectively. Ms Easton

did not support these submission points as all Rural zones objectives are found in the RURZ chapter, and this is consistent with the structure of the pTTPP's other zone chapters. We agree. Additionally, we do not support including the words in the Settlement Zone in each of the objectives because Settlement Zones are not the subject matter of these objectives. We support the retention of both objectives as notified.

168. In relation to Objective RURZ-O5, the Panel supports retention of this objective as notified.

169. In relation to Objective RURZ-O6, the Panel considers that the submission of Cashmere Bay Dairy Ltd is met to a significant degree by the objective as notified. Whether or not on-site servicing of wastewater can or should occur may depend on either meeting permitted activity requirements in the WCRPS or obtaining Regional Council consents. So, we consider adding further words to the objective unnecessary and could create confusion. We consider RURZ-06 as notified to be appropriate.

170. In relation to New Objective RURZ-O7, the Panel agrees with Ms Easton that, as notified, the objectives are not sufficiently clear that the General Rural Zone is being managed principally for primary production activities, and a new objective is required. Ms Easton provided wording for the new objective, however we consider this needs to be refined and have recommended a more succinct wording of the objective.

171. Forest and Bird sought a new objective requiring the maintenance and protection of natural values. Frida Inta and Buller Conservation Group sought similar relief through a new objective to protect indigenous biodiversity. Ms Easton did not support these submission points on the basis that these matters are addressed in the Natural Environmental Values chapters in the district-wide provisions. We agree.

172. SFF sought the addition of a new, issue-specific objective if the zoning configuration, namely the Rural Lifestyle Zone, for the five lots adjacent to SFF Hokitika meat processing facility, as recommended in the residential zones s42A Report, is accepted. Ms Easton considered that the submitter provided insufficient evidence to support the inclusion of a new objective. We agree.

173. In respect of other submissions where Ms Easton recommends rejecting those submissions, we agree with that outcome for the reasons she provided.

Hearing Panel's Recommendation

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

RURZ-O1	To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while **protecting** ~~retaining~~ highly productive ~~and rural activities~~ **land for land based primary production**, and supporting a productive rural working environment **and rural activities**.[31]

[31] Horticulture New Zealand (S486.062)

RURZ-O2	~~To~~ **The Rural Lifestyle Zone**[32] provide**s** for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.
RURZ-O3	To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while: a. Allowing settlements to grow and adapt as economic activity changes; b. Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services.
RURZ-O4	To support the expansion of existing settlements and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations.
RURZ-O5	To support the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects are minimised and rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations.
RURZ-O6	To ensure appropriate levels of infrastructure servicing for communities and development within rural areas, recognising that outside of settlements or major developments, on site infrastructure servicing is expected.
RURZ-O7	**The General Rural Zone is managed to ensure its primary production purpose is not compromised by reverse sensitivity effects.**[33]

3.4. General Rural Policies

Submissions and Further Submissions

175. Two hundred and sixty-nine submission points and fifty-three further submission points relating to the Rural Zone policies were received and are summarised in a Table on pages 42-65 of the s42A Report. Fourteen submission points related to the policies as a whole, and fifty-nine related to specific policies.

176. Fourteen submission points were received on the Rural Zone policies as a whole and are summarised in a Table on pages 42-44 of the s42A Report. One was in support of the policies in general, and four were in support of several specific policies. The remaining nine submission points sought amendments. The Panel adopts these summaries.

177. Two submission points were received in support of policies RURZ-P1-P4 and are summarised in a Table on page 44 of the s42A Report.

178. Twenty-six submission points were received on RURZ-P1, of which nineteen were in support of retaining the policy as notified and are summarised in a Table on pages 44-47 of the s42A Report. The remaining seven submission points sought amendments.

[32] Horticulture New Zealand (S486.063) and Federated Farmers (S524.107)

[33] Grey District Council (S607.107)

179. Twelve submission points were received on RURZ-P2 and are summarised in a Table on page 48 of the s42A Report. Nine were in support of retaining the policy as notified. The remaining three sought amendments.

180. Seventeen submission points were received on RURZ-P3 and are summarised in a Table on pages 48-50 of the s42A Report. Ten were in support of retaining the policy as notified. The remaining seven sought amendments.

181. Sixteen submission points were received on RURZ-P4 and are summarised in a Table on pages 50-51 of the s42A Report. Twelve were in support of retaining the policy as notified. The remaining four sought amendments.

182. Fourteen submission points were received on RURZ-P5 and are summarised in a Table on pages 51-52 of the s42A Report, of which twelve were in support of retaining the policy as notified. The remaining two sought amendments.

183. Seven submission points were received in support of policies RURZ-P6-P8 and are summarised in a Table on page 52 of the s42A Report

184. Thirteen submission points were received on RURZ-P6 and are summarised in a Table on pages 52-54 of the s42A Report. Nine were in support of retaining the policy as notified. The remaining four sought amendments.

185. Eight submission points were received on RURZ-P7 and are summarised in a Table on pages 54-55 of the s42A Report. Six were in support of retaining the policy as notified. The remaining two sought amendments.

186. Eight submission points were received in support of RURZ-P8 and are summarised in a Table on page 55 of the s42A Report.

187. Seven submission points were received in support of RURZ-P9-10 and are summarised in a Table on page 55 of the s42A Report.

188. Six submission points were received on RURZ-P9 and are summarised in a Table on pages 55-56 of the s42A Report. Five are in support, and one sought an amendment.

189. Seven submission points were received on RURZ-P9 and are summarised in a Table on page 56 of the s42A Report. Six are in support, and one has sought an amendment.

190. Fifteen submission points were received on RURZ-P11 and are summarised in a Table on pages 56-57 of the s42A Report. Eleven were in support of retaining the policy as notified. The remaining four sought amendments.

191. Twelve submission points were received on RURZ-P12 and are summarised in a Table on pages 57-58 of the s42A Report. Eleven were in support of retaining the policy as notified, and one sought an amendment.

192. Eight submission points were received on RURZ-P13 and are summarised in a Table on page 58 of the s42A Report. Four were in support, and the remaining four sought to delete the policy.

193. Nine submission points were received on RURZ-P14 and are summarised in a Table on pages 58-59 of the s42A Report. Eight were in support of retaining the policy as notified, and one sought an amendment.

194. Six submission points were received in support of policies RURZ-15 and RURZ-P16 and are summarised in a Table on page 59 of the s42A Report.

195. Eighteen submission points were received on RURZ-P15 and are summarised in a Table on pages 59-60 of the s42A Report. Thirteen were in support of retaining the policy as notified, and the remaining five sought amendments.

196. Nine submission points were received on RURZ-P16 and are summarised in a Table on pages 60-62 of the s42A Report. Five were in support of retaining the policy as notified, and the remaining four sought amendments.

197. Eleven submission points were received on RURZ-P17 and are summarised in a Table on page 62 of the s42A Report. Ten were in support of retaining the policy as notified, and one sought an amendment.

198. Five submission points were received in support of policies RURZ-P26-P28 and are summarised in a Table on pages 62-63 of the s42A Report

199. Six submission points were received on RURZ-P26 and are summarised in a Table on page 63 of the s42A Report. Four were in support of retaining the policy as notified. The remaining two sought amendments.

200. Seven submission points were received on RURZ-P27 and are summarised in a Table on pages 63-64 of the s42A Report. Three were in support of retaining the policy as notified. The remaining four sought amendments.

201. Seven submission points were received on RURZ-P28 and are summarised in a Table on page 64 of the s42A Report. Six were in support of retaining the policy as notified, and one sought an amendment.

202. Eight submission points were received on GRUZ-PREC1-Policy P1 and are summarised in a Table on page 65 of the s42A Report. Six were in support of retaining the policy as notified. The remaining two sought amendments.

203. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

RURZ Policies (General)

204. Ms Easton acknowledged the submissions in support of the policies as a whole.

205. Ms Easton did not support a submission (S595.009) from Frank O'Toole seeking to allow a minimum allotment size of 4000m² in the Rural Lifestyle Zone. She noted that this is the minimum lot size in the Rural Residential Precinct of the Settlement Zone, and that the Rural Lifestyle Zone is intended to accommodate some primary production uses.

206. Ms Easton did not support a submission (S619.053) from Snodgrass Road submitters, seeking a policy specific to their properties, providing for the continued reasonable use of these properties and supporting the establishment of natural hazard mitigation works. Ms Easton noted that many parts of the rural zone are subject to natural hazard overlays and that existing use rights protect current properties, while further development is restricted through those natural hazard overlays, in the overlay chapters. Furthermore, seeking continued reasonable use of a property is not a zoning matter.

207. Ms Easton did not support submissions from Rocky Mining Ltd (S474.044) and Papahaua Resources Ltd (S500.031) seeking a requirement to avoid sensitive activities establishing in proximity to mineral resources and extraction activities. She noted that reverse sensitivity effects are provided for through the zones, minimum setbacks, performance standards, and restrictions on further subdivision. She acknowledged the reverse sensitivity impact that widespread ad hoc lifestyle subdivision across the West Coast has had on primary production activities, but noted that the provisions, as notified, address reverse sensitivity, particularly RURZ-P 15 and 19.

208. Ms Easton did not support a submission from Forest and Bird (S560.374) seeking a new policy requiring the maintenance and protection of natural values in these zones, as these matters are addressed in the district-wide Natural Environment Values chapters.

209. In response to a submission from Federated Farmers (S524.112) seeking a new policy for rural industry, Ms Easton considered that rural industry is adequately provided for in RURZ-P6.

210. Ms Easton supported, in part, a submission from the Ministry of Education (S456.048) seeking a new policy that provides for education facilities in rural zones. She recommended an amendment to Policy RURZ-P6 to include 'educational facilities' to address this matter.

211. Ms Easton supported in part a submission from WMS Group (S599.107) seeking a new policy to support the operation, use and development of Jackson Bay Port. Ms Easton recommended an amendment to policy SETZ-PREC3-P3 to address this matter, as follows:

> ***SETZ - PREC3- P3***
> *Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should:*
>
> a. *Take into account the coastal natural character and scenic landscape values of the area;*
> b. *Have appropriate controls on design and height to protect the landscape and coastal natural character values and be undertaken in accordance with the coastal development guidelines;*
> c. *Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; and*
> d. ***Allow for the further development of the port area at Jackson Bay where this is of a scale and extent that is appropriate to the location;*** *and*
> e. *Be located to avoid the significant risks of natural hazards.*

212. In relation to a submission, from GDC (S608.108) seeking two additional policies to support the rural zone rules and specifically primary production, Ms Easton recommended a single additional policy that amalgamates elements of both proposed policies, as follows:

RURZ-PXXX Within the General Rural Zone enable primary production activities as the predominant land use, alongside activities that support primary production.

RURZ - Policy 1

213. Ms Easton acknowledged submission points in support of policies RURZ-P1-P4 as a whole, and those in support of RURZ-P1 specifically.

214. In relation to a submission point from Te Tumu Paeroa (S440.045) seeking the wording of RURZ-P1 to be changed to refer to profile and location rather than bulk and location, Ms Easton noted that 'bulk' is a well-understood planning term and is appropriate in this policy and throughout the Plan. Ms Easton did not support this submission point.

215. Ms Easton supported submission points from Federated Farmers (S524.109) and HortNZ (S486.066), seeking that RURZ-P1 be significantly redrafted to focus explicitly on the General Rural and Rural Lifestyle zones.

216. Ms Easton did not support a submission point from NZAAA (S166.030) seeking an additional clause g. 'be consistent with the level of noise and odour from rural production activities' to be added, noting that the HortNZ and Federated Farmers amendments that she supported sufficiently address this issue.

217. In response to submission points from Frida Inta (S553.174) and from the BCG (S552.174) seeking an additional clause to protect biodiversity, natural character, and waterbodies, Ms Easton did not support these changes, noting that these matters are addressed in the District Wide chapters.

218. Ms Easton did not support a submission point from Frank and Jo Dooley (478.020) seeking an amendment to state that appropriate levels of rural amenity can be achieved on allotments of 4,000m². Allotment sizes are discussed in section 4.2 of this report.

RURZ - Policy 2

219. Ms Easton acknowledged the support from submitters who sought to retain the policy as notified.

220. Ms Easton supported in part a Federated Farmers submission point (S524.110) seeking that RURZ-P2 be moved to SETZ-P1. Ms Easton did not support renaming/renumbering the policy, but recommended it be amended to make explicit that this policy applies to the Settlement zone and not the General Rural or Rural Lifestyle zones.

221. Ms Easton supported a submission point from the Director General (S602.229) seeking to delete the words 'dominance of the' from clause f, noting that the wording was cumbersome.

RURZ- Policy 3

222. Ms Easton acknowledged the support from submitters who sought to retain the policy as notified.

223. Ms Easton did not support a submission point from Federated Farmers (S524.125) seeking to renumber the policy SETZ-P2

224. Ms Easton supported several submission points form WMS Group (HQ) Ltd and WMS Land Co Ltd (S599.109), Birchfield Coal Mines Ltd (S601.087), Tiga Minerals and Metals Ltd (S493.093), Birchfield Ross Mining Ltd (S604.077), Phoenix Minerals Ltd (S606.062) and Whyte Gold Ltd (S607.062) seeking that the words '*significant agricultural values*' be replaced by '*primary production values*.' Ms Easton noted that this is important to ensure reverse sensitivity effects do not arise.

RURZ - Policy 4

225. Ms Easton acknowledged the submission points in support of this policy as a whole, as well as those in support of specific clauses.

226. Ms Easton supported, in part, a submission point from Cashmere Bay Dairy Ltd (S461.012), seeking an amendment that identified large lots may not be the most appropriate development in settlement outskirts and could result in the fragmentation of the rural land resource. Ms Easton recommended that, for clarity, this policy should specifically reference the rural lifestyle zone, to clarify that this is the policy direction for that zone.

227. Ms Easton supported in part a submission point from HortNZ (S486.067) seeking 'rural production values' to be replaced with 'rural production activities.' Ms Easton recommended that this be addressed by using the term 'primary production activities.'

228. Ms Easton did not support a submission point from Frank and Jo Dooley (S486.067) seeking an amendment to allow for a minimum allotment size of 4000m^2. Allotment sizes are discussed in sections 4.2 (General Rural Zone) and 4.5 (Rural Lifestyle Zone) of this recommendation report.

RURZ-P5

229. Ms Easton acknowledged the submission points in support of this policy.

230. Ms Easton did not support a submission point from HortNZ (S486.068) seeking to delete the words 'and soils' and amend the policy to refer to prioritising primary production. She noted that primary production includes mineral extraction and considered that the reference to soils is important, as there are few areas on the West Coast with high-quality soils suitable for horticultural uses.

231. Ms Easton did not support a submission point from Federated Farmers (S524.111) seeking to move this policy to GRUZ-P1, noting that this would be inconsistent with the plan's structure.

RURZ-P6

232. Ms Easton acknowledged the submission points in support of RURZ-P6.

233. Manawa Energy (S438.137) sought that this policy be amended to include a reference to regionally significant infrastructure and to amend the '*functional relationship*' to '*functional and operational need*'. Ms Easton supported the addition of regionally significant infrastructure but considered that '*functional and operational need*' would significantly change the intent of the policy.

234. In relation to a submission point from RNZ (S476.037), Ms Easton supported the addition of the wording 'In particular, critical infrastructure may have a functional need to be located in rural areas in order to operate effectively'.

235. In response to a submission point from HortNZ (S486.069) seeking to streamline and refocus the policy on providing for non-rural activities with a functional need to locate in the rural zone, Ms Easton considered the policy, as drafted, to be better aligned with the plan provisions it supports.

RURZ-P7

236. Ms Easton acknowledged the submission points in support of policy P7.

237. In response to a submission point from Cashmere Bay Dairy (S461.014) seeking an amendment to recognise that most settlements have limited servicing and allow for on-site servicing, Ms Easton noted this policy supports the rules managing commercial and industrial activities within the rural zones. On this basis, she did not support this submission.

RURZ-P8

238. Ms Easton acknowledged the submission points in support of policy P8. As all submissions supported this policy, she did not recommend any amendments.

RURZ-P9 and RURZ-P10

239. Ms Easton acknowledged the submission points in support of policies P9 and P10.

240. In response to a Federated Farmers submission (S524.124) seeking an amendment to these policies so that the activities do not adversely affect rural production activities, Ms Easton recommended an amendment to Policy P10. She considered the amendment to Policy P9 unnecessary and did not align with the policy's intent.

RURZ-P11

241. Ms Easton acknowledged the submission points in support of Policy P11.

242. In response to several submission points from Te Mana Ora Community and Public Health (S190.944), Fire and Emergency NZ (S573.039) and David Ellerm (S581.053, S581.054) seeking amendment to this policy, Ms Easton noted that the policy sets in place expectations and understanding for infrastructure development, reflecting the Council's insufficient capacity to provide and service such infrastructure, and that such infrastructure changes the character of an area from rural to urban. In particular, she noted that the second submission point of David Ellern sought an outcome opposite to that which the policy aims to achieve. Ms Easton did not support these submission points and did not recommend any changes to the policy wording.

RURZ-P12

243. Ms Easton acknowledged the submissions in support of Policy P12.

244. Ms Easton did not support a submission point from Cashmere Bay Dairy (S461.016) seeking that the policy be amended to provide for on-site servicing where settlements are not already fully serviced, noting that the general expectation in the zone is that on-site servicing is expected.

RURZ-P13

245. Ms Easton acknowledged the submissions in support of Policy P13.

246. In relation to several submission points from Chris + Jan Coll (S558.481), Chris J Coll Surveying Ltd (S566.481), William McLaughlin (S567.528) and Laura Coll McLaughlin (S574.481), requesting that the policy be deleted, Ms Easton noted that the policy has arisen due to past issues where private developers retained ownership of water supply and wastewater infrastructure and failed to maintain it, requiring the Council to take over and fund maintenance and repairs. Ms Easton notes that from the Council's perspective, this is a failed model, and this policy signals that community-scale infrastructure will be vested to prevent similar failures in the future.

RURZ-P14

247. Ms Easton acknowledged the submissions in support of Policy P14.

248. Ms Easton did not support a submission point from Cashmere Bay Dairy (S461.018) seeking that the policy be amended to recognise that some rural lifestyle/settlement development is more appropriately serviced using on-site infrastructure, noting that this policy is about who pays for the infrastructure.

RURZ-P15

249. Ms Easton acknowledged the submissions in support of Policies P15 and P16.

250. Ms Easton did not support a submission point from Suzanne Hills (S443.042) requesting an amendment to the policy wording to specify that reverse sensitivity of new development encompasses all new development, including mineral extraction. Ms Easton noted that the submission seeks to address adverse effects, not reverse sensitivity.

251. Ms Easton supported submission points from Waka Kotahi (S450.269), HortNZ (S486.070) and Federated Farmers (S524.115) seeking that the policy be amended to refer to lawfully established activities rather than consented activities.

252. Cashmere Bay Dairy (S461.019) sought an amendment to enable the testing and addressing of reverse sensitivity effects at the resource consent stage. Ms Easton did not support this submission point, noting that the policies will be assessed as part of any assessment of Discretionary or Non-complying activities; otherwise, this is a matter for assessment criteria or matters of control.

RURZ-P16

253. Ms Easton supported a submission point from Manawa (S438.139), seeking the addition of a reference to renewable electricity generation, but did not support including a reference to other regionally significant infrastructure, noting that not all regionally significant infrastructure is affected by reverse sensitivity.

254. Ms Easton supported a submission point from RNZ (S476.038) seeking that the policy includes telecommunication/radio communication equipment.

255. Ms Easton did not support a submission point from SFF (S441.069) seeking an amendment to include '*industry*,' noting that only rural industry is provided for in the rural zones, so reference to industrial activities is unnecessary.

256. Ms Easton supported a submission point from HortNZ (S486.071) seeking that the policy be reworded to state: '*to ensure that reverse sensitivity effects do not compromise infrastructure*.'

RURZ-P17

257. Ms Easton acknowledged the submissions in support of Policy P17.

258. Ms Easton supported a submission point from Te Tumu Paeroa (S440.046) seeking that the policy be amended to refer to Māori landowners, noting that it is consistent with the agreed definition of papakāinga.

RURZ-P26

259. Ms Easton acknowledged the submissions in support of Policy 26.

260. Ms Easton supported a submission point from NZAAA (S166.032) seeking several amendments to the wording of the policy, noting that the proposed changes better capture the aspects the policy is intended to support, but proposed minor amendments for clarity.

261. Ms Easton supported a submission point from HortNZ (S486.072) seeking similar relief, noting that the NZAAA changes address this submission.

RURZ-P27

262. Ms Easton acknowledged the submissions in support of Policy 27.

263. NZAAA (S166.033), Federated Farmers (S524.116), and HortNZ (S486.073) sought similar amendments to this policy to specify that it relates to activities other than primary production and conservation. Ms Easton supported this part of these submission points. HortNZ and Federated Farmers also sought to delete Settlements from the policy. Ms Easton did not support this change, noting that managing the adverse effects of airfields and helicopter landing areas on settlements' amenity is a significant issue.

264. Balance Agri-nutrients (S345.011) sought that the policies be amended to refer to practicable alternative locations for air strips and landing areas. Ms Easton did not support this submission point, noting that the activities the submission concerns are permitted activities supported by policy, and the amendment is unnecessary.

RURZ-P28

265. Ms Easton acknowledged the submissions in support of Policy 28.

266. NZAAA (S166.034) sought that the policy be amended to refer to agricultural aviation activities. Ms Eston supported this change, which uses a defined term.

GRUZ-PREC1-P1

267. Ms Easton acknowledged the submission points in support of policy GRUZ-PREC1-P1.

268. Ms Easton did not support a submission point from BCG (S552.177) seeking that reference to the GDC be amended to '*relevant*' District Council, as the precinct only occurs in Grey District.

Hearing and Submitter Evidence

269. The joint statement presented by Frida Inta and the BCG sought several amendments to the policies including:

(a) Reword RURZ-P1 clause e. to state 'and avoid activities being sited on ridge lines and *ancestral mountains'*. The submitters considered that the s42A Report proposed amendments to clause e and the recommended deletion of clauses f and g diluted the original intent of the clauses and conflicted with Policy 2.f, which seeks to avoid development on the ridgelines and peaks of ancestral mountains.

(b) Add reference to '*primary production'* to RURZ-P3 and delete '*primary production values'.*

(c) Minor rewording of RURZ-P7 to improve syntax.

(d) Addition of the words *'nor create reverse sensitivity effects on residents or residential activities'* to RURZ-P8.

(e) Delete the words '*settlement zone'* from RURZ-P11. The submitters considered this to be confusing and out of step with SETZ-PREC3.

270. HortNZ accepted the s42A Report comments on RURZ-P5 in part but sought recognition of agricultural, pastoral and horticultural activities in the policy wording.

271. RNZ supported the recommended changes to P6 to refer to regionally significant infrastructure and noted that the proposed changes to P16 supported the relief RNZ sought.

272. In further legal submissions, Hadleigh Pedler (on behalf of RNZ), responded to matters raised by the Panel at the hearing and confirmed that RNZ considered the draft provisions provided by the s42A officer to be sensible and within the scope of RNZ's submission. The provisions included a new overlay and associated policy. RNZ sought that an advice note be included, noting that RNZ can provide technical advice and risk management.

273. Scenic Hotel Group sought an amendment to RURZ-P10 to reference workers accommodation.

274. Steve Tuck presented evidence on behalf of SFF. He sought a new reverse sensitivity policy (P17) to be added, protecting SFF's Hokitika site from reverse sensitivity effects, and the subsequent policies were renumbered. The requested policy is worded as follows:

RURZ-P17 Lawfully established industrial activities located at 140 Kumara Junction Highway, Hokitika must not be constrained or curtailed by reverse sensitivity effects associated with land in the Rural Lifestyle Zone identified below:

- *124 Kumara Junction Highway (Lot 1 DP 2378 BLK XIII Waimea SD);*
- *128B Kumara Junction Highway (Lots 1 2 DP 1603 BLK XIII Waimea SD);*
- *128C Kumara Junction Highway (Lot 2 DP 1818 BLK XIII Waimea SD,*
- *Lot 3 DP 1818 BLK XIII Waimea SD and Lot 4 DP 1818 BLK XIII Waimea SD)*

275. Mr Tuck noted that two other sites were not recommended to be rezoned to Rural Lifestyle Zone in the Residential s42A Report but should be included in the above policy if they are rezoned. These properties are identified in his evidence as:

- *120 Kumara Junction Highway (PT Lot 1 DP 1365 BLK XIII Waimea SD); and*
- *128A Kumara Junction Highway (Lot 2 DP 2378 BLK XIII Waimea SD)*

276. Mr Tuck notes that this policy change is only sought if the properties listed above are not zoned General Rural Zone and acknowledges that this change sought is a less efficient and effective solution. However, he considered the benefits of protecting the SFF Hokitika site from reverse sensitivity outweigh the costs of the 'inelegant' site-specific provisions.

277. Mr Tuck supported the amendments to RURZ-P6 recommended in the s42A Report.

278. Mr Tuck supported the recommended amendment to RURZ-P15 and noted that this change, if accepted, would provide the relief that SFF sought through the requested amendment to RURZ-P16, which was not supported in the s42A Report.

279. The statement of Evidence[34] on behalf of Federated Farmers supported the s42A Report recommended amendments to RURZ-P1, RURZ-P2, RURZ-P10, RURZ-P15, RURZ-P27 and the recommended new policy. Federated Farmers continued to seek further amendments to RURZ-P27 concerning settlement areas, suggesting that a distinction could be made between aircraft activity supporting primary production and other activity, including tourist flights, and that flight numbers for primary production are likely to be substantially less overall and less constant than tourist flights.

280. Ms Styles for Manawa supported the recommended amendment to RURZ-P6. Concerning the second amendment sought to this policy, Ms Styles acknowledged that 'functional and operational need' could be interpreted to apply to other activities within the rural zone. Ms Styles noted that the s42A Report nevertheless included an additional sentence at the end of the policy "In particular, regionally significant infrastructure may have a functional need to be located in rural areas in order to operate effectively." She noted that the Panel can clarify this matter, within the scope of the Manawa submission, and that this could be achieved either by adopting the change in the s42A appendix or through rewording the policy as follows:

> *Recognise that the rural areas may be the most appropriate location for some utility, regionally significant infrastructure, educational facilities, industrial or commercial uses to establish, where these have a functional relationship with rural areas,* ***or where regionally significant infrastructure has a functional or operational need to locate in that area****, provided the character and amenity of the rural areas is maintained and adverse effects are managed.*

281. Ms Styles for Manawa supported the s42A officer's recommended changes to RURZ-P15 and RURZ-P16.

282. Mr Alec Duncan, by way of a letter dated 19 July 2024 for FENZ, continued to seek an amendment to RURZ-P11 to provide the policy framework to support the relief sought to the zone rules.

283. Te Tumu Paeroa and Poutini Ngāi Tahu provided an agreed statement of their position in relation to policy 17 as follows:

> *Enable ~~the housing needs of~~* ***Māori land and*** *Poutini Ngāi Tahu* ***housing*** *~~to be met~~ in rural areas and locations safe from significant natural hazards.*

Reporting Officer Reply Evidence

284. In response to a question from the Panel about whether reference to prominent ridgelines or skylines was necessary in Policies 1 and 2, Ms Easton noted that this matter was raised in the verbal evidence of Frida Inta but was not included in her original submission. Ms Easton, therefore, considered that there was no scope to consider this matter.

285. Ms Easton recommended that an additional policy and advice note be introduced to address the issues raised by RNZ concerning electromagnetic radiation, noting that the legal

[34] Lionel Hume and Simon Cameron

submission of Mr Pedlar considers that there is scope within the original submission to pursue alternative relief. The recommended policy is worded as follows:

> *RURZ – PXXX Ensure that buildings of 18m or more in height within the Westport Radio Mast EM Overlay are designed and constructed to prevent significant safety risks from electromagnetic radiation.*
>
> *Advice note: The primary electromagnetic risk in the Westport Radio Mast EM Overlay arises from the potential for tall structures to absorb radio-wave energy from Radio New Zealand's AM transmission station at Cape Foulwind. Radio New Zealand can provide technical advice on the risk to specific proposed structures as well as advice on steps to minimise and reduce risks.*

286. Upon reviewing the HortNZ evidence, Ms Easton confirmed that she supported an amendment to Policy 5 to refer to both agricultural and horticultural production.

287. Ms Easton considered that a consequential amendment should be made to Policy RURZ-P27 to refer to 'rural airstrip' rather than '*airfield*' as follows:

> *RURZ - P27*
>
> *Manage the location and operation of* ***rural airstrip*** ~~*airfield*~~ *and helicopter landing areas within the rural area* ***for activities other than rural production and conservation*** *to provide for the amenity values of the surrounding rural and settlement areas.*

288. A joint right of reply responding to the SFF submission did not support a 'carve out approach' for the Hokitika site, and Ms Easton considered there was insufficient information to support the amendments Mr Tuck sought to the rural policies.

Hearing Panel's Evaluation

289. In relation to a submission from GDC seeking two additional policies to support the rural zone rules and specifically primary production, Ms Easton recommended a single additional policy that amalgamates elements of both proposed policies, as follows:

> *RURZ-PXXX Within the General Rural Zone, enable primary production activities as the predominant land use, alongside activities that support primary production.*

290. The Panel agrees with Ms Easton's recommendation to include a new policy crafted from the words used within the GDC submission, making clear that the predominant uses within the General Rural zone are primary production and those activities that support it.

291. Ms Easton recommended a new policy relating to the Westport Radio Mast in her reply. She had considered the evidence and legal submissions from RNZ. She supported the inclusion of a new policy to ensure that buildings located within the Masts overlay are designed and constructed to prevent safety risks from electromagnetic radiation. Because this is a highly specialised area, she also supported, including an advice note to the policy that further detailed the nature of the risk and directed the reader to which party could provide advice on those risks. That party is RNZ, who operate the mast. We agree with her reasons to include the new policy and advice note.

292. Regarding other new policies, the Panel notes that Mr Tuck for SFF sought to include in the Plan a new policy directed at protecting SFF Hokitika from reverse sensitivity effects. He was supportive of other changes made to other rural policies that also addressed reverse sensitivity effects.

293. We further note that a joint right of reply, from Ms Easton, Briar Belgrave, and Ruth Evans, all of whom are Reporting Officers responding to the SFF submissions on the Plan, was provided to us. The joint officer's reply was needed because SFF submissions were on the Noise, Industrial and Commercial, as well as Rural chapters. Different Reporting Officers reported on other chapters, hence the need for a joint reply. We do discuss the SFF submissions in our other recommendation reports.

294. In respect of the Rural chapter, Ms Easton considered that there was insufficient information to support the amendments Mr Tuck sought to the rural policies. We agree with her for the reasons she provided and do not support the inclusion of Mr Tuck's new rural policy within the Plan.

295. In relation to RURZ-P1, the Panel agrees with Ms Easton's analysis of the submissions that sought changes to this policy. We agree with her reasons for rejecting some of the submissions and accepting others.

296. We agree with her recommendations to amend the beginning of this policy because those amendments focus on the policy's purpose compared to the notified version. We agree with her recommended amendments to clause a. The word '*bulk*' that appears in clause a. has a well-understood meaning in the planning context. We agree that, for this reason, it needs to be retained and not replaced with the word '*profile*'. We agree with adding the phrase '*and primary production activities*' as she recommends, because primary production activities are pivotal activities undertaken within the zone. We agree with her recommended minor wording changes to clauses b. and c. as they assist with clarity. We agree with her recommended amendments to clause d. noting this clause will help in achieving good amenity outcomes as well as providing for reverse sensitivity effects on primary production activities. We generally agree with her recommendation to amalgamate clauses f. and g. into new clause e and her recommended wording for new clause e., particularly the threshold for effects being to minimise adverse visual and cultural effects. However, we have recommended an amendment to the clause to be consistent with SASM-P10. We do not consider that further changes to this policy beyond those detailed are required.

297. In relation to RURZ-P2, the Panel agrees with Ms Easton's recommendation to amend, but not renumber, the policy. The amendment is necessary to clarify that this policy applies specifically to the Settlement zone, rather than the General Rural or Rural Lifestyle zones. We also agree with her support of the submission point from the Director General, seeking to delete the words 'dominance of the' from clause f, because the notified wording was cumbersome. Other than these amendments, we do not recommend further change.

298. In relation to RURZ-P3, the Panel agrees with Ms Easton's analysis of the submissions on this policy and agrees with her recommendation that the words 'significant agricultural values' be replaced by 'primary production values.' Ms Easton noted that this is important to ensure reverse sensitivity effects do not arise. We agree. We also agree with her recommendation that no further changes to this policy are required.

299. In relation to RURZ-P4, the Panel agrees with Ms Easton's recommendations to support, in part, a submission point from Cashmere Bay Dairy Ltd, seeking an amendment that identifies large lots may not be the most appropriate development in settlement outskirts and could result in the fragmentation of the rural land resource. Ms Easton recommended that, for clarity, this policy should specifically reference the rural lifestyle zone, to ensure that this is the policy direction for that zone. We agree.

300. Ms Easton also supported, in part, a submission point from HortNZ seeking 'rural production values' to be replaced with 'rural production activities.' Ms Easton recommended that this be addressed by using the term 'primary production activities. We agree that these amendments ensure the policy is appropriately focused.

301. In relation to RURZ-P5, the Panel agrees with the HortNZ that the policy requires amendment to give effect to the NPS-HPL. We also note that the West Coast has a very limited amount of high productive land and as such protection of that land should be a priority. We have therefore recommended a substantial amendment to the policy to reflect this situation. Additionally, we agree with Ms Easton's recommendation not to renumber this policy to GRUZ-P1, as that would be inconsistent with the plan's structure.

302. As a consequence of giving effect to the NPS-HPL a definition of Specified Māori Land is required. We recommend that a definition is included in the interpretation section of the Plan as shown in the definition section of this Recommendation Report.

303. In relation to RURZ-P6, the Panel agrees with Ms Easton's recommendation that this policy be amended to include a reference to '*regionally significant infrastructure*'. We agree with Manawa and RNZ that including '*functional and operational need*' is appropriate and we do not consider it would significantly change the intent of the policy. We consider as radio communication has been included in the definition of regionally significant infrastructure no further amendment to Policy 6 is required as this addressed RNZ's concerns.

304. The Panel notes Ms Easton supported, in part, a submission from the Ministry of Education seeking a new policy that provides for education facilities in rural zones. She recommended an amendment to Policy RURZ-P6 to include '*educational facilities*' to address this matter. We agree that it is appropriate to provide for education facilities in rural zones and further agree that this policy is the proper place to give that reference.

305. In relation to RURZ-P7 and RURZ-P8 the Panel agrees with Ms Easton's analysis of submissions on this policy and further agrees that this policy remains as notified. We note in response to Ms Inta that reserve sensitivity is addressed in RURZ-P15.

306. In relation to RURZ-P9 and RURZ-P10, the Panel agrees with Ms Easton's consideration of the Federated Farmers submission, which sought an amendment to these policies to ensure that tourism and visitor activities do not adversely affect rural production activities. Ms Easton recommended an amendment to Policy 10. She considered the amendment to Policy 9 unnecessary and did not align with the policy's intent. We agree. Ms Easton did not support the Scenic Hotel Group position on workers accommodation due to their submission being out of scope. We agree with Ms Easton's position, but we acknowledge the issue raised by Scenic Hotel Group.

307. In relation to RURZ-P11, the Panel agrees in part with Ms Easton's analysis of submissions seeking amendments to this policy. We agree with Ms Easton that this policy establishes clear expectations and understanding for character and form of rural-based infrastructure development. That character and form, for example, roads with roadside ditches rather than kerb and channel, also reflect the Council's limited capacity to provide and maintain such infrastructure, and that such infrastructure changes the character of an area from rural to urban. However, we consider it would be appropriate to include reference to fire-fighting capacity within the policy as sought by FENZ and have recommended such an amendment.

308. In relation to RURZ-P12, the Panel agrees with Ms Easton's analysis of submissions seeking amendment to this policy. We agree that this policy supports the general expectation in the zone that on-site servicing is expected. So, we do not see any need to amend the policy. We agree with Ms Easton for the reasons she provides that this policy be retained as notified.

309. In relation to RURZ-P13, the Panel accepts Ms Easton's advice that this policy has arisen due to past issues where private developers retained ownership of water supply and wastewater infrastructure and failed to maintain it, requiring the Council to take over and fund maintenance and repairs. Ms Easton noted that from the Council's perspective, this is a failed model, and this policy signals that community-scale infrastructure will be vested to prevent similar failures in the future. So, for these reasons, we agree with Ms Easton's recommendation to reject those submissions seeking that the policy be deleted. We agree with her that the policy should be retained as notified.

310. In relation to RURZ-P14, the Panel agrees with Ms Easton that this policy is about timing of infrastructure provision and who pays for the infrastructure, rather than recognising that some rural lifestyle/settlement development is more appropriately serviced using on-site infrastructure, as referenced in the Cashmere Bay Dairy submission. We agree with Ms Easton's assessment of that submission and agree that this policy be retained as notified.

311. In relation to RURZ-P15, the Panel agrees with the amendment proposed by Ms Easton to delete the word '*consented*' and include the words '*lawfully established*' because inclusion of those words captures not only consented activities but those that have valid existing use rights. We also agree with Ms Easton's analysis of those submissions seeking other amendments to this policy and her reasons for rejecting those submissions. She noted that the policies, that is RURZ-P15 and RURZ-P16, will be assessed as part of any assessment of Discretionary or Non-complying activities, enabling sufficiency of design and buffer distances to be tested. Otherwise, reverse sensitivity is a matter for assessment criteria or matters of control. So, no further amendments were required. We agree.

312. In relation to RURZ-P16, also deals with reverse sensitivity, but is focused on infrastructure located in the rural zone. The Panel agrees with Ms Easton's recommendation to include a specific reference to both renewable electricity generation and telecommunication/radio communication equipment within the policy, as both are located in rural zones and the Plan should provide for consideration of reverse sensitivity effects on them. We do not agree with Ms Easton regarding the non-inclusion of '*regionally significant infrastructure'*, as we consider it is important to address reverse sensitivity in relation RSI.

313. We also agree with her additional amendment, accepting the submission from HortNZ, that the policy be reworded to state: '*to ensure that reverse sensitivity effects do not compromise infrastructure*.' Ms Easton's recommended wording is slightly different but conveys the same meaning. Linked with this amendment is the deletion of the notified words, 'to avoid reverse sensitivity effects on the infrastructure'. Ms Easton supports that deletion as we do. The notified words, particularly the word 'avoid', effectively mean do not allow. So, as notified, no reverse sensitivity effects would be permissible. The amended wording allows for a different threshold that is to 'ensure no compromise'. While still a suitably high threshold, which is justifiable given that infrastructure is the subject matter, the amended wording provides greater flexibility in that assessment, which we consider preferable to the blanket approach notified. We agree with her analysis of the other submissions on this policy and agree with her recommendations relevant to them.

314. In relation to RURZ-P17, the Panel do not agree with Ms Easton that the policy should be amended to also refer to Māori landowners. Te Tumu Paeroa and Poutini Ngāi Tahu provided a joint statement of position to the Panel dated 10 November 2023 that confirmed the term *Papakainga* was specific to Poutini Ngāi Tahu on Māori land, as opposed to Māori land owners with whakapapa other than to Poutini Ngāi Tahu. The Panel received evidence that owners of Māori land in the region may not be Poutini Ngāi Tahu, and in that case development of their land is provided for in the Māori Purpose Zone.

315. In relation to RURZ-P26, the Panel agrees with Ms Easton, support for submission points from NZAAA and HortNZ seeking several amendments to the wording of the policy, noting that the proposed changes better capture the aspects that the policy is intended to support, namely rural airstrips and helicopter landing areas which support rural production, conservation and recreation. We agree with Ms Easton's recommended wording amendments.

316. In relation to RURZ-P27, the Panel agrees with Ms Easton's analysis of submissions on this policy and her recommendations for amendments. The amendments broaden the policy to encompass aviation activities beyond those for rural production and conservation, while managing these activities and preserving the amenity values of rural and settlement areas surrounding the airstrips and helicopter landing areas. The subject matter of RURZ-P26 and Policy 27 is similar, so there are consequential amendments to Policy 27 arising from the Policy 26 amendment, such as ensuring that both policies use the term *'rural airstrips'*.

317. In relation to RURZ-P28, the Panel agrees with Ms Easton that this policy should be amended to use a defined term that NZAAA sought, namely, to use agricultural aviation activities.

318. In relation to GRUZ-PREC1-P1 (Community Living Precinct), which covers both Gloriavale sites, the majority of the Panel agrees with Ms Easton that this policy can be retained as notified. In the majorities view the developed Gloriavale site represents a significant physical resource and is home to some 600 people. In such situations it is accepted practise at Plan review to use a zone or precinct approach where sites of significant scale have initially established via resource consent (often a Special Purpose Zone) e.g. the Dairy Processing Zone in Selwyn for Synlait and Fonterra or the Flock Hill Station Visitors Zone in Selwyn. Doing so is effective and efficient in reducing further consenting and Council administrative costs.

319. Without the Precinct any activity on the sites would be a fully discretionary activity under the revised provisions because the activity(ies) do not appear to fit into any other category. This leads to inefficiencies.

320. Accepting the s32 did not provide significant detail on these sites and that could apply to a number of other matters included the TTPP. A report to the Committee by Lois Easton in October 2021 which forms part of the s32 noted:

- Feedback from the Grey District Council staff is that they support a precinct, to cover the new site as well as the existing location. The main point of a precinct would be to reduce the complexity of consenting requirements – so more like the approach of a special purpose zone.
- A mechanism to give some certainty on environmental effects, while recognising that the development should be allowed to proceed without unnecessary consenting requirements would be ideal. A Concept Plan developed by the Gloriavale community – which identified specific locations for different facilities would seem to be the best approach. This could be included in the relevant appendices of TTPP.

- Without such a concept plan, staff consider that more oversight and resource consents for many activities would be necessary, though for "expected and appropriate" activities, a less restrictive approach than the General Rural Zone provisions could be provided for

321. The Panel majority note that we did not receive any equivocal evidence at the hearing regarding the removal of the Community Living Precinct. We note submissions from Ngāi Tahu (S620.243), Te Mana Ora (S190.962), Chris & Jan Coll (S558.488), Chris J Coll Surveying Limited (S566.488), William McLaughlin (S567.534), Laura Coll McLaughlin (S574.488) all support retention of the Policy.

322. The Panel majority have only identified one submission that possibly could be relied upon to delete the precinct (Misato Nomura (S151.008)) who said "*There are currently too many precinct and overlay layers that makes the plan harder to read. Some of the overlays and precincts are similar and it is not clear if it is necessary to have them separated*." The decision sought was "*To combine or delete some of the overlays present*". There is no specific mention of the Community Living Precinct. The submitter did not appear at the hearing to explain what was meant by the submission. As we read the submission, we see it opposing all precincts because their inclusion in the Plan makes the Plan complex. We do not consider this a sufficient reason when balanced against what we have written above to support deletion of Precinct 1.

323. The Panel majority in the absence a compelling to delete Precinct 1 we consider retention and not deletion as supported by the submitters and the s42A reporting officer best meets the purpose of the Act.

324. The Panel minority position is contained in Appendix 2.

Hearing Panel's Recommendation

325. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends that the following amendments be made to the **Rural Zone Policies**:

Rural Amenity and Character	
RURZ-P1	**Within the General Rural Zone enable primary production activities as the predominant land use, alongside activities that support primary production**.[35]
RURZ-P~~1~~**2**	~~Enable a variety of activities to occur within RURZ - Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should:~~ **Rural character and amenity within the GRUZ - General Rural Zone and RLZ - Rural Lifestyle Zone is maintained by:** a. ~~For b~~**B**uildings and structures hav~~e~~**ing** a bulk and location that is characteristic of rural environments **and primary production activities**; b. Maintain**ing** privacy and rural outlook for residential buildings;

[35] GDC (S608.108)

	c. **Ensuring activities are** ~~Be~~ compatible with existing development and the surrounding area **while recognising that primary production activities can generate noise, odour and dust;** d. Have**ing** appropriate setbacks from the road **and adjacent primary production activities** ~~significant natural and cultural features~~; **and** e. **Locating activities sensitively in the environment to minimise adverse visual and cultural effects including restricting activities on ridge lines or ancestral mountains.** ~~f. Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and~~ ~~g. Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains~~[36]
RURZ-P~~2~~**3**	Provide for growth and change to settlements **within the SETZ – Settlement Zone**[37] that: a. Improves the long-term viability of the settlements and their communities; b. Fits with the historic, cultural and environmental character of the existing settlement; c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards; d. Integrates with the existing residential settlement and maintains a consolidated settlement form; e. Supports rural community needs by providing for community facilities and educational facilities; and f. Does not compromise the ~~dominance of the~~[38]natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.
RURZ-P~~3~~**4**	Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or ~~significant agricultural~~ **primary**[39] production values.
RURZ-P~~4~~**5**	Provide for rural lifestyle development **within the RLZ – Rural Lifestyle Zone**[40] on the outskirts of towns and settlements where this will not conflict with ~~rural production values~~ **primary production activities**, [41] and recognising that these have the following characteristics: a. Large lots with onsite infrastructure servicing;

[36] Federated Farmers (S524.109) and Horticulture New Zealand (S486.066)
[37] Federated Farmers of New Zealand (524.110)
[38] Director General (602.229)
[39] Tiga Minerals and Metals Limited (S493.0930, WMS Group (S599.109), Birchfield Coal Mines Ltd (S601.087), Birchfield Ross Mining Limited (S604.077), Phoenix Minerals Limited (S606.062), Whyte Gold Limited (S607.062)
[40] Cashmere Bay Dairy Ltd (S461.012)
[41] HortNZ (S486.067)

	b. A mix of activities; c. Low traffic and moderate noise levels; d. Dominance of open space and plantings over buildings; and e. Setbacks from property boundaries.
Production Values	
RURZ-P~~5~~**6**	~~Recognise that there are only~~ **Protect the remaining** small areas of highly productive land for **land based primary** ~~and soils for agricultural~~ production ~~on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations~~ **including by**: **a. avoiding subdivision, unless:** **i. the proposed lots will maintain the overall productive capacity of the land over the long-term;** **ii. on specified Māori land; or** **iii. for regionally significant infrastructure;** **b. avoiding inappropriate use or development that is not land based primary production; and** **c. any subdivision, use or development:** **i. minimises or mitigates loss of the availability or capacity of high productive land; and** ii. **avoids or otherwise mitigates any reserve sensitivity effects on land based primary production**. **Advice Note: For the purposes of determining what is inappropriate use or development for the purposes of clause b. reference is to be made to the NPS-HPL.** [42]
Non-rural activities	
RURZ-P~~6~~**7**	Recognise that the rural areas may be the most appropriate location for some utilit~~y~~**ies**,[43] **regionally significant infrastructure,**[44] **educational facilities,**[45] industrial or commercial uses to establish, where these have a functional relationship with rural areas, **or where regionally significant infrastructure has a functional need or operational need to locate in that area**[46] provided the character and amenity of the rural areas is maintained and adverse effects are managed.
RURZ-P~~7~~**8**	Recognise that where non-rural activities are located in rural areas, this should not be to the detriment of the effective function**ing**[47] of towns and settlements, **n**or[48] to avoid the costs of connection to community funded infrastructure.

[42] HortNZ (S486.068)
[43] RMA First Schedule, Clause 16
[44] Manawa Energy (S438.137)
[45], Clause 16(2) of the RMA
[46] Manawa (S438.137), RNZ (S476.037)
[47] Clause 16(2) of the RMA
[48] Clause 16(2) of the RMA

RURZ-P~~8~~**9**	Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.
Visitor Economy	
RURZ-P~~9~~**10**	Recognise that the rural areas form an important part of the visitor economy of the West Coast/Te Tai o Poutini, particularly as a location where tourism and visitor attractions are established.
RURZ-P~~10~~**11**	Support the development of appropriate tourism and visitor businesses such as accommodation, education and other facilities which relate to the rural environments in which they are located~~.~~ **and which do not adversely affect primary production activities**[49]
Infrastructure in Rural Areas	
RURZ-P~~11~~**12**	Subdivision and development in GRUZ – General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 – Coastal Settlement Precinct and the SETZ - PREC4 -Settlement Zone – Rural Residential Precinct should recognise the character and form of rural infrastructure including: a. Roads with roadside ditches rather than kerb and channel; b. An absence of street lights and urban style footpaths; and c. On-site provision of water supply **with sufficient capacity for firefighting purposes**[50] and on-site land treatment and disposal of stormwater and wastewater.
RURZ-P~~12~~**13**	Within the SETZ – Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ-PREC4 – Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.
RURZ-P~~13~~**14**	Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.
RURZ-P~~14~~**15**	Where new infrastructure is required to support rural lifestyle development or settlement expansion this new infrastructure should be put in place at the time of development at the expense of the developer.
RURZ – P16	**Ensure that buildings of 18m or more in height within the Westport Radio Mast EM Overlay are designed and constructed to prevent significant safety risks from electromagnetic radiation.** **Advice note: The primary electromagnetic risk in the Westport Radio Mast EM Overlay arises from the potential for tall structures to absorb radio-wave energy from Radio New Zealand's AM transmission station at Cape Foulwind. Radio New Zealand can provide technical advice on the risk to specific proposed structures as well as advice on steps to minimise and reduce risks**[51]

[49] Federated Farmers (S524.124)
[50] Fire and Emergency New Zealand (S573.039)
[51] RNZ (S489.XXX)

Reverse sensitivity	
RURZ-P1~~5~~**7**	New development should be designed and located with sufficient buffers so that existing rural uses and ~~consented~~ **lawfully established**[52] activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.
RURZ-P1~~6~~**8**	There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, **renewable electricity generation activities,**[53] **electricity**[54] transmission **and other regionally significant**[55] infrastructure and **telecommunication and radiocommunications infrastructure**[56], and water supply catchments ~~to avoid reverse sensitivity effects on the infrastructure~~ **to ensure that infrastructure is not compromised by reverse sensitivity effects.**[57]
Papakainga Housing	
RURZ-P1~~7~~**9**	Enable the housing needs of Poutini Ngāi Tahu whānui to be met in rural areas and locations safe from significant natural hazards.
Mineral Extraction	
RURZ-P1~~8~~**20**	Addressed in the Mineral Extraction Recommendation
RURZ-P1~~9~~**21**	Addressed in the Mineral Extraction Recommendation
RURZ-P20~~22~~	Addressed in the Mineral Extraction Recommendation
Airfields and helipads	
RURZ-P2~~6~~**8**	Provide for development **and use**[58] of ancillary infrastructure such as **rural** airstrips and ~~helipads~~ **helicopter landing areas** which support rural land uses ~~such as farming~~ **including rural production, conservation** and recreation.
RURZ-P2~~7~~**9**	Manage the location and operation of **rural airstrips** ~~airfield~~ and helicopter landing areas within the rural area **for activities other than primary production, and conservation**[59] to provide for the amenity values of the surrounding rural and settlement areas.
RURZ-P2~~8~~**30**	Enable aircraft and helicopter movements within the rural area for ~~purposes~~ **agricultural aviation activities**[60] ancillary to rural production on a seasonal and short-term basis.
GRUZ-PREC1 - Community Living Precinct	
GRUZ-PREC1-P1	Subdivision, use and development within the GRUZ - PREC1 - Community Living Precinct should:

[52] Waka Kotahi (S450.269), Horticulture New Zealand (S486.071), and Federated Farmers (S524.115)
[53] Manawa Energy (S438.139)
[54] RMA First Schedule, Clause 16
[55] Manawa (S438.139)
[56] Radio New Zealand (S476.038)
[57] HortNZ (S486.071)
[58] New Zealand Agricultural Aviation Association (S166.032), HortNZ (S486.072)
[59] New Zealand Agriculture Aviation Association (S166.033), HortNZ (S486.073) and Federated Farmers (S524.116)
[60] New Zealand Agricultural Aviation Association (S166.034)

1. Provide for grouped housing, community infrastructure and other activities with appropriate buffers to avoid impacts on the amenity of surrounding properties and the environment;
2. Minimise any impacts on natural environment values and appropriately locate wastewater treatment infrastructure to avoid adverse effects on water quality;
3. Provide for appropriate expansion and redevelopment of the buildings and activities within the Precinct, allowing for change and growth of the communities within it; and
4. Be undertaken in a planned manner, in accordance with a concept plan agreed with the Grey District Council.

4. GENERAL RURAL ZONE

4.1. General/Whole Chapter

Submissions and Further Submissions

326. Four hundred eighty-eight submission points and thirty-eight further submission points were received for the zone chapter and are summarised in a table on pages 75-113 of the S42A report.

327. Eight submission points were received on the General Rural Zone Chapter and are summarised in a Table on pages 75-76 of the s42A Report. Four were in support of the zone or rules. The remaining five submissions sought amendments.

328. Seven submission points were received on the chapter overview and are summarised in a table on pages 76-77 of the s42A report. All submissions sought amendments.

329. Thirty submission points were received on GRUZ-R1 and are summarised in a table on pages 77-82 of the s42A report. Three were in support of the rule, and the remainder sought amendments.

330. Twenty-two submission points were received on GRUZ-R2 and are summarised in a table on pages 82-84 of the s42A report. Five were in support of the rule, and the remainder sought amendments.

331. Forty-five submission points were received on GRUZ-R3 and are summarised in a table on pages 84-88 of the s42A report. Two were in support of the rule as a whole, six were in support of subclause 2, and two were in support of subclause 3. Thirty-five submissions sought amendments.

332. Eight submission points were received on GRUZ-R4 and are summarised in a table on pages 88-89 of the s42A report. Five were in support of the rule and three sought amendments.

333. Twenty-three submission points were received on GRUZ-R5 and are summarised in a table on pages 89-90 of the s42A report. Two were in support of the rule, and twenty-one sought amendments.

334. Fifteen submission points were received on GRUZ-R6 and are summarised in a table on pages 90-91 of the s42A report. All submission points were in support of the rule, with one conditional on a requested amendment to GRUZ-R1.

335. Nine submission points were received on GRUZ-R7 and are summarised in a table on pages 91-92 of the s42A report. One was in support of the rule, and one was in support conditional on a requested amendment to GRUZ-R1. Five submissions opposed the rule and sought its deletion, and one sought amendment.

336. Twenty-one submission points were received on GRUZ-R8 and are summarised in a table on pages 92-94 of the s42A report. Four were in support of the rule and one was in support, conditional on a requested amendment to GRUZ-R1. One opposed the rule and sought to have it deleted. Sixteen submissions sought amendments.

337. Eleven submission points were received on GRUZ-R9 and are summarised in a table on page 94 of the s42A report. Two were in support of the rule and one was in support, conditional on a requested amendment to GRUZ-R1. Nine sought amendments.

338. Fourteen submission points were received on GRUZ-R10 and are summarised in a table on pages 94-95 of the s42A report. Three were in support of the rule and one was in support, conditional on a requested amendment to GRUZ-R1. Eleven sought amendments.

339. Thirteen submission points were received on GRUZ-R13 and are summarised in a table on pages 95-96 of the s42A report. One was in support of the rule, and one was in support conditional on a requested amendment to GRUZ-R1. Eleven sought amendments.

340. Seven submission points were received on GRUZ-R14 and are summarised in a table on pages 96-97 of the s42A report. All submissions were in support of the rule, with one in support conditional on a requested amendment to GRUZ-R1.

341. Six submission points were received in support of GRUZ-R15 and are summarised in a table on page 97 of the s42A.

342. Thirteen submission points were received on GRUZ-R16 and are summarised in a table on pages 97-98 of the s42A report. Two were in support of the rule, and the remainder sought amendments.

343. Fourteen submission points were received on GRUZ-R17 and are summarised in a table on pages 98-99 of the s42A report. One was in support of the rule, five were opposed and sought its deletion, and eight sought amendments.

344. Six submission points were received on GRUZ-R19 and are summarised in a table on page 99 of the s42A report. One was in support of the rule, and the remainder sought amendments.

345. Eighteen submission points were received on GRUZ-R20 and are summarised in a table on pages 99-101 of the s42A report. Two were in support of the rule and the remainder sought amendments.

346. Eighteen submission points were received on GRUZ-R21 and are summarised in a table on pages 101-102 of the s42A report. Four were in support of the rule and the remainder sought amendments.

347. Fifteen submission points were received on GRUZ-R22 and are summarised in a table on pages 102-103 of the s42A report. Three were in support of the rule and the remainder sought amendments.

348. Four submission points were received on GRUZ-R23 and are summarised in a table on pages 103-104 of the s42A report. Three were in support of the rule and one sought amendment.

349. Twenty-four submission points were received on GRUZ-R24 and are summarised in a table on pages 104-105 of the s42A report. Three were in support of the rule, eight were opposed and sought its deletion, and thirteen sought amendments.

350. Thirteen submission points were received in support of GRUZ-R26 and are summarised in a table on pages 105 -106 of the s42A report.

351. Twelve submission points were received in support of GRUZ-R27 and are summarised in a table on page 106 of the s42A report.

352. Seventeen submission points were received on GRUZ-R28 and are summarised in a table on pages 106-107 of the s42A report. Nine were in support of the rule, and the remainder sought amendments.

353. Fourteen submission points were received on GRUZ-R29 and are summarised in a table on pages 107-108 of the s42A report. Thirteen were in support of the rule and one sought amendment.

354. Twenty-eight submission points were received on GRUZ-R30 and are summarised in a table on pages 108-110 of the s42A report. One was in support of the rule, and the remainder sought amendments.

355. Twenty-three submission points were received on GRUZ-R31 and are summarised in a table on pages 110-111 of the s42A report. One was in support of the rule, and the remainder sought amendments.

356. Thirteen submission points were received on GRUZ-R33 and are summarised in a table on pages 111-112 of the s42A report. Twelve were in support of the rule and one sought amendment.

357. Eleven submission points were received on GRUZ-R34 and are summarised in a table on page 112 of the s42A report. One was in support of the rule, five were opposed and sought its deletion, and five sought amendments.

358. Six submission points were received on GRUZ-R35 and are summarised in a table on pages 112-113 of the s42A report. Two were in support of the rule, and four were opposed and sought that the rule be deleted.

359. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

Chapter as a whole

360. Ms Easton acknowledged submissions in support of the chapter.

361. Ms Easton did not support a submission point from Buller Conservation Group (S552.021) seeking an amendment to the zone description, as the zone description is set out in the National Planning Standards.

362. Ms Easton did not support a submission point from Skyline Enterprises Ltd (S250.001) seeking to have their amenities area identified on the planning maps and zone provisions, noting that she had considered this site in the Special Purpose Zones report. She concluded that the most appropriate zone would be an Open Space zone.

363. Ms Easton supported a submission point (S488.028) from WCRC seeking that biosecurity and biodiversity-associated helicopter operations be provided for as a Permitted Activity, noting that this has already been addressed through recommended amendments to the definition of Conservation Activities.

364. Ms Easton supported, in part, a submission point from the New Zealand Motor Caravan Association (S490.015), seeking to permit camping, noting that recreational activities, including camping, are permitted activities. She also noted that establishing new commercial camping grounds would be a Discretionary activity. She considered this activity status appropriate given that these activities can result in adverse effects, including reverse sensitivity.

365. Ms Easton supported a submission point from Manawa Energy (S438.141) seeking the following sentence be added: The ENG chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly, the rules in this chapter do not apply to these activities. However, she considered that this should be part of a wider statement explaining the relationship with the Energy, Infrastructure, and Transport chapters.

366. Manawa Energy (S438.140) also sought amendments to the General Rural Zones Overview to identify that regionally significant infrastructure and renewable electricity generation is located within the zone. Ms Easton supported this submission and the proposed amendments which she considered reflect the importance of these activities in the General Rural Zone lands.

367. Ms Easton supported a submission point from Forest and Bird (S560.382) seeking that the overview be amended to reference other relevant District Wide chapters, including the ECO chapter, consistent with her recommendations on the other chapters.

368. Ms Easton did not support a submission point from Craig Schwitzer (S96.024) seeking stronger rules controlling intensive farming, noting that the District Plan provisions control indoor intensive farming due to the adverse effects these activities can create, and she considered this level of restriction appropriate. She noted that regional plans regulate other aspects of farming, including discharges to land, air, and water.

369. The s42A report states that Ms Easton did not support a submission point from Riarnne Klempel (S67.005) seeking that intensive farming operations should not be able to locate near cemeteries. This submission does not explicitly seek setbacks from cemeteries but raises more general concerns about the impacts of intensified dairying and large animal herds on Barrytown Township. Ms Easton noted that the issues raised may relate to the broader issue of reverse sensitivity that the Plan is attempting to address.

370. Concerning Ms Klempel's submission point (S296.003) regarding the need for greater regulation of large-scale industry, Ms Easton did not support this submission, as she considered that the Plan provisions provide an appropriate level of regulation for rural industries and direct industrial activities to industrial zones.

371. Ms Easton did not support a submission point from Rural Contractors NZ Incorporated (S489.006), which sought to have rural contract depots permitted as an activity in the zone. She considered this to be a rural industry and that the proposed definition and rule do not address the potential adverse effects to the degree that permitted activity status is justified.

GRUZ-R1 Agricultural, Pastoral and Horticultural Activities

372. Ms Easton acknowledged the submissions received in support of the rule.

373. Ms Easton supported in part a submission point (S476.041) from RNZ seeking an advice note highlighting notification to RNZ for structures within 100m of their Cape Foulwind facility. She noted that a 10m height limit applies under R1 and did not consider any need for an amendment to the rule, but indicated that amendments to R10 Emergency Service Facilities may be necessary. We note that, as discussed below, when considering GRUZ-R10 amendments, they were recommended within her Reply to GRUZ-R10, which addresses the core of the RNZ submission.

374. Ms Easton did not support a submission point (S560.056) from Forest and Bird seeking three advice notes referring to the NES-F regulations on sphagnum moss and other Plan chapters, noting that cross-references to other chapters will be contained in the chapter overview. She said that WCRC administers the NES-F and that sphagnum moss regulation is in the Land and Water Regional Plan.

375. Ms Easton supported a submission point (S450.271) from Waka Kotahi seeking an amendment to require sites to meet vehicle crossing standards in the transport chapter in order to be permitted activities. She noted that a large proportion of rural areas are accessed from state highways and that while existing use rights apply to existing crossings, new or expanded activities should have crossings constructed to a safe standard.

376. Ms Easton supported a submission point (S465.033) from Davis Ogilvie, seeking to reduce internal boundary setbacks from 10m to 5m, to be more consistent with the operative Plan rules. She noted that all three councils considered a 5m setback to be appropriate.

377. Ms Easton did not support a submission point (S570.006) from Dean Van Mierlo seeking reduced setbacks for GRUZ sections less than 1000m^2. She considered that a reduced setback may encourage landowners to seek subdivision consent to create more small lots. Ms Easton considered that, as there are a very small number of sites this size that are not already built upon, the matter can be managed through the resource consent process, noting that the deemed permitted approach could also be used with neighbours' written approval.

378. Ms Easton supported submission points by submitters, Chris + Jan Coll (S558.503), Chris J Coll Surveying Ltd (S566.503), William McLaughlin (S567.548) and Laura Coll McLaughlin (S574.503), seeking reduced setbacks, and considered that the reduced internal boundary setback addressed these submissions.

379. Ms Easton did not support submissions by submitters, John Brazil (S360.050), Steve Croasdale (S516.110), Geoff Volckman (S563.113), Catherine Smart Simpson (S564.122), Koiterangi Lime Co Ltd (S577.095), William McLaughlin (S567.561), Karamea Lime Company (S614.177), Peter

Langford (S615.177) and Chris J Coll Surveying Ltd (S566.518) seeking to ensure that existing non-compliance with permitted activity standards would not preclude the application of the rule. Ms Easton noted that existing use rights cover existing activities, but new and expanding activities should be subject to the standards to ensure effects are adequately managed.

380. Ms Easton did not support submission points from Hort NZ (S486.075) and Federated Farmers (S524.118) seeking that the rule be split into two rules for buildings and activities, as she did not think this would make the Plan more straightforward.

381. Ms Easton did not support a submission point (S486.075) from HortNZ seeking that artificial crop protection structures and temporary workers' accommodation be included with the activities rule. She considered that these structures would not meet the NPS definition of a building and would be permitted under R5 Minor Structures. Concerning temporary workers' accommodation, she considered that the minor residential unit provisions under R3 would be sufficient to provide for workers' accommodation.

382. Ms Easton supported a submission point (S538.497) from BDC seeking a minimum ground floor area standard, noting that BDC suggested a 500m^2 standard, but GDC considered this to be too small for farm buildings. Ms Easton proposed a maximum of 500 m² for residential buildings and 1000 m² for farm buildings. Ms Easton also supported BDC's submission seeking a 150m setback from a wastewater treatment plant, noting that this issue is relevant in several small communities.

383. Ms Easton did not support submission points from Chris + Jan Coll (S558.504), Chris J Coll surveying Ltd (S566.504), William Mc Laughlin (S567.549), and Laura Coll McLaughlin (S574.504) seeking a controlled activity status for activities that do not meet the permitted standards, noting that the proposed Discretionary activity status is consistent with the operative plans. She considered that landowners and residents should be able to have confidence in a basic level of amenity, density, infrastructure capacity and rural character. She did not consider controlled activity status to be appropriate, given that controlled activities must be granted.

384. Ms Easton did not support submission point (S560.383) from Forest and Bird seeking to remove quarrying from the permitted activities, noting that farm quarries are an expected activity on farms and are defined in the Plan, and must comply with District-wide and zone rules.

385. Ms Easton supported in part submission point (S573.040) from FENZ seeking a maximum height of 10m for emergency service facilities and critical facilities, and that these activities be exempt from setback requirements. She considered 10m an appropriate height for emergency service facilities but noted critical facilities are not provided for in the zone and did not consider a setback exemption appropriate.

386. FENZ also sought an additional standard requiring new developments to have connections to public reticulated water supply or an alternative satisfactory on-site water supply. Ms Easton considered that this submission appeared to anticipate significant development in the rural zones, which is not expected or provided for in the zone rules. She also considered water supply to be a subdivision matter and covered by Building Act requirements.

GRUZ-R2 Conservation and recreation areas

387. Ms Easton acknowledged the submissions received in support of the rule.

388. Ms Easton supported submission point (S336.012) from the Westport Pistol Club seeking to amend standard 2 to read: "Within the Rifle Range Protection Areas, Recreation Activities are restricted to Recreational Firearms Shooting," and other submissions seeking similar relief61.

389. Ms Easton did not support submission points by submitters, John Brazil (S360.049), Steve Croasdale (S516.111), Chris & Jan Coll (S558.508), Catherine Smart Simpson (S564.123), Geoff Volckman (S563.114), Chris J Coll Surveying Ltd (S566.508), William McLaughlin (S567.552), Laura Coll McLaughlin (S574.508) and Koiterangi Lime Company (S577.096) seeking to ensure that existing non-compliance with permitted activity standards would not preclude the application of the rule. Ms Easton noted that existing use rights cover existing activities, but new and expanding activities should be subject to the standards to ensure effects are adequately managed.

GRUZ-R3 Residential Activities and Residential Units

390. Ms Easton acknowledged the submissions received in support of the rule.

391. Several submission points sought reductions in residential density standards, with Frank O,Toole (S595.008) seeking minimum allotment sizes of 4000m^2, and Christopher and Donna Meates (S430.002), Russel and Joanne Smith (S477.022), Tim Mc Farlane (S482.022), Lauren Nyhan, Anthony Philips (S533.022), Stewart and Catherine Nimmo (S559.022), Dennis and Wendy Cadigan (S532.005) and Claire and John West (S506.022) were seeking minimum allotment sizes of 5000m^2 and Bert Hoffmans (S504.014) was seeking two dwellings per property with 2ha density. Ms Easton did not support these submissions, noting that TTPP zoning approach differs from the Operative Plans, and provides specific, identified locations for Rural Lifestyle Zone (1ha lots) and Settlement Zone Rural Residential Precinct (4000m^2). She noted that this is in direct response to the fragmentation of rural land, the proliferation of lifestyle living in rural areas, and the consequent reverse sensitivity effects that primary production is facing on the West Coast.

392. Ms Easton did not support the submission point (S571.011) from Greg Maitland, seeking that there be no restrictions on where minor units can be located on a property, noting that tying minor units to the main house is a key mechanism to prevent minor units from being subdivided off.

393. Ms Easton did not support submission point from Elley Group Ltd (S164.001) seeking that minimum lot sizes be replaced by a maximum concentration approach, as she considered this to be more complex and would not meet the Plan's objectives concerning reverse sensitivity and maintaining production values.

394. Ms Easton supported, in part, the submission points by BDC (S538.499) and Graeme Cavaney (S121.002), seeking a maximum of two dwellings per property, as she considered that the proposed minimum densities addressed the issues submitters were concerned with, relating to the fragmentation of rural land and the proliferation of residential development.

395. Ms Easton did not support submission points from Westport Pistol Club (S336.013) and Silver Fern Farms (S441.070) seeking that the advice note be amended to refer to the rifle range and adjoining industrial sites. She noted that this matter is addressed in the Noise chapter, and the advice note would be amended as a consequential amendment if Noise-R3 is amended.

396. Ms Easton did not support submission points (S558.511) Chris & Jan Coll, (S566.511) Chris J Coll Surveying Ltd, (S567.555) William McLaughlin, (S574.511) Laura Coll Mclaughlin, seeking the advice note to be deleted, noting that whether acoustic insulation should be required is a matter addressed in the Noise s42A.

397. Ms Easton supported, in part, submission point (S450.272) from Waka Kotahi, seeking that the rule be amended to require sites to meet vehicle crossing standards in the transport chapter, noting that the requirement in R1 will also apply here.

398. Ms Easton did not support submission point (S486.078) from Hort NZ seeking the deletion of a reference to primary production buildings. She noted that minor units are required to be associated with existing buildings to prevent a proliferation of residential units throughout the zone.

399. Ms Easton did not support submission point (S524.119) from Federated Farmers seeking a maximum of 5 minor units per 10 hectares, noting that this would significantly increase residential activity within the rural environment. She considered that the proposed rule allows for sufficient accommodation to support dairy farming, which is the main primary production land use on the West Coast.

400. Ms Easton supported submission points (S552.178) by BCG and (S553.178) Frida Inta on the use of the term 'site' vs 'allotment,' but noted this matter has already been addressed in the s42A reports on General Provisions and Historic Heritage.

401. Several submissions, (S558.509), (S566.509), (S567.553), (S574.509), (S577.097), (S614.179), (S615.179) sought that the rule be amended to accommodate existing non-compliance. Ms Easton did not support these submission points for the reasons outlined in relation to similar submissions.

GRUZ-R4 Papakāinga Developments

402. Ms Easton acknowledged the submissions received in support of the rule.

403. Ms Easton did not support submission point (S360.074) from John Brazil seeking that pre-existing non-compliance does not preclude application of the rule. She considered that, outside of a resource consent process, existing non-compliance should not be accommodated in the rules, as this could result in a range of adverse effects.

404. Te Tumu Paeroa (S440.047) sought that the Papakāinga definition be amended to reference Maori Landowners. Ms Easton supported this submission point in part, noting that Ngāi Tahu and the Māori Trustee had since agreed upon the definition, and she endorsed the agreed-upon definition.

GRUZ-R5 Minor Structures

405. Ms Easton acknowledged the submissions received in support of the rule.

406. Ms Easton supported submission point (S538.500) from BDC seeking that Clause 2 be replaced with a setback requirement. She considered the setbacks for buildings under R1, including the recommended 5m internal boundary setback, to be appropriate.

407. Ms Easton did not support submission point from Horticulture New Zealand (S486.079) seeking the rule be amended to refer to rural production activities rather than agricultural,

horticultural or pastoral activities, as she did not support the change to the definition. She supported, in part, their submission seeking that Clause 2 be deleted, as she had recommended the change discussed above.

408. In response to submission points, (S577.098) Koiterangi Lime Co Ltd, (S614.180) Karamea Lime Company, (S516.113) Steve Croasdale, (S563.116) Geoff Volckman, (S564.126) Catherine Smart Simpson, and (S615.180) Peter Langford that sought to simplify the rule and address existing non-compliance, Ms Easton supported the submissions in part, particularly in relation to her recommended change to Clause 2.

409. She did not support providing for existing non-compliance, for reasons previously given. As sought by Laura Coll McLaughlin (S574.512), William McLaughlin (S567.556), Chris J Coll Surveying Ltd (S566.512), Catherine Smart Simpson (S564.125), Geoff Volckman (S563.117), Steve Croasdale (S516.114), Chris & Jan Coll (S558.512), John Brazil (S360.051)

GRUZ-R6 Fences, Walls and Retaining Walls

410. Ms Easton acknowledged the submissions received in support of the rule. As all submissions were in support of this rule, she did not recommend any amendments.

GRUZ-R7 Relocated Buildings/GRUZ-R17 Relocated Buildings not meeting permitted activity standards

411. Ms Easton acknowledged the submissions received in support of the rule.

412. Submission points (S538.502) BDC, (S558.021, S558.514) Chris & Jan Coll, (S566.021,S566.514) Chris J Coll Surveying, (S567.011, S567.558) William McLaughlin, (S574.021, S574.514) Laura Coll Mclaughlin, sought that these rules be deleted, and Ms Easton supported these submissions, noting that amenity concerns relating to relocated buildings are associated principally with urban locations. She considered that these issues do not arise in the same way in rural areas and that the TTPP does not need to manage this matter in the Rural zone.

413. Ms Easton did not support submission point (S616.007) from the New Zealand Heavy Haulage Association, as she had recommended that the rule be deleted.

GRUZ – R8 Residential Visitor Accommodation

414. Ms Easton acknowledged the submissions received in support of the rule.

415. Ms Easton did not support submission point (S251.001) from Charles Elley, seeking that the rule be deleted, and opposed the regulation of this activity through the Plan. She noted that the impacts of residential visitor accommodation were the single most significant issue raised by the community, and that the TTPP committee considered the matter in substantial detail and consulted on the proposed approach. Ms Easton considered residential visitor accommodation to be a business, and where a whole house is rented out, it is no different to a commercial visitor operation except in scale. However, as the scale is small, a permitted activity status is provided within a framework to manage adverse effects.

416. Ms Easton supported submission point (S608.109) from GDC seeking that records of letting activity be provided to the Council annually, rather than on request, placing the onus on landowners to provide evidence of compliance. She considered this a reasonable requirement to ensure permitted activity standards are met and that it would assist the Council in discharging Building Act compliance duties.

417. Ten submitters, John Brazil (S360.053), Steve Croasdale (S516.116), Chris & Jan Coll (S558.515), Geoff Volckman (S563.119), Catherine Smart Simpson (S564.128), Chris J Coll surveying Ltd (S566.515), William McLaughlin (S567.559), Laura Coll McLaughlin (S574.515), Karamea Lime Company (S614.183), and Peter Langford (S615.183) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submissions, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

418. Ms Easton did not support submission points (S566.517) Chris J Coll SurveyingLtd, (S558.517) Chris & Jan Coll, (S567.560) William McLaughlin and (S574.517) Laura Coll McLaughlin seeking that the noise advice note be deleted, as the substantive matter is dealt with in the Noise topic. She noted that if the rule is amended, a consequential amendment would be made to the advice note.

GRUZ – R9 Home Business

419. Ms Easton acknowledged the submissions received in support of the rule.

420. Ms Easton supported submission point (S538.504) from BDC seeking that the permitted activity standards allow no more than two full-time equivalent persons engaged in the home business who reside off-site. The Council are concerned that traffic generation standards are difficult to monitor on sites with combined uses, and this change would provide a clear compliance method to ensure the scale of home business doesn't exceed that expected in a rural area. Ms Easton was persuaded by this argument and noted that the operative Buller and Westland District Plans have this requirement in their rules.

421. Ms Easton supported, in part, the submission point (S450.275) from Waka Kotahi, seeking the rule be amended to reduce the permitted vehicle movement to 30 per day, as use of the vehicle access at this level is considered a high trip-generating activity. She noted the standard as drafted could allow up to 210 vehicle movements on a single day and recommended it be amended as follows: a maximum of 10 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or and 210 light vehicle movements per week.

422. Submitters Steve Croasdale (S516.117), John Brazil (S360.054), Geoff Volckman (S563.120), Catherine Smart Simpson (S564.129), Karamea Lime Company (S614.184) and Peter Langford (S615.184) sought the rule be amended to allow for existing non-compliance. Ms Easton did not support these submissions, noting that existing use rights covers existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R10 Emergency Service Facility

423. Ms Easton acknowledged the submissions received in support of the rule.

424. Submitters John Brazil (S360.055), Steve Croasdale (S516.118), Chris & Jan Coll (S558.519), Geoff Volckman (S563.121), Catherine Smart Simpson (S564.130), Chris J Coll Surveying Ltd (S566.519), William McLaughlin (S567.562), Laura Coll McLaughlin (S574.519), Karamea Lime Company (S614.185) and Peter Langford (S615.185) sought the rule be amended to allow for existing non-compliance. Ms Easton did not support these submission points, noting that

existing use rights covers existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R13 Community Halls

425. Ms Easton acknowledged the submissions received in support of the rule.

426. Nine submissions supported the rule but requested that an error in the text be corrected, as it states 12:00 p.m. instead of 12:00 a.m. Ms Easton supported these submission points.

427. Ms Easton supported a submission point from BDC (S538.508) and GDC (S608.111), seeking that the wording of Standard 3 be amended to refer to the correct numbering of Standards 1 and 2.

428. A submission from BDC (S538.508) sought a schedule of Community Halls to be included in the Plan, to provide certainty on which community facilities are considered halls for this rule. Ms Easton noted that existing halls would have existing use rights, and the Plan does not include schedules of other similar facilities. She suggested that a definition would more appropriately address this issue and invited Buller DC to propose a suggested wording.

GRUZ-R14 Community Facilities and Educational Facilities in the Community Living Precinct.

429. Ms Easton acknowledged the submissions received in support of the rule. As all submissions were in support of this rule, she did not recommend any amendments.

GRUZ-R15 Community Facilities and Educational Facilities in the Community Living Precinct not meeting Permitted Activity Standards

430. Ms Easton acknowledged that all submissions were in support of the rule.

GRUZ-R16 Minor structures not meeting Permitted Activity Standards

431. Ms Easton acknowledged the submissions received in support of the rule.

432. Submitters John Brazil (S360.059), Steve Croasdale (S516.121), Chris & Jan Coll (S558.529), Geoff Volckman (S563.127), Catherine Smart Simpson (S564.136), Chris J Coll Surveying Ltd (S566.529), William McLaughlin (S567.571), Laura Coll McLaughlin (S574.529), Koiterangi Lime Co Ltd (S577.103) and Peter Langford (S615.191) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights covers existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ – R19 Intensive Indoor Primary Production in the Community Living Precinct

433. Ms Easton acknowledged the submission received in support of the rule.

434. Ms Easton did not support submission point (S190.986) from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone. Ms Easton acknowledged that this is an important issue, but no such zones currently exist on the Coast, and she had not been able to gather information about where they should be located. She noted that the NES for drinking water addresses protection of

drinking water sources and is required to be implemented by Regional Councils, and therefore, she considered that WCRC would most appropriately manage the matter.

435. Submitters Chris & Jan Coll (S558.532), Chris J Coll Surveying Ltd (S566.532), William McLaughlin (S567.574), Laura Coll Mclaughlin (574.532), sought the rule be amended to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R20 Intensive Primary Production

436. Ms Easton acknowledged the submissions received in support of the rule.

437. Ms Easton did not support submission point (S608.113) from GDC seeking that the activity status be amended to controlled, noting that the effects of intensive primary production can be considerable, and that larger-scale industries can require significant management, warranting a restricted discretionary activity status. Ms Easton considered that the recommended advice note to the intensive primary production definition, confirming that herd homes are excluded, may address the submitters' concerns.

438. Ms Easton did not support submission point (S190.987) from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone. Ms Easton acknowledged that this is an important issue, but no such zones currently exist on the Coast, and she had not been able to gather information about where they should be located. She noted that the NES for drinking water addresses protection of drinking water sources and is required to be implemented by Regional Councils, and therefore, she considered that WCRC would most appropriately manage the matter.

439. Ms Easton did not support submission point (S560.387) from Forest and Bird seeking additional conditions requiring these activities not to be located in overlays, SNAs, the coastal environment, or where indigenous vegetation clearance would occur, noting that these matters are addressed in the relevant District-wide chapters. She did not support the proposal that such activities should be non-complying if these matters are breached.

440. Ms Easton did not support submission points (S552.184) from BCG and (S553.184) from Frida Inta seeking that the number and type of livestock be a matter of discretion, as she considered the District Plan primarily manages building bulk and location, traffic and noise effects, and that the number and type of livestock is more relevant to discharge effects which the Regional Council manages.

441. Submitters John Brazil (S360.062), Steve Croasdale (S516.124), Chris & Jan Coll (S558.533), Geoff Volckman (S563.130), Catherine Smart Simpson (S564.139), Chris J Coll Surveying Ltd (S566.533), William McLaughlin (S567.575), Laura Coll McLaughlin (S574.533), Koiterangi Lime Company (S577.106), Karamea Lime Company Ltd (S614.194) and Peter Langford (S615.194) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-21 Rural Industry

442. Ms Easton acknowledged the submissions received in support of the rule.

443. Ms Easton did not support submission points (S524.120) from Federated Farmers and (S486.080) from HortNZ seeking that the activity be permitted, or a submission from Rural Contractors NZ Inc seeking that the rule exclude rural contractor depots. She noted that a proliferation of industrial activities in rural areas surrounding the main towns has become a significant issue. She said that the nature of the West Coast economy is that many activities service both urban and rural sectors. She considered that requiring resource consent for these activities means that effects can be appropriately managed and ensures that activities established in the rural zone serve the rural economy as intended.

444. Submitters Steve Croasdle (S516.125), John Brazil (S360.063), Chris & Jan Coll (S558.534) Geoff Volckman (S563.131) Catherine Smart Simpson (S564.140), Chris J Coll Surveying Ltd (S566.534), William McLaughlin (S567.576), Laura Coll McLaughlin (S574.534) Koiterangi Lime Co Ltd (S577.107), Karamea Lime Company (S614.195) and Peter Langford (S615.195) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R22 Visitor and Temporary Worker Accommodation not meeting Permitted Activity Standards

445. Ms Easton acknowledged the submissions received in support of the rule.

446. Ms Easton did not support submission point (S486.081) from HortNZ seeking provision for temporary workers' accommodation in a new permitted activity rule. She considered that the minor unit provisions sufficiently provide for worker accommodation of the type required on the Coast.

447. Submitters John Brazil (S360.064), Steve Croasdale (S516.126), Chris & Jan Coll (S558.535), Geoff Volckman (S563.132), Catherine Smart Simpson (S564.141), Chris J Coll Surveying Ltd (S566.535), William McLaughlin (S567.577), Laura Coll McLaughlin (S574.535), Koiterangi Lime Co Ltd (S577.108), Karamea Lime Company (S614.196) and Peter Langford (S615.196) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ – R23 Papakāinga Developments not meeting Permitted Activity Standard

448. Ms Easton acknowledged the submissions received in support of the rule.

449. Ms Easton supported, in part, submission point (S608.758) from GDC seeking that management of access, parking, and traffic generation be added as a matter of discretion. She considered access and parking to be relevant, but not traffic generation, as Papakāinga are a residential activity.

GRUZ-R24 Non-rural Activities/ GRUZ–R30 Non-rural activities not meeting Permitted or Restricted Discretionary Activity Rules

450. Ms Easton acknowledged the submissions received in support of the rules.

451. Ms Easton supported in part submission point (S538.516) from BDC seeking that the title be amended to ‘commercial and industrial activities’ as non-rural activities are not a defined

term. Ms Easton noted that there is a definition and rules for rural industry, so rules R24 and R30 must be clear that they do not apply to rural industry.

GRUZ-R24 Non-rural Activities

452. Submitters Tiga Minerals and Metals Limited (S493.104), Westland Farm Services (S550.017), WMS Group (HQ) Limited and WMS Land Co Limited (S599.120),Birchfield Coal Mines Ltd (S601.098), Birchfield Ross Mining Limited (S604.088), Phoenix Minerals Limited (S606.073), Whyte Gold Limited (S607.073), sought that the rule be deleted. Federated Farmers (S524.121) and Hort NZ (S486.082) sought the rule be deleted or amended to Discretionary as they were concerned it was too permissive given the policy framework, which directs that the General Rural Zone be used for primary production ahead of other uses. Ms Easton supported these submission points, agreeing that the objective and policy direction is clear and noting that the issue of the proliferation of commercial and industrial activities in the rural zones is significant. She recommended deleting GRUZ-24 and retaining GRUZ-30 and renaming it 'Industrial and commercial activities excluding rural industry'.

453. Submission points Chris & Jan Coll (S558.536), Chris J Coll Surveying Ltd (S566.536), William McLaughlin (S567.578), Luara Col McLaughlin (S574.536), John Brazil (S360.065), Steve Croasdale (S516.127), Geoff Volckman (S563.133), Catherine Smart Simpson (S564.142), Koiterangi Lime Co Ltd (S577.109), Karamea Lime Company (S614.197) and Peter Langford (S615.197) sought amendments to the rule. Ms Easton did not support these, as she recommended that the rule be deleted.

GRUZ-R30 Non-rural activities not meeting Permitted or Restricted Discretionary Activity Rules

454. Ms Easton supported submission point (S538.522) from Buller DC, seeking either that a definition of Large Format Retail be included or that Clause 1 refer to commercial activities, and recommended that the standard refer to commercial activities.

455. Submission points Chris & Jan Coll (S558.544), Geoff Volckman (S563.139), Catherine Smart Simpson (S546.148), Chris J Coll Surveying ltd (S566.544), William McLaughlin (S567.585), Laura Coll McLaughlin (S574.544), Koiterangi Lime Co Ltd (S577.115), Karamea Lime Company (S614.203) and Peter Langford (S615.203) sought that the rule have more clearly defined terms. Ms Easton supported these submissions and considered that her recommended amendments addressed this matter. Ms Easton did not support several submission points from these submitters that sought that Clauses 1 and 2 be deleted and that activity status where compliance is not achieved be n/a. She noted that the focus of the General Rural Zone is to provide for primary production activities, and the rule recognises that some commercial or industrial activities may be appropriate in the zone, but not at the expense of productive land values, with the standards providing this framework. She also noted that the submissions gave no reasons for opposing the standards, other than that they were too restrictive.

GRUZ – R26 Community Facilities, Educational Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards / GRUZ – R27 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

456. Ms Easton acknowledged the submissions received in support of the rule. As all submissions were in support, no changes were recommended to the rule.

GRUZ-R28 Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Standards

457. Ms Easton acknowledged the submissions received in support of the rule.

458. Ms Easton supported submission points from Frank and Jo Dooley (S478.040) and from Frank O'Toole (S595.022), seeking that fences, walls, and retaining structures be removed from this rule and placed in a separate, restricted discretionary rule, with matters of discretion relating to the effects of these types of structures. She noted that these submitters sought a similar change to the rules in other zones and considered that a restricted discretionary activity is appropriate for structures that do not meet permitted activity standards.

459. Ms Easton supported submission points Chris & Jan Coll, (S558.043, S558.542) Chris J Coll Surveying Ltd (S566.043, 566.542), William McLaughlin, (S567.013, 567.583) Laura Coll McLaughlin (S574.043) seeking to delete relocated buildings from this rule, noting that this is a consequential amendment from her recommendation to delete relocated buildings to not regulate relocated buildings in the General Rural Zone.

GRUZ- R29 Intensive Indoor Primary Production or Rural Industry not meeting Permitted or Restricted Discretionary Activity Standards

460. Ms Easton acknowledged the submissions received in support of the rule.

461. Ms Easton did not support submission point from GDC (S608.114) seeking to include reference to controlled activity, as a consequence of their submission seeking a controlled activity status for intensive indoor primary production. Ms Easton noted that she had also not supported that submission.

GRUZ-R31 Visitor and Temporary Worker Accommodation not meeting Permitted or Restricted Discretionary Activity Standards

462. Ms Easton acknowledged the submissions received in support of the rule.

463. Submission points John Brazil (S360.071), Steve Croasdale (S516.133), Geoff Volckman (S563.142), Catherine Smart Simpson (564.151), Koiterangi Lime Co Ltd (S577.118), Karamea Lime Company (S614.206), Peter Langford (S615.206), Chris & Jan Coll (S558.547), Chris J Coll Surveying Ltd (S566.547), William McLaughlin (S567.588), and Laura Coll McLaughlin (S574.547) sought that Clause 1 be removed and that the activity status not be escalated to non-compliant. Ms Easton supported these submissions, as she considered a Discretionary activity status to enable all relevant matters to be assessed. She also noted that some visitor accommodation, such as campgrounds, is appropriate in the General Rural Zone and considered a non-complying activity status unnecessary for these activities.

GRUZ-R33 Residential Activities and Residential Units not meeting Permitted or Restricted Discretionary Activity Standards

464. Ms Easton acknowledged the submissions received in support of the rule.

465. Ms Easton supported submission point from HortNZ (S486.084), seeking clarification of the rule, as there are no restricted discretionary rules concerning residential activities. She recommended the words *'or restricted discretionary'* be removed.

GRUZ-34 Non-rural Activities, Visitor and Temporary Worker Accommodation not meeting any other Rule in the zone

466. Ms Easton acknowledged the submission received in support of the rule.

467. Ms Easton supported submission point from BDC (S538.526), seeking that the rule title be amended to "Commercial and Industrial activities not meeting any other rule in the zone," noting that this is a consequential amendment to other submissions she had supported.

468. Submitters Geoff Volckman (S563.146), Catherine Smart Simpson (S564.155), Koiterangi Lime Co Ltd (S577.122), Karamea Lime Company (S614.210), Peter Langford (S615.210), Chris J Coll Surveying Ltd (S566.552), William McLaughlin (S567.592) and Laura Coll Mclaughlin (S574.552) sought that the activity status be Discretionary or that the rule be deleted. Ms Easton did not support these submissions, noting that no reasons are provided for opposing the rule, other than it being too restrictive. She noted that the focus of the rural zone is to provide for primary production.

GRUZ – R35 Any Activity not provided for by another Rule in the zone

469. Ms Easton acknowledged the submission received in support of the rule.

470. Submission points (S558.553) Chris & Jan Coll, (S566.553) Chris J Coll Surveying Ltd, (S567.593) William Mclaughlin and (S574.553) Laura Coll McLaughlin sought that the rule be deleted. Ms Easton did not support these submissions, noting that no reasons were given. She acknowledged that a Discretionary activity status is often applied to this type of 'catch-all' rule and invited the submitters to provide information at the hearing on whether they would support this alternative relief.

Hearing and Submitter Evidence

471. Frida Inta, on behalf of herself and BCG, sought that GRUZ-R1 address livestock herd intensities via additional wording under GRUZ-R1.3, as follows: no detectable odour or fly problem beyond zone boundaries, for both housed and free-range stock. She sought a consistent set of rules that define animal number thresholds, more logical setback distances and address cattle, pigs and sheep separately. She considered a blanket intensity of 10 animals to be inadequate. She also sought to have specific standards for dairy sheds included to control adverse effects.

472. Regarding GRUZ-R5, Ms Inta noted that the road and state highway setbacks were onerous but did not request a specific change to this standard. She inquired whether the Plan could enforce restrictions on secondary buildings smaller than 30 m², as these are now permitted under a national ruling.

473. Ms Inta considered that if GRUZ-R7 relating to relocated buildings is to be deleted, then GRUZ-R1 should be amended to include relocated buildings.

474. Ms Inta queried why GRUZ-R8.7 only applies to Buller and noted that this Clause is not addressed in the s42A report. She considered the traffic generation standards under GRUZ-R9 to be disruptive to quiet neighbourhoods and pointed out that the traffic movement standards under GRUZ-R8 and GRUZ-R9 are inconsistent. She supported the GRUZ-R9 standard controlling dust, odour or smoke, noting that these can be debilitating.

475. In response to the s42A report comments on GRUZ-R20, Ms Inta queried why this rule could not include a matter of discretion about the number and type of livestock when other matters

of discretion include effluent management and wastewater and stormwater disposal, which are also related to discharges managed by the Regional Council. She raised concerns with the grammar used in the wording of GRUZ-30.

476. Mr Vance Boyd raised concerns that the maximum permitted size (1m) for antenna dishes was insufficient, as dishes can be up to 1.4m in diameter, and the cost of a resource consent for an oversized dish is not justifiable.

477. Steve White on behalf of RNZ continued to seek controls for structures over 10m in height and in proximity to the RNZ Cape Foulwind site. Mr White did not consider the recommendations in the s42A report to be appropriate, noting that there would be no requirement for electromagnetic radiation risk to be considered for any structures except emergency service facilities. He said that while structures over 18m may be unusual, it is precisely the higher and more unusual structures that are exposed to greater risk and he considers that it makes sense for this risk to be assessed at the resource consent stage.

478. Further legal submissions from RNZ, provided in response to matters raised by the Panel in the hearing, confirmed that RNZ and Ms Easton had reached an agreed position on a proposed overlay, with accompanying permitted activity standards and matters of discretion for restricted discretionary activities. RNZ consider that the s42A officers' proposed provisions provide good protection. The legal submission considered that there was scope in the original RNZ submission to propose an appropriate alternative relief, including an overlay.

479. In a letter dated 1 July 2024 KiwiRail indicated support for the building setbacks in GRUZ-R1, noting that their original submission sought a minimum 5m setback from the rail corridor boundary in all zones, and sought that both structures and buildings be subject to these Clauses. They also sought several amendments, including that the following standard be added to GRUZ-R13, requiring community halls to comply with the building setbacks under GRUZ-R1: Performance Clause 2 of GRUZ-R1, relating to building and structure setbacks from roads, State Highways and internal boundaries, is complied with that home businesses that do not comply with standards be subject to a discretionary activity status, and that the following additional matters of discretion relating to reduced setbacks be added to GRUZ-R23 and 26:

> *The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and*
>
> *The safe and efficient operation of the rail network.*

480. In a letter tabled at the hearing, on behalf of FENZ acknowledged Ms Easton's response to their original submission and noting that the intent of their relief sought was to capture potential scenarios where reticulation may be available. They considered there to be a gap in the Plan as there is no rule or standard requiring on-site water supply or firefighting water supply to be provided for new developments. To address this perceived gap, FENZ requested the Panel consider the requested relief further and proposed an alternative wording to that in the original submission, as follows:

> *7. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).*
>
> *Advice Notes: […]*

3. The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

481. HortNZ[62] accepted in part the s42A recommendations on GRUZ-R1 and did not continue to seek amendments to this rule. They accepted in part Ms Easton's recommendations on GRUZ-R3. They supported the provision of workers' accommodation under this rule, noting that activities not meeting the standards are restricted and discretionary under GRUZ-R22. They sought an amendment to GRUZ-R3 to clarify this as follows: Activity status where compliance not achieved with GRUZ–R3 (4): Restricted Discretionary (under GRUZ–R22).

482. Hort NZ sought a new rule for Artificial Crop Protection Structures (ACPS), as follows:

GRUZ – RX Artificial crop protection structures

Where:

i. ***The height of the structure does not exceed 6m; and***

ii. Either: green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council;

OR

iii. the structure is setback 3m from the boundary

When compliance with GRUZ-RX is not achieved: Restricted Discretionary

Matters of discretion: Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth.

483. HortNZ also sought further amendments to GRUZ-R5 to remove area restrictions and raise the height limit for Crop Protection Structures, as follows:

GRUZ - R5 Minor structures

Activity Status Permitted

Where:

1. These are ***Artificial Crop Protection Structures, Crop Support Structures, or*** ~~*not*~~ *structures* ***not*** *associated with Agricultural, Pastoral and Horticultural Activities Permitted under Rule GRUZ - R1;*

2. All performance standards for Rule GRUZ - R1 are complied with; Structures are set back a minimum of 10m from the road boundary, 20m from the State Highway boundary and 5m from internal boundaries

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;

4. Any antenna dish must be less than 1m in diameter;

[62] Emily Levenson

5. Artificial Crop Protection Structures and Crop Support Structures must not exceed 6m and no site coverage will apply.

*~~5~~**6**. Any other structure must not exceed 10m^2 and 2m in height; and*

*~~6~~**7**. Within the Rifle Range Protection Area only minor structures that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.*

Activity status where compliance not achieved: Controlled

484. Following the hearing, Ms Levenson provided a memo on behalf of HortNZ responding to questions from the Panel and providing additional commentary on greenhouses, ACPS, and other District Plan approaches to these structures. She proposed an amended wording of the new rule HortNZ seeks for ACPS, as follows:

GRUZ – RX Artificial crop protection structures

Where:

i. The height of the structure does not exceed 6m; and

ii. Either: green or black cloth is used on any vertical faces

within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council;

OR

iii. the structure is setback 3m from the boundary

iv. Setbacks for Artificial Crop Protection Structures do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance, a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.

When compliance with GRUZ-RX is not achieved: Restricted Discretionary

Matters of discretion: Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth

485. SFF acknowledged the s42A report's comments on GRUZ-R3, specifically regarding the acoustic insulation addressed in the Noise topic.

486. Lionel John Hulme and Simon Cameron, on behalf of Federated Farmers, continued to seek that up to 5 minor units be permitted per 10ha of site area, noting that they considered there would be little difference in the effects of minor residential units on two blocks of 10ha compared to more units on one 10ha block. In relation to GRUZ-R21 they continued to seek that rural industry be allowed to locate in the GRUZ as a permitted activity as of right subject to suitable safeguards in the form of standards.

487. Federated Farmers supported the s42A recommendations to delete GRUZ-R24.

488. Jonathan Bhana-Thomson on behalf of New Zealand Heavy Haulage Association Inc., opposed the s42A report recommendations to delete the relocated building rules, noting that this may result in building relocations defaulting to non-complying status under the catch-all rule R35. He also stated that relocated building rules were recommended to be retained in residential zones, as per the s42A report. He considered that a consistent approach to relocated buildings should be taken across the district. Mr Bhana-Thomson stated that the association supports a move to a permitted activity status, subject to meeting performance standards and criteria, and a restricted discretionary activity status for activities that do not meet the standards. He clarified that the association does not oppose a permitted activity status with no performance standards, but if the Panel considered that standards were not necessary, they requested that the Plan identifies that building relocation is permitted.

489. The associations draft rule framework attached to Mr Bhana-Thompson's statement and included in their original submission is as follows:

a. *Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.*

b. *A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.*

c. *The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.*

d. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (c) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*

e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12- month period.*

Reporting Officer Reply Evidence

490. In relation to the agreed amendments to address the matters raised by RNZ, Ms Easton's right of reply recommended the following changes to GRUZ-R10:

GRUZ - R10 Emergency Service Facility

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ - R1 are complied with except that:

a. Hose drying towers are exempt from the height standard; and

b. A setback of 5m from the road or State Highway Boundary is required.

2. Where the facility will be located within ***the Westport Radio Mast EM Overlay*** ~~*1000m of the Cape Foulwind Radio New Zealand radiocommunications site*~~*, any hose drying or siren tower of a height* ~~*greater than*~~ ***of 108m or greater*** *must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated.*

Activity status where compliance not achieved: Restricted Discretionary

491. Ms Easton also recommended that rules GRUZ-R23 and R26 have the following matter of discretion added:

> *Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.*

492. Ms Easton agreed that a discretionary activity for GRUZ-R27 status was unnecessarily onerous and agreed with HortNZ's submission that a restricted discretionary activity status would be appropriate. She noted this would be consistent with the management of other activities with a comparable level of effects on amenity. She proposed a new rule as follows:

> *GRUZ – RXXXX Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards Activity Status Restricted Discretionary*
>
> *Discretion is restricted to:*
>
> *a. Bulk and location of buildings;*
>
> *b. Effects on visual amenity and rural character;*
>
> *c. Landscape measures; and*
>
> *d. Methods of stormwater treatment and disposal.*
>
> *Activity Status where Compliance Not Achieved: N/A*

493. In relation to submissions and evidence from HortNZ seeking specific rules for greenhouses, Ms Easton stated, on careful reading of the definition for agricultural, pastoral and horticultural activities, she considered GRUZ-R1 applies to structures, and that the rule wording should be amended to clarify this. Ms Easton considered that this could be regarded as a consequential or minor amendment. She considered GRUZ-R1 is a more appropriate rule to manage greenhouses than the minor structures rule or a new bespoke rule. She recommended the following text changes:

> *GRUZ-R1 Agricultural, Pastoral or Horticultural Activities and Buildings **and Structures***
>
> *Activity Status Permitted*
>
> *Where:*
>
> *1. Maximum building **or structure** height above ground level is:*
>
> *i. 10m; except that*
>
> *ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;*
>
> *2. Buildings **and structures** are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m 5m from internal boundaries;*

494. In relation to worker accommodation, Ms Easton noted it is not defined in the Plan and would fit within the definition of a residential unit. She agreed with HortNZ that there is a conflict between the activity status where compliance not achieved in GRUZ-R3 (Discretionary) and the activity status in GRUZ-R22 (Restricted Discretionary), and recommended an amendment to GRUZ-R3 to correct this as follows:

> *Activity status where compliance not achieved: Restricted Discretionary where this is Temporary Worker Accommodation subject to Rule GRUZ – R22, Otherwise Discretionary*

495. In response to a verbal submission from Mr Boyd, Ms Easton agreed there were valid issues supporting a change to the maximum permitted activity size for antenna dishes in the General Rural Zone, and recommended Clause 4 be amended as follows:

> 4. *Any antenna dish must be less than 1**.5**m in diameter;*

496. In response to Frida Inta's submission Ms Easton stated that she did not consider that an additional setback was necessary for dairy sheds within the rural zone. However, she considered that it would be appropriate to specify a larger setback of 10m from boundaries with adjoining settlement-zoned properties. Ms Easton considered that there is scope within Davis Ogilvie's submission to amend the setbacks and retain the notified 10m setback from boundaries with the settlement zone. She recommended the following change to GRUZ-R1 Clause 2:

> 2. *Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, **10m from any Settlement Zone boundary** and 5m from other internal boundaries;*

497. Regarding relocated buildings, Ms Easton confirmed that there are several other District Plans that do not regulate this activity in rural zones, while others have rules governing controlled or permitted activity status.

498. Concerning the firefighting water supply, Ms Easton revised her view following the additional information provided by FENZ. She considered that there was merit in a consistent approach to this issue across the rural zones. She proposed that an additional standard and an advice note be added to GRUZ-R3 and GRUZ-R4 as follows:

> *Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).*
>
> *Advice Note: The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this*.

499. In a joint right of reply on the KiwiRail submission, Ms Easton and Ms Briar Belgrave considered a 5m setback from the rail corridor to be appropriate in the General Rural and Rural Lifestyle zones. The planners noted that the Midland line, being the most frequently utilised rail line, adjoins both of these rural zones.

Hearing Panel's Evaluation

500. In relation to General submissions on the Rules the Panel agrees with Ms Easton's evaluation and recommendations on the general submissions on the rules. In particular we agree with her support of a submission points from Manawa on the Overview seeking to add '*regionally significant infrastructure*' the following sentences:

> *A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.*
>
> ***Relationship With Energy, Infrastructure and Transport provisions***
> *The ENG chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities. A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets*

501. The Panel agrees with Ms Easton that this should be part of a wider statement explaining the relationship with the Energy, Infrastructure, and Transport chapters.

502. Ms Easton supported a submission point from Forest and Bird seeking that the overview be amended to reference other relevant District Wide chapters, including the ECO chapter, consistent with her recommendations on the other chapters. We agree.

503. In relation to GRUZ-R1, the Panel agrees with Ms Easton that, with regard to submissions and evidence from HortNZ seeking specific rules for greenhouses, a careful reading of the definition for agricultural, pastoral, and horticultural activities indicates that GRUZ-R1 applies to structures. The rule wording should therefore be amended to clarify this. Ms Easton considered that this could be regarded as a consequential or minor amendment. She considered GRUZ-R1 to be a more appropriate rule to manage greenhouses than the minor structures rule or a new bespoke rule. The amendments include adding the word Structures to the rule heading and into Clauses 1 and 2. We agree with that reasoning and outcome.

504. The Panel agrees with Ms Easton's reasoning and recommendation to amend Clause 2. to provide for a 10m setback from any Settlement Zone boundary. While considering Ms Inta's submission, Ms Easton stated that she did not think that an additional setback was necessary for dairy sheds within the rural zone. However, she considered that it would be appropriate to specify a larger setback of 10m from boundaries with adjoining settlement-zoned properties. Ms Easton thought that there is scope within Davis Ogilvie's submission to amend the setbacks and retain the notified 10m setback from boundaries with the settlement zone. For the reasons she provides, we agree.

505. The Panel agrees with Ms Easton's reasoning and recommendation to amend clause 2 further. Ms Easton supported a submission point from Davis Ogilvie, seeking to reduce internal boundary setbacks from 10m to 5m, to be more consistent with the operative Plan rules. She noted that all three councils considered a 5m setback to be appropriate. For the reasons given we agree with this amendment.

506. The Panel agrees with Ms Easton's reasoning and recommendation to amend clause 7. and 9. Ms Easton supported a submission point from BDC seeking a minimum ground floor area standard, noting that BDC suggested a 500m^2 standard, but GDC considered this to be too small for farm buildings. Ms Easton proposed a maximum of 500m² for residential buildings and 1000m² for farm buildings. Ms Easton also supported BDC's submission seeking a 150m

setback from a wastewater treatment plant, noting that this issue is relevant in several small communities.

507. The Panel agrees with Ms Easton's reasoning and recommendation to amend clause 8. based on her evaluation of a submission point from Waka Kotahi seeking an amendment to require sites to meet vehicle crossing standards in the transport chapter in order to be permitted activities. She noted that a large proportion of rural areas are accessed from state highways and that while existing use rights apply to existing crossings, new or expanded activities should have crossings constructed to a safe standard.

508. The Panel agrees with Ms Easton's recommendations regarding activity status under GRUZ-R1. Ms Easton did not support submission points[63] seeking a controlled activity status for activities that do not meet the permitted standards, noting that the proposed Discretionary activity status is consistent with the operative plans. She considered that landowners and residents should be able to have confidence in a basic level of amenity, density, infrastructure capacity and rural character. She did not consider controlled activity status to be appropriate, given that it must be granted. We agree and note that, consequent upon the amendment of Clause 7. Ms Easton recommends that any agricultural, pastoral or horticultural building that does not meet Clause 7 should be restricted discretionary. Given the purpose of the zone and those buildings, we agree. In all other circumstances, such as for a residential building, status is fully discretionary, which we agree with.

509. In relation to GRUZ-R2, the Panel agrees with Ms Easton's reasons for and her recommendation to amend clause 2 of this rule, deleting the word '*Target*' and replacing it with the word '*Shooting*'.

510. In relation to GRUZ-R3 the Panel does not agrees with the amendment to clause 3. To delete the words '*Highly Productive Land*' and replace them with '*Rural Production Precinct*' in response to the GDC[64] submission to rename GRUZ-PREC5 Rural Production Precinct Policy from the notified Highly Productive Land, noting that we have recommended the retention of Highly Productive Land for the reasons outlined below.

511. Ms Easton reconsidered her s42A recommendation concerning the water supply for firefighting. She recommended wording for an additional clause 5 in GRUZ-R3, and an advice note to be added to both GRUZ-R3 and GRUZ-R4 in her reply. We agree with her reasons for change and her recommendations. We note a further minor amendment, adding an 's' to the word 'Note' as it appears in the heading 'Advice Note'.

512. In relation to worker accommodation, Ms Easton noted it is not defined in the Plan and would fit within the definition of a residential unit. She agreed with HortNZ that there is a conflict between the activity status where compliance is not achieved in GRUZ-R3 (Discretionary) and the activity status in GRUZ-R22 (Restricted Discretionary) and recommended an amendment to GRUZ-R3 to correct this. We agree with her recommended wording.

513. In relation to GRUZ-R4, the Panel accepts Ms Easton's recommendations to make minor corrections, such as adding an '*s*' on the end of the word Note in the heading Advice note and creating a new clause 1. Because of the addition of a new clause 2 relating to the earlier discussed water supply for firefighting.

[63] Chris & Jan Coll, Chris J Coll Surveying Limited, William McLaughlin and Laura Coll McLaughlin
[64] Grey District Council (S608.484)

514. In relation to GRUZ-R5, the Panel accepts Ms Easton's recommendation to amend clause 2 to replicate clause 2 in GRUZ-R1 except for the setback distance of 10m from any Settlement Zone boundary. This rule addresses minor structures as permitted activities and Clause 1. makes it plain that these minor structures this rule covers are not structures permitted under GRUZ-R1, hence the need for this amendment.

515. Ms Easton also recommends a minor amendment to clause 4 increasing the diameter of a permitted antenna dish from the notified 1m to 1.5m. This recommendation arose from a response to a verbal submission from Mr Boyd. Ms Easton agreed there were valid reasons supporting a change to the maximum permitted activity size for antenna dishes in the General Rural Zone, and recommended clause 4 be amended to increase the width to 1.5m We have reservations as to scope supporting this amendment but given its minor nature in this instance we rely on clause 16 to support the amendment.

516. In relation to GRUZ-R6, the Panel agrees with Ms Easton it can be retained as notified.

517. In relation to GRUZ-R7, the Panel agrees with Ms Easton's recommendation to delete this rule We accept that amenity concerns relating to relocated buildings are associated principally with urban locations and consider that these issues do not arise in the same way in rural areas. We therefore agree that the TTPP does not need to manage this matter in the Rural zone and recommend the deletion of this rule.

518. In relation to GRUZ-R8, the Panel agrees with Ms Easton's evaluation and rejection of submissions seeking to delete this rule. She advised that the impacts of residential visitor accommodation were the single most significant issue raised by the community, and that the TTPP committee considered the matter in substantial detail and consulted on the proposed approach. Ms Easton considered residential visitor accommodation to be a business, and where a whole house is rented out, it is no different to a commercial visitor operation except in scale. However, as the scale is small, a permitted activity status is provided within a framework to manage adverse effects.

519. We noted that Ms Easton supported a submission point from the GDC, seeking that records of letting activity be provided to the Council annually, rather than on request, placing the onus on landowners to provide evidence of compliance. She considered this a reasonable requirement to ensure permitted activity standards are met and that it would assist the Council in discharging Building Act compliance duties, so she recommended an amendment to clause 5.

520. In relation to GRUZ-R9, the Panel agrees with Ms Easton's recommended amendments in response to submissions and accepts the submission point from BDC seeking that the permitted activity standards allow no more than two full-time equivalent persons engaged in the home business who reside off-site. The Council is concerned that traffic generation standards are difficult to monitor on sites with combined uses, and this change would provide a precise compliance method to ensure the scale of home businesses does not exceed that expected in a rural area. Ms Easton was persuaded by this argument and noted that the operative Buller and Westland District Plans have this requirement in their rules. We agree that clause 3. should be amended to give effect to this recommendation.

521. While the Panel notes Ms Easton’s recommendation to amend Clause 4 in relation to traffic movement as a result of the Waka Kotahi submission, as a result of our recommendations in the Transport Chapter on trip generation, this standard is to be deleted to avoid the potential for uncertainty between provisions. We note that the inclusion of the no more than one full-

time equivalent person should address the amenity issue associated with people and vehicle numbers.

522. In relation to GRUZ-R10, the Panel agrees with Ms Easton's recommended amendments detailed in clause 2. in response to RNZ's request. We note that Ms Easton also recommended that rules GRUZ-R23 and GRUZ-R26 have the following matter of discretion added:

> *Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.*

523. We agree with her reasons, namely, to limit the risk and harm associated with electromagnetic radiation, and the wording of the additions to these three rules. While we agree that structures over 18m may be rare, it is precisely the higher and more unusual structures that are exposed to greater risk, and it makes sense for this risk to be assessed at the resource consent stage.

524. Further legal submissions from RNZ, provided in response to matters raised by the Panel in the hearing, confirmed that RNZ and Ms Easton had reached an agreed position on a proposed overlay, with accompanying permitted activity standards including clause 1. b. as to a setback and matters of discretion for restricted discretionary activities within GRUZ-R23 and GRUZ-R26. RNZ considered that the s42A officers' proposed provisions provide good protection. The legal submission considered that there was scope in the original RNZ submission to propose an appropriate alternative relief, including an overlay. We accept these views and agree with the recommended amendments.

525. In relation to GRUZ-R13, the Panel agrees with Ms Easton's recommended amendments. We note that several submissions[65] supported the rule but requested that an error in the text be corrected, as it states 12:00 p.m. instead of 12:00 a.m. Ms Easton supported these submission points. We agree.

526. Ms Easton supported a submission point from BDC and GDC, seeking that the wording of Standard 3 be amended to refer to the correct numbering of Clauses 1 and 2. Again, we agree.

527. A submission from BDC sought a schedule of Community Halls to be included in the Plan, to provide certainty on which community facilities are considered halls for the purpose of this rule. Ms Easton noted that existing halls would have existing use rights, and the Plan does not include schedules of other similar facilities. She suggested that a definition would be more appropriate for addressing this issue and invited BDC to propose suggested wording. We agree with Ms Easton, and we note we did not receive any wording for consideration from BDC.

528. In relation to GRUZ-R14 the Panel agrees with Ms Easton to retain this rule as notified.

529. While the Panel acknowledges Ms Easton's recommendation to retain GRUZ-R15, as notified we note at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of control and discretion and replaced with '*measures to mitigate landscape effects*'. This will apply to all such situations with the GRUZ and RLZ provisions.

530. In relation to GRUZ-R16, the Panel agrees with Ms Easton in not supporting several submitters[66] who sought to amend the rule to allow for existing non-compliance. Ms Easton

[65] Buller District Council, Chris & Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co Ltd, Karamea Lime Company, Peter Langford

[66] John Brazil, Steve Croasdale, Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin.

noted that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects. We agree with her analysis and her recommendation to retain the rule as notified.

531. In relation to GRUZ-R17, the Panel agrees, based on the reasons provided by Ms Easton in respect of GRUZ-R7, that this rule should subsequently be deleted.

532. In relation to GRUZ-R19, the Panel agrees with Ms Easton that this rule should be retained as notified. We agree with Ms Easton's consideration of a submission point from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone. Ms Easton acknowledged that this is an important issue, but no such zones currently exist on the Coast, and she had not been able to gather information about where they should be located. She noted that the NES for drinking water addresses the protection of drinking water sources and is required to be implemented by Regional Councils. Therefore, she considered that WCRC would most appropriately manage the matter. We agree. We also agree with her recommendation to reject those submissions that sought to amend the rule to allow for existing non-compliance for the reasons she provides in her s42A.

533. In relation to GRUZ-R20, the Panel agrees with Ms Easton that this rule should be retained as notified. We accept that the effects of intensive primary production can be considerable, and that larger-scale industries can require significant management, warranting a restricted discretionary activity rather than a controlled status. Ms Easton considered that the recommended advice note to the intensive primary production definition, confirming that herd homes are excluded, may address GDC's concerns.

534. Ms Easton did not support a submission point from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone for reasons earlier discussed. We agree.

535. Ms Easton did not support a submission point from Forest and Bird seeking additional conditions requiring these activities not to be in overlays, SNAs, the coastal environment, or where indigenous vegetation clearance would occur, noting that these matters are addressed in the relevant District-wide chapters. We agree. She did not support the proposal that such activities should be non-complying if these matters are breached. Again, we agree.

536. Ms Easton did not support a submission point from BCG and Frida Inta seeking that the number and type of livestock be a matter of discretion, as she considered the District Plan primarily manages building bulk and location, traffic and noise effects, and that the number and type of livestock is more relevant to discharge effects which the Regional Council manages. We also note that livestock numbers could be the subject of By-laws. We agree with this analysis.

537. Several submitters[67] sought to amend the rule to allow for existing non-compliance. This issue has been discussed earlier, and we agree with Ms Easton's analysis of these submissions.

538. In relation to GRUZ-R21, the Panel agrees with Ms Easton that the restricted discretionary status of this rule remains unchanged. We do not consider separating rural contractors' yards from rural industry is appropriate and we note as reported that there has been a proliferation of industrial activities in rural areas surrounding the main towns and it has become a significant

[67] John Brazil, Steve Croasdale, Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co LTD.

issue. We acknowledge that the nature of the West Coast economy is that many activities serve both urban and rural sectors and consider that requiring resource consent for these activities means that effects can be appropriately managed and it ensures that activities established in the rural zone serve the rural economy as intended. We recommend that the rule remain as notified.

539. In relation to GRUZ-R22, the Panel agrees with Ms Easton's reasons for rejecting the submission point from HortNZ seeking provision for temporary workers' accommodation in a new permitted activity rule. She considered that the minor unit provisions sufficiently provide for worker accommodation of the type required on the Coast. We agree, however we consider the heading of the rule needs to be amended to make it clear there is no permitted status for Temporary Worker Accommodation.

540. Several submitters[68] sought to amend the rule to allow for existing non-compliance. We have addressed that issue earlier and retain the same position on it. We agree with Ms Easton's recommendation to retain this rule as notified.

541. In relation to GRUZ-R23, the Panel agrees with Ms Easton's recommendation to support, in part a submission point from GDC seeking that management of access, parking, and traffic generation be added as a matter of discretion. She considered access and parking to be relevant, but not traffic generation, as Papakāinga are a residential activity. Adding the additional matter of discretion requires minor editing of the rule to relocate the word 'and'. As well, we agree with adding the matter of discretion relating to the Westport Radio Mast EM overlay as a consequential amendment to this rule.

542. In relation to GRUZ-R24, the Panel agrees with Ms Easton's recommendation to delete this rule based on the submissions from Federated Farmers and Hort NZ. The submitters were concerned that the rule was too permissive given the policy framework, which directs that the General Rural Zone be used for primary production ahead of other uses. Ms Easton supported these submission points, agreeing that the policy direction is clear and noting that the issue of the proliferation of commercial and industrial activities in the rural zones is significant. She recommended deleting GRUZ-24 and retaining GRUZ-30 and renaming it '*Industrial and commercial activities excluding rural industry'.* We agree with her reasoning and recommendation to delete the rule and to amend GRUZ-R30.

543. In relation to GRUZ-R26, the Panel acknowledges the submissions received in support of the rule. As all submissions were in support, no changes were recommended by Ms Easton to the rule. We note the consequential amendment to include a new matter of discretion at clause e. relating to the Westport Radio Mast EM overlay, which we support.

544. In relation to New Rule GRUZ-RXXX Fences, Walls and Retaining Walls not meeting Permitted Activity Standards Ms Easton supported submission points from Frank and Jo Dooley and Frank O'Toole, seeking that fences, walls, and retaining structures be removed from GRUZ-R28 and placed in a separate, restricted discretionary rule, with matters of discretion relating to the effects of these types of structures. She noted that these submitters sought a similar change to the rules in other zones and considered that a restricted discretionary activity is appropriate for structures that do not meet permitted activity standards. We agree with Ms Easton's recommendation to remove fences, walls, and retaining structures from GRUZ-R28 and create

[68] John Brazil, Steve Croasdale, Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co LTD.

a new restricted discretionary rule for these matters, as doing so would be consistent with other recommendations.

545. In relation to New Rule GRUZ-RXXXX Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards, Ms Easton agreed that a discretionary activity for GRUZ-R27 status was unnecessarily onerous and agreed with HortNZ's submission that a restricted discretionary activity status would be appropriate. She noted this would be consistent with the management of other activities with a comparable level of effects on amenity. She proposed a new rule which we have detailed above. For the reasons she provides we agree with the wording and need for a new rule and recommend its inclusion.

546. In relation to GRUZ-R27, the Panel acknowledges the submissions received in support of the rule. As all submissions were in support, Ms Easton recommended no changes to the rule. We agree with that recommendation.

547. In relation to GRUZ-R28, the Panel has already recorded above agreement to remove from this rule Fences, Walls, Retaining Walls and Relocated Buildings and to include a new rule covering these matters, except for Relocated Buildings, for which no provision within this zone is being made.

548. In relation to GRUZ-R29, the Panel agrees with Ms Easton to not support a submission point from GDC seeking to include reference to controlled activity, as a consequence of their submission seeking a controlled activity status for intensive indoor primary production. Ms Easton noted that she had also not supported that submission. We agree to the retention of this rule as notified.

549. In relation to GRUZ-R30, the Panel agrees with Ms Easton's recommendation to amend the rule's heading. Ms Easton supported in part a submission point from BDC seeking that the title be amended to 'commercial and industrial activities' as non-rural activities are not a defined term. Ms Easton noted that there is a definition and rules for rural industry, so Rule R30 must be clear that it does not apply to rural industry. The same issue arose concerning GRUZ-R24, which we have discussed above. For the reasons she provides, we agree with Ms Easton's recommendation to both amend the rule heading and amend clauses 1 and 2 to clarify the Rule applies to both commercial and industrial activities seeking to locate in the rural zone.

550. In relation to GRUZ-R31, the Panel agrees with Ms Easton's recommendation that Clause 1 be removed and that the activity status does not escalate to non-complying. Ms Easton supported those submissions, seeking that amendment. She considered a Discretionary activity status to enable all relevant matters to be assessed was appropriate for this zone. She also noted that some visitor accommodation, such as campgrounds, is appropriate in the General Rural Zone and considered a non-complying activity status unnecessary for these activities. We agree with her reasoning and recommendation to delete clause 1 from this rule.

551. In relation to GRUZ-R33, the Panel agrees with Ms Easton's recommendation that, as there are no restricted discretionary rules concerning residential activities, the words 'or restricted discretionary' be removed.

552. In relation to GRUZ-R34, the Panel agrees with Ms Easton's recommendation that, the rule title be amended to "Commercial and Industrial activities not meeting any other rule in the zone," noting that this is a consequential amendment to other submissions she had supported

for the likes of GRUZ-R30. She further noted several submission points[69] sought that the activity status be Discretionary or that the rule be deleted. Ms Easton did not support these submissions, noting that no reasons were provided for opposing the rule, other than it being too restrictive. She noted that the focus of the rural zone is to provide for primary production. We agree with Ms Easton that to give proper focus to the purpose of the rural zone her recommended activity status for the activity the rule covers is appropriate.

553. In relation to GRUZ-R35, while the Panel agrees that the rule should not be deleted, we consider, in line with other recommendations we have made, that it should become discretionary activity. We note that Ms Easton acknowledged that a Discretionary activity status is often applied to this type of 'catchall' rule. We recommend that approach is taken here.

554. In relation to non-complying rules GRUZ-R34, the Panel notes the escalation for residential activities and residential units not meeting the discretionary status in GRUZ 33 in relation to a Rifle Range Protection Area to a non-complying status was missing a rule in the notified Plan. We consider this to be a Clause 16(2) of the First Schedule of the RMA matter and have accordingly recommended the amendment.

Hearing Panel's Recommendation

555. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments be made to the **General Rural Zone Overview and rules:**

General Rural Zone

Overview

The GRUZ – General Rural Zone is the largest zone that affects private land on the West Coast/Te Tai o Poutini. Rural land is an important resource as it underpins the social and economic well-being of the West Coast/Te Tai o Poutini. The rural area is a dynamic environment, influenced by changing farming practice and by a wide range of productive activities. The RURZ – Rural Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development within this zone.

The GRUZ - General Rural Zone provides for primary production, such as pastoral farming, livestock, horticulture and forestry. It also provides for resource extraction such as quarrying and mining**, regionally significant infrastructure**[70], and intensive indoor farming, such as indoor poultry and pig farms. These activities have the potential to generate adverse activities beyond the boundaries of a site, for example: noises from farm animals and machinery, odour from dairy-sheds and associated effluent treatment and discharge systems, silage/baleage and agricultural fertiliser, light overspill, and traffic effects from milk tankers, aggregate trucks and stock trucks. The effects of rural production activities therefore need to be appropriately managed and mitigated, while recognising that the GRUZ – General Rural Zone is a production-oriented working environment that is characterised by these activities.

The GRUZ - General Rural Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and

[69] Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co LTD
[70] Manawa Energy (S438.140)

appearance used for intensive primary production or rural industry. **A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.**[71] Rural halls, domains and schools which serve the needs of the rural community are also present, however there is a general lack of urban infrastructure in the zone such as street lighting and footpaths. Te Tai o Poutini Plan seeks to maintain this rural character.

Where numerous or larger scale buildings or structures are proposed, their location, height and scale are managed to ensure development does not compromise the qualities of the rural setting or rural character.

A range of structures associated with regionally significant infrastructure are also a feature of the rural areas.[72]

Urban activities such as commercial and retail, or industrial activities not associated with primary production, are restricted within the zone. Rural lifestyle subdivision is also limited due to the potential for reverse sensitivity effects impacting on primary production activities and the potential for fragmentation of productive land.

The RURZ – Rural Zones Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development in the GRUZ – General Rural Zone. However, there are additional specific policies and different rules for the two precincts – the GRUZ – PREC1 – Community Living Precinct and the GRUZ – PREC5 – Highly Productive Land Precinct. Where there is a conflict between a GRUZ – General Rural Zone provision and the GRUZ – PREC1 – Community Living Precinct or GRUZ – PREC5 – Highly Productive Land provision, within each Precinct, the relevant Precinct provision applies.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ – Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered. [73]

Other relevant Te Tai o Poutini Plan provisions

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

- ~~Overlay Chapters – the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~[74]
- **The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities. Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater,**

[71] Manawa Energy (S438.140)
[72] Manawa Energy (S438.140)
[73] Clause 16(2) of the RMA
[74] Forest and Bird (S560.370 and S560.0543)

stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities.[75]

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Rural Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Rural Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of General Rural Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Rural Zone, the provisions of the Ecosystems and Biodiversity chapter apply.**[76]
- **General District Wide Matters** - provisions in relation to Earthworks in particular may be relevant to many activities.
- **Subdivision** - The Subdivision Chapter sets out the requirements for subdivision activities in the GRUZ - General Rural Zone.
- **Financial Contributions** – The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

GRUZ – R1 Agricultural, Pastoral or Horticultural Activities and Buildings and structures[77]

Activity Status Permitted

Where:

1. Maximum building **or structure**[78] height above ground level is:
   i. 10m; except that

[75] Manawa Energy (S438.141)
[76] Forest and Bird (S560.370)
[77] HortNZ (S486.075)
[78] HortNZ (S486.075)

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

2. Buildings **and structures**[79] are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, **5m from the rail designation,**[80] **10m from any settlement zone boundary** and ~~10~~**5**m[81] from internal boundaries;

3. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m;

4. Woodlots are not established within:

i. 10m of the boundary of an adjoining property unless that property is within plantation forest; and

ii. 40m of a dwelling.

5. Within the Rifle Range Protection Areas only buildings that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities are established; ~~and~~

6. Performance standards for beekeeping in the Westland District apply as follows:

i. No bees may be kept on a property less than 600m2 net site area; and

ii. Beehives must be placed with an obstruction in front of them or be elevated to enable bees to be 2.5m above ground level prior to crossing the site boundary~~;~~.

7. **The maximum ground floor area of any single building is 1000m² or 500m² for any residential building**;[82]

8. **Vehicle crossing standards in Rule TRN – R1 are met**;[83] **and**

9. **No building housing sensitive activities shall be located within 150m of a Designated community wastewater treatment facility site boundary**.[84]

Advice Note:

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

2. Quarrying activity within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.

Activity status where compliance not achieved: **Restricted Discretionary for Agricultural, Pastoral or Horticultural buildings not meeting standard 7, Otherwise**[85] Discretionary

GRUZ – R2 Conservation and Recreation Activities

Activity Status Permitted

Where:

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

[79] HortNZ (S486.075)
[80] KiwiRail (S442.093)
[81] Davis Ogilvie & Partners (S465.033)
[82] Buller District council (S538.497)
[83] Waka Kotahi (S450.271)
[84] Buller District Council (S538.497)
[85] Buller District Council (S538.497)

2. Within the Rifle Range Protection Areas, Recreation Activities are restricted to Recreational Firearms ~~Target~~ **Shooting.**[86]

Activity status where compliance not achieved: Discretionary where 1 is not complied with Non-complying where 2 is not complied with.

GRUZ-R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with;
2. No residential activities or residential units occur within the Rifle Range Protection Area;
3. Residential unit density is no more than one unit per 10ha net site area in the Highly Productive Land Overlay and one unit per 4ha net site area in the rest of the General Rural Zone except
   i. Where:
      a. The site is already in existence and complied with the previous relevant Grey, Buller or Westland District Plan density provisions; or
      b. The site is subject to an approved subdivision consent at the operative date of the plan;
      c. Then the residential unit density is no more than one unit per site;
   ii. Where this is within the Community Living Precinct and in accordance with the Concept Plan contained in Appendix Eight; ~~and~~
4. There is no more than 3 minor residential units per 10ha net site area that:
   i. Are located within 20 metres of and share the driveway with either the principal dwelling; or
   ii. Are worker accommodation associated with primary production buildings; **and**
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008**).[87]

Activity status where compliance not achieved:

Restricted Discretionary where this is Temporary Worker Accommodation subject to Rule GRUZ – R22, Otherwise[88] Discretionary

Advice Notes:

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

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

[86] Westport Pistol Club (S336.012), Westport Rifle Club Incorporated (S457.011), Chris & Jan Coll (S558.507), Chris J Coll Surveying Ltd (S566.507), William Mc Laughlin (S567.551), and Laura Coll McLaughlin (S574.507)
[87] Fire and Emergency New Zealand (S573.040)
[88] HortNZ (S486.075)

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.[89]

GRUZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with;
2. No papakāinga development occurs within any Rifle Range Protection Area;
3. Residential building density is no more than one unit per hectare net site area, however units are able to be clustered; ~~and~~
4. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga**; and**
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**[90]

Advice Note**s**:

1.Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.[91]

GRUZ – R5 Minor structures

[89] Fire and Emergency New Zealand (S573.040)
[90] Fire and Emergency New Zealand (S573.040)
[91] Fire and Emergency New Zealand (S573.040)

Activity Status Permitted

Where:

1. These are not structures associated with Agricultural, Pastoral and Horticultural Activities Permitted under Rule GRUZ – R1;
2. ~~All performance standards for Rule GRUZ – R1 are complied with~~; **Structures are set back a minimum of 10m from the road boundary, 20m from the State Highway boundary and 5m from internal boundaries**[92]
3. Masts, poles, aerials and pou whenua must not exceed 7m in height;
4. Any antenna dish must be less than **1.5m**[93] in diameter;
5. Any other structure must not exceed 10m^2 and 2m in height; and
6. Within the Rifle Range Protection Area only minor structures that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: Controlled

GRUZ-R6 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level;
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall; and
3. Within the Rifle Range Protection Area only fences walls and retaining walls that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: **Restricted** Discretionary[94]

~~**GRUZ-R7 Relocated Buildings**~~

~~Activity Status Permitted~~

~~Where:~~

~~1. All performance standards for Rule GRUZ – R1 are complied with;~~
~~2. Any relocated building intended for use as a dwelling must have been designed and built to be used as a dwelling;~~
~~3. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;~~

[92] Buller District Council (S538.500)
[93] Amendment made on Vance Boyd evidence
[94] Frank O'Toole (S595.028, S595.022)

~~4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and~~

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

~~Activity status where compliance not achieved: Controlled~~ [95]

GRUZ -R~~8~~7 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or rural activity or is located within the GRUZ – PREC1 – Community Living Precinct;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**;[96]
6. No heavy vehicle movements are generated; and
7. In the Buller District, the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

Where a noise sensitive activity is located within:

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

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

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R~~9~~8 Home Business

Activity Status Permitted

[95] Buller District Council (S538.502), Chris & Jan Coll (S558.021, S558.514), Chris J Coll Surveying Limited (S566.021 S566.514), William McLaughlin (S567.011 S567.558), Laura Coll McLaughlin (S574.021 S574.514)
[96] Grey District Council (S608.109)

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. **There are no more than two full-time equivalent persons engaged in the home business that reside off site; and**[97]
4. ~~A maximum of 10 heavy vehicle movements occurs per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~[98]
4. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R~~10~~9 Emergency Service Activity

Activity Status Permitted
Where:

1. All performance standards for Rule GRUZ – R1 are complied with except that:
    a. Hose drying towers are exempt from the height standard; and
    b. A setback of 5m from the road or State Highway Boundary is required~~.~~**; and**
2. **Where the facility will be located within the Westport Radio Mast EM Overlay, any hose drying or siren tower of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated.**[99]

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R1~~1~~0 Mineral Prospecting and Mineral Explorations – Addressed in Mineral Extraction Recommendation

GRUZ-R1~~2~~1 Mineral Extraction– Addressed in Mineral Extraction Recommendation

GRUZ-R1~~3~~2 Community Halls

Activity Status Permitted

Where:

1. No restriction on hours is in place for up to 12 days per calendar year;
2. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes;
3. For circumstances other than outlined in **1 and** 2 ~~and 3.~~ [100] above, hours of operation are limited to:
    i. 7am to 10pm Sunday – Thursday;

[97] Buller District Council (S538.504)
[98] Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083
[99] Radio New Zealand (S476.040)
[100] Buller District Council (S538.508), Grey District Council (S608.111)

ii. 7am to 12~~pm~~**am**[101] midnight Friday and Saturdays

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-14~~3~~ Community Facilities and Educational Facilities in the Community Living Precinct

Activity Status Permitted

Where:

1. These facilities are located in accordance with the Concept Plan in Appendix Eight.

Activity status where compliance not achieved: Controlled

Controlled Activities

GRUZ-R15~~4~~ Community Facilities and Educational Facilities in the Community Living Precinct not meeting Permitted Activity Standards

Activity Status Controlled

Matters of control are:

a. Design and location of structures; and
b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[102]
c. Methods of wastewater and stormwater treatment and disposal;
d. Methods of ensuring safe drinking water supply;
e. Any requirement for financial contributions; and
f. Parking and access.

Activity status where compliance not achieved: N/A

GRUZ-R16~~5~~ Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures; and
b. ~~Landscape measures~~ **Measures to mitigate landscape effects**.[103]

[101] Buller District Council (S538.508, Chris & Jan Coll (S558.525), Geoff Volckman (S563.126), Catherine Smart Simpson (S564.135), Chris J Coll Surveying Ltd (S566.525), William Mc Laughlin (S567.568), Laura Coll McLaughlin (S574.525), Koiterangi Lime Co Ltd (s577.102), Karamea Lime Company (S614.190), Peter Langford (S615.190
[102] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[103] Consequential Plan wide amendment to Manawa Energy Limited S438.100

Activity status where compliance not achieved: Discretionary

~~**GRUZ R17 Relocated Buildings not meeting Permitted Activity standards**~~

~~Activity Status Controlled~~

~~Where:~~

~~All performance standards for Rule GRUZ – R1 are complied with.~~

~~Matters of control are:~~

~~a. Design and location of structures;~~

~~b. Methods of wastewater and stormwater treatment and disposal;~~

~~c. Methods of ensuring safe drinking water supply;~~

~~d. Any requirement for financial contributions;~~

~~e. Landscape measures; and~~

~~**f.** Appearance of buildings.~~

~~Activity status where compliance not achieved: Discretionary~~[104]

GRUZ – R1~~9~~7 Intensive Indoor Primary Production in the Community Living Precinct

Activity Status Controlled

Where:

1. All performance standards for Rule GRUZ – R1 are complied with; and
2. This is located in accordance with the Concept Plan in Appendix Eight.

Matters of control are:

a. Design and location of buildings;
b. Management of access, traffic and parking;
c. Management of odour, noise, lighting and dust;
d. Method of effluent management and disposal;
e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[105]
f. Hours of operation;
g. Any impacts on the production values of surrounding land;
h. Effects on visual amenity and rural character; and
i. Methods of wastewater and stormwater treatment and disposal.

[104] Buller District Council (S538.502), Chris & Jan Coll (S558.021, S558.514), Chris J Coll Surveying Limited (S566.021 S566.514), William McLaughlin (S567.011 S567.558), Laura Coll McLaughlin (S574.021 S574.514)
[105] Consequential Plan wide amendment to Manawa Energy Limited S438.100

Activity status where compliance not achieved: Restricted Discretionary

Restricted discretionary activities

GRUZ-R~~20~~18 Intensive Indoor Primary Production

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Bulk and location of buildings;
b. Management of access, traffic and parking;
c. Management of odour, noise, lighting and dust;
d. Method of effluent management and disposal;
e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[106]
f. Hours of operation;
g. Any impacts on the production values of the surrounding land;
h. Any requirement for financial contributions;
i. Effects on visual amenity and rural character; and
j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-~~21~~19 Rural Industry

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Bulk and location of buildings;
b. Management of access, traffic and parking;
c. Management of odour, noise, lighting and dust;
d. Hours of operation
e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[107]
f. Any requirement for financial contributions;
g. Any impacts on the production values of the surrounding land;

[106] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[107] Consequential Plan wide amendment to Manawa Energy Limited S438.100

h. Effects on visual amenity and rural character; ~~and~~

i. Methods of water supply; **and**

j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R2~~2~~0 Visitor Accommodation ~~and~~ not meeting Permitted Activity Standards and Temporary Worker Accommodation[108]

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Number of visitors/workers staying on site;

b. Number of days of use for the accommodation;

c. Management of traffic and parking;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[109]

e. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;

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

g. Any requirement for financial contributions;

h. Effects on visual amenity and rural character; and

i. Methods of wastewater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R2~~3~~1 Papakāinga Developments not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where

1. These are not established within any Rifle Range Protection Area.

Discretion is restricted to:

a. Design and location of structures;

b. Requirements for wastewater, water supply or stormwater servicing;

[108] Clause 16(2) of the RMA
[109] Consequential Plan wide amendment to Manawa Energy Limited S438.100

c. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;

d. Any requirement for financial contributions; ~~and~~

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**.[110]

f. **Management of access and parking;**[111] **and**

g. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase**.[112]

Activity status where compliance not achieved: Non-complying

~~GRUZ-R24 Non-rural activities~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

~~1. The maximum floor and yard area for any non-rural activity shall be 250m^2; and~~

~~2. All performance standards for Rule GRUZ – R1 are complied with.~~

~~Discretion is restricted to:~~

~~a. Management of access, traffic and parking;~~

~~b. Landscape measures;~~

~~c. Hours of operation;~~

~~d. Management of odour, noise, lighting and dust;~~

~~e. Any impacts on the production values of the surrounding land;~~

~~f. Any requirements for management of hazardous substances in accordance with the objectives and policies in the Hazardous Substances chapter;~~

~~g. Any requirement for financial contributions;~~

~~h. Effects on visual amenity and rural character; and~~

~~i. Methods of water supply, wastewater and stormwater treatment and disposal.~~

~~Activity status where compliance not achieved: Discretionary~~[113]

GRUZ - R2~~5~~2 Mineral Extraction Activities not meeting Permitted or Controlled Activity Standards – Addressed in Mineral Extraction Recommendation

GRUZ-R2~~6~~3 Community Facilities, Educational Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary

[110] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[111] Grey District Council (S608.758)
[112] Radio New Zealand (S476.040)
[113] TiGa Minerals and Metals Limited (S493.104), Westland Farm Services (S550.017), WMS Group (S599.120), Birchfield Coal Mines Ltd (S601.098), Birchfield Ross Mining Limited (S604.088), Phoenix Minerals Limited (S606.073), Whyte Gold Limited (S607.073), Federated Farmers of New Zealand (S524.121) and Horticulture New Zealand (S486.082, S486.083)

Discretion is restricted to:

a. Management of access, parking and traffic generation;

b. Hours of operation;

c. Noise management and lighting;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects; and**[114]

e. Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.[115]

Activity status where compliance not achieved: N/A

GRUZ – R24 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures;

b. Height of structures; and

c. Shading and dominance effects on adjoining sites.

Activity status where compliance not achieved: N/A[116]

GRUZ – R25 Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Bulk and location of buildings;

b. Effects on visual amenity and rural character;

c. Measures to mitigate landscape effects; and

d. Methods of stormwater treatment and disposal.

Activity Status where Compliance Not Achieved: N/A[117]

Discretionary Activities

GRUZ-R2~~7~~6 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

[114] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[115] Radio New Zealand (S476.040)
[116] Frank and Jo Dooley (S478.034, S478.040), and Frank O Toole (S595.028, S595.022)
[117] HortNZ (S486.075)

GRUZ-R2~~8~~7 Minor Structures~~, Fences, Walls, Retaining Walls and Relocated Buildings~~[118] **not meeting Permitted or Controlled Activity Standards**

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

GRUZ-R2~~9~~8 Intensive Indoor Primary Production or Rural Industry not meeting Permitted or Restricted Discretionary Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

GRUZ-R3~~0~~29 ~~Non-rural~~ Industrial and Commercial activities ~~not meeting Permitted or Restricted Discretionary Activity Standards~~ excluding Rural Industry[119]

Activity Status: Discretionary

Where:

1. The activity is not ~~for large format retail~~ **a Commercial activity**[120] with a floor and/or yard area of greater than 250m^2; nor any
2. ~~Non-rural~~ i **Industrial**[121] activities located within 10km of any Industrial Zone site of sufficient size to accommodate the activity.

Activity status where compliance not achieved: Non-complying

GRUZ-R3~~1~~0 Visitor and Temporary Worker Accommodation not meeting Permitted or Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

~~1. The visitor and temporary worker accommodation is ancillary to a farming, conservation or residential activity.~~

Activity status where compliance not achieved:~~Non-complying~~ **N/A**[122]

GRUZ-R3~~2~~1 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting restricted discretionary activity standards – Addressed in the Mineral Extraction Recommendation

[118] Frank and Jo Dooley (S478.034, S478.040), Frank O,Toole (S595.028, S595.022), Chris & Jan Coll (S558.043, S558.542), Chris J Coll Surveying Limited (S566.043), S566.542), William Mclaughlin (S567.013, S567.583), Laura Coll McLaughlin (S574.043)

[119] Buller District Council (S538.516), Chris & Jan Coll (S558.544), Geoff Volckman (S563.139), Catherine Smart Simpson (S564.148), Chris J Coll Surveying Limited (S566.544), William McLaughlin (S567.585), Laura Coll McLaughlin (S574.544), Koiterangi Lime Co Ltd (S577.115), Karamea Lime Company (S614.203) and Peter Langford (S615.203)

[120] Buller District Council (S538.516)

[121] Buller District Council (S538.516)

[122] Horticulture New Zealand (S486.084)

GRUZ-3~~3~~2 Residential Activities and Residential Units not meeting Permitted ~~or Restricted Discretionary~~[123] Activity Standards
Activity Status Discretionary Where: 1. This does not occur within any Rifle Range Protection Area. Activity status where compliance not achieved: Non-complying
GRUZ-3~~5~~3 Any Activity not provided for by another Rule in the zone
Activity Status: ~~Non-complying~~ **Discretionary**[124] Activity status where compliance not achieved: N/A
Non-complying Activities
GRUZ-34 ~~Non-rural Activities, Visitor and Temporary Worker Accommodation~~ Residential Activities and Residential Units,[125] **Commercial and Industrial activities**[126] **not meeting any other Rule in the zone**
Activity Status: Non-complying Activity status where compliance not achieved: N/A

4.2. SUB-S1 in relation to the General Rural Zone

Submissions and Further Submissions

556. Thirty-three submission points and twenty-eight further submission points were received on the standard and are summarised in a table on pages 131-136 of the s42A report. Two submission points were received in support of the standard, one opposed the standard and sought that subdivision does not occur in rural zones, and the remaining 30 sought amendments.

557. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

s42A Report

558. Ms Easton acknowledged submissions in support of the chapter.

559. Ms Easton did not support submission point (S121.001) from Graeme Cavaney seeking that subdivisions do not occur in rural areas but acknowledged the submitter's concerns. She noted

[123] Horticulture New Zealand (S486.084)
[124] Chris & Jan Coll (S558.553), Chris J Coll Surveying Limited (S566.553), William McLaughlin (S567.593), Laura Coll McLaughlin (S574.553)
[125] Clause 16(2) of RMA
[126] Buller District Council (S538.526)

that the TTPP provisions seek to address the matters raised, in response to the issues that have resulted from ad-hoc subdivision.

560. Ms Easton supported submission point (S403.001) from Charlie McBeath seeking that the 20ha minimum size be reduced, noting that there is no 20ha minimum size proposed. She noted that the draft plan had included a 20ha minimum lot size but that, based on feedback and further analysis, this was reduced to 4ha generally and 10ha within a Highly Productive Land precinct in Grey District and the Land Use Capability Class 3 land in Buller District.

561. Several submission points Sarah Bushby (S9.001), Garry Howard (S358.003), Julie Madigan (S363.002), Christopher and Donna Meates (S430.004, S430.003), Denis and Wendy Cadigan (S532.003), Lauren Nyhan Anthony Philips (S533.021), Russell and Joanne Smith (S477.021), Tim Macfarlane (S482.021), Michael Snowden (S492.010), Claire and John West (S506.021), Stewart & Catherine Nimmo (S559.021), BRM Developments Limited (S603.038), Birchfield Ross Mining Limited (S604.048), Phoenix Minerals Limited (S606.039), Whyte Gold Limited (S607.037), Chris J Coll Surveying Ltd (S566.260), William Mc Laughlin (S567.327), Laura Coll McLaughlin (S574.260), Steve Croasdale (S516.063), G E, and C J Coates (S415.010, S415.007), Glenn Elley (S249.001), John Brazil (S360.025), Lara Kelly (S421.014), Lynley Hargreaves (S481.019) and Chris & Jan Coll (S558.260) sought a reduction to either 1ha or 5000m2. Ms Easton did not support these submissions. She noted that many submissions sought to keep the 'status quo,' and acknowledged that the TTPP changes the subdivision framework significantly in all three districts. One of the early and most significant issues identified when developing the rural zone framework was the adverse effects of ad-hoc subdivision on primary production, both mineral extraction and loss of productive land. She noted that although subdivision was a discretionary activity in both Buller and Westland Districts, in practice consents appear to have always been granted, with 5000m2 lot sizes the norm. She noted that the TTPP takes a planned approach to subdivision, directing it to identified areas where there are services to support rural residential/lifestyle communities, or where there are less likely to be conflicts with primary production activities. This is achieved through providing three different types of zones, each with different lot sizes, having a larger lot size for the General Rural Zone subdivision, and a policy framework that supports this approach.

562. Ms Easton considers that submitters seeking changes to the proposed framework seek a return to an ad-hoc approach with the ability for widespread subdivision throughout the rural areas. She stated she does not support these submission points because the problems identified with this approach would be perpetuated. Ms Easton noted that in the Buller and Westland Districts, the introduction of a controlled activity standard for complying subdivision means that the provisions are less restrictive. However, she agreed with submitters that the precise minimum lot size of 4ha, and the accompanying policy framework, makes unrestrained lifestyle development less likely to occur under the TTPP.

563. In response to submission point (S524.085) from Federated Farmers seeking that SUB-S1 be amended to specify that the minimum lot size is 4000m^2 where it contains an area of significant indigenous biodiversity, Ms Easton did not support this submission. She noted that this matter would be considered in the Ecosystems and Biodiversity s.42a report, but that Rule SUB-R7 is not subject to SUB-S1. Therefore, the standard does not need to be amended.

564. Ms Easton did not support submission point (S617.006) from Scoped Planning seeking an amendment to allow productive rural landholdings to be subdivided from existing lawfully established dwellings. She considered that the TTPP rule framework seeks to prevent/reduce ongoing residential development in the General Rural zone and that this submission point seeks the opposite outcome.

565. Ms Easton did not recommend any amendments to the Plan as a result of these submissions.

Hearing and Submitter Evidence

566. No submitter evidence was presented in support of the submissions.

Reporting Officer Right of Reply

567. The officer's right of reply does not address this matter further.

Hearing Panel's Evaluation

568. In relation to SUB-S1 in the General Rural Zone the Panel has carefully reviewed Ms Easton's evaluation of the submission points seeking amendment and agrees with her findings and recommendation that there be no change. We accept that the pTTPP takes a planned approach to subdivision, directing it to identified areas where there are services to support rural residential/lifestyle communities, or where there are less likely to be conflicts with primary production activities. This is achieved through providing three different types of zones, each with different lot sizes, having a larger lot size for the General Rural Zone subdivision, and a policy framework that supports this approach. This being the case, we agree with Ms Easton, and we recommend no change to the notified provisions

Hearing Panel's Recommendation

569. The Panel recommends that SUB-S1 be retained as notified aside from a name change referred to below regarding Highly Productive Land.

4.3. General Rural Zones Highly Productive Land Precinct 5

Submissions and Further Submissions

570. Twenty-eight submission points and twenty-two further submission points were received on the Highly Productive Land Precinct and are summarised in a table on pages 138-141 of the s42A report.

571. Seven general submission points on the precinct were received and are summarised in a table on pages 138-139 of the s42A report. One opposed the provisions, and the remainder requested amendments.

572. Ten submission points were received on policy GRUZ-PRC5-P5 and are summarised in a table on pages 139-140 of the s42A report. Five submission points supported the policy, three sought amendments, and two sought that it be deleted.

573. Eleven submission points were received on subdivision size in precinct/SUB-S1 in relation to the precinct. One submission point was in support of the standard, one sought amendment, and the remainder were in opposition and sought to delete the provisions.

574. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

s42A report

General submissions on the precinct

575. WCRC (S488.036) sought that the Highly Productive Land Provisions be placed on hold and reviewed with further consultation with landowners. Ms Easton did not support these submissions. She acknowledged that WCRC is yet to provide an update to the WCRPS to implement the NPSHPL, creating a policy vacuum at the regional level, and that there are no indications of what future policy provisions may be. However, she considered that the TTPP must give effect to the NPS-HPL in its absence and manage the significant issues in the districts. She considered subdivision of rural land to be a significant issue, with tensions between landowner desires to profit from development and the impacts of subdivision on neighbouring primary production. She noted that this was a significant topic of consultation through the development of TTPP, with the proposed minimum lot sizes determined following feedback from the community and stakeholder organisations. Ms Easton considered the proposed approach to be consistent with the policy direction in the NPS-HPL, which states:

> *Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*
>
> > *(a) is zoned general rural or rural production; (b) and LUC 1, 2, or 3 land; but is not*
> >
> > *i) identified for future urban development; or*
> >
> > *ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

576. Ms Easton considered that the TTPP provisions appropriately give effect to the NPSHPL, which is focused on ensuring highly productive land is prioritised for land-based primary production activities and not rezoned for urban lifestyle or urban development uses.

577. Ms Easton supported the submission (S608.484) from GDC seeking that the Highly Productive Land Precinct be renamed the Rural Production Precinct and that a definition be included, noting that she had previously supported this approach in the Introduction and General Provisions report. She considered that the proposed name is confusing, as it creates the impression that the precinct is solely linked to the NPS-HPL. She noted that the recommended definition of rural production links to the purpose of the precinct and considered that the National Planning Standards provide a useful definition for the similarly named zone that could be used, as follows:

> > *Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production*

Submissions on GRUZ-P5 Highly Productive Land Precinct and Associated Policy

578. Ms Easton acknowledged the submissions received in support of the policy.

579. Hort NZ (S486.007) and Federated Farmers (S524.027) sought a new definition for highly productive land. Ms Easton did not support these submissions on the basis that the proposed definition is less than what the NPSHPL specifies. She considered that no definition is required with the change to the name of the precinct, noting that the WCRPS would, in time, provide a definition at the regional scale.

580. Several submissions Nick and Sandy Jeffries (S546.006), Peter Jeffries (S544.004) and Martin and Lisa Kennedy (S545.004) sought that the policy be deleted as part of deleting the overall

provisions, in part because the precinct is not based on Land Use Capability (LUC) assessments. Ms Easton noted that the precinct intends to be more than protecting highly productive land as identified in the NPS. In the absence of the WCRC identifying highly productive land, she noted all general rural zoned land on the West Coast meets the NPS definition. Ms Easton clarified that in the Buller District, only LUC class 3 land is included in the precinct, and there is no highly productive land precinct in the Westland District. The Grey Valley and surrounding farms are primarily identified as a Highly Productive Land Precinct based on the land uses in these areas. Ms Easton acknowledged that there are a range of lifestyle developments that had already occurred in these areas and that there may be a question of whether these individual properties should be included but did not support the wholesale deletion of the precinct or policy.

Subdivision Size in the Precinct/ Residential Density in the Precinct

581. Ms Easton acknowledged the submission received in support of the precinct.

582. Several submissions, Glenn Elley (S249.002), Martin and Lisa Kennedy (S545.005), Peter Jeffries (S544.005) and Nick and Sandy Jeffries (S546.003) sought to have the subdivision and residential density provisions deleted. Ms Easton did not support these submissions for the reasons outlined above.

Hearing and Submitter Evidence

583. Martin Kennedy submitted on behalf of several submitters, Peter Jeffries (S544.006) Nick and Sandy Jeffries (S546.002) and Martin and Lisa Kennedy (S545.002) and sought that the HPL matters be reconsidered. He considered that the process did a disservice to Grey District landowners impacted by the HPL precinct and that there had been a lack of consultation and no transparent process for identifying the land to be included. He noted that the process appeared to have been based on general and broad statements. He considered the maps to be inaccurate and not reflective of historic subdivision patterns, with no commentary available on the misidentification of his land. Mr Kennedy was concerned about the potential implications and impacts on land values by removing the ability to subdivide.

Reporting officers' right of reply

584. In response to a Panel query, Ms Easton confirmed there are areas of LUC Class 3 land that are not included in the HPL land precinct and provided maps showing a comparison of Class 3 land compared to the extent of the proposed HPL precinct. Ms Easton advised that WCRC are not currently progressing work on the HPL as the government had indicated some changes to the NPS, and they are awaiting final changes before progressing that work, as they have heard LUC3 land may be removed.

585. Ms Easton confirmed that the submissions provide some scope for a change of approach for the HPL precinct to relate only to LUC3 land, including submissions from HortNZ and Federated Farmers, as follows:

Hort NZ (S486)– this submission states:

We seek provisions that recognise highly productive land in line with the National Policy Statement for Highly Productive Land

Include a new definition for highly productive land: Until the regional policy statement contains maps identifying highly productive land in the West Coast, highly productive land is: LUC 1, 2, or 3 land which is zoned general rural or rural production and is not identified

for future urban development. Amend all uses of 'versatile soil' to 'highly productive land. We seek policies to manage ad-hoc urban and lifestyle development to maintain highly productive land resource for future generations and enable horticultural production in the future.

A new objective should be included [in the Rural Zones Chapter] to give effect to the NPSHPL. RURZ-P5 provides for highly productive land which is supported. The policy should give effect to the NPS-HPL and amendments are sought for this.

There should be provisions in the subdivision chapter that give effect to the NPSHPL to ensure that subdivision of highly productive land is avoided except as provided for in the NPSHPL.

[Re SUB – O3] Highly productive land should be added to the list of matters that are protected.

[Re SUB – P6] The policy lists areas where subdivision is to be avoided. This should be amended to give effect to the NPSHPL by avoiding subdivision as set out in the NPSHPL.

Federated Farmers (S524)– this submission states:

Include a new definition for highly productive land: Until the regional policy statement contains maps identifying highly productive land in the West Coast, highly productive land is:

LUC 1, 2, or 3 land which is zoned general rural or rural production and is not identified for future urban development. Amend all uses of 'versatile soil' to 'highly productive land. [Re SUB – P1] Whilst subdivision should be consistent with the qualities listed, it should also provide for the same. For example, with regard to highly productive land. Changes are sought to address these matter

586. Ms Easton considered that any spatial mapping that affects landowners should be shown on the planning maps if possible, so that people do not need to go to another location to find this information. She noted that LUC3 land would be easy to show in the planning maps as the GIS shape files are freely available from Landcare Research.

Hearing Panel's Evaluation

587. In relation to the General Rural Zones, Highly Productive Land Precinct, and GRUZ-P5 Highly Productive Land Precinct and Associated Policy, the Panel agrees with Ms Easton that the TTPP must give effect to the NPS-HPL in the absence of the WCRC updating its Regional Plan to give effect to the NPS-HPL. As well, the pTTPP must, in this interim period, manage the significant issues in the districts. She considered subdivision of rural land to be a significant issue, with tensions between a landowner's desire to profit from development and the impacts of subdivision on neighbouring primary production. She noted that this was a significant topic of consultation through the development of TTPP, with the proposed minimum lot sizes determined following feedback from the community and stakeholder organisations. Ms Easton considered the proposed approach to be consistent with the policy direction in the NPS-HPL.

588. Doing nothing to address this significant issue, particularly given the opportunity the pTTPP provides, would not, in the Panel's view, be giving effect to the RMA, in particular the obligation under the RMA to give effect to higher order documents in the course of plan making.

589. In our view the pTTPP provisions appropriately give effect to the NPS-HPL, which is focused on ensuring highly productive land is prioritised for land-based primary production activities and not rezoned for urban lifestyle or urban development uses.

590. The Panel does not agree with Ms Easton view that that the Highly Productive Land Precinct be renamed the Rural Production Precinct and that a definition be included, noting that she had previously supported this approach in the Introduction and General Provisions report. We consider it is appropriate that the NPS-HPL is given effect to and in our view the precinct should reflect the requirements of the NPS-HPL. In that regard we consider the Precinct should follow the direction of the NPS-HPL (Clause 3.5 (7) (a) ii) and use the NZLRI Land Use Capability (2021) classification LUC 1-3 to identify and map the area of the Precinct in the Plan and remove those areas which are not within that classification.

591. We agree with Ms Easton that a new definition of highly productive land requested by HortNZ (S486.007) and Federated Farmers (S524.027) is not needed.

592. The Panel considers that GRUZ-PREC1-P5 should be retained as notified based on our decision later in the recommendation to retain the Highly Productive Land Precinct but to confine it the Land Use Capability 1-3 land.

Hearing Panel's Recommendation

593. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and recommends that the following amendments be made to the **Highly Productive Land Precinct** the following:

GRUZ-PREC5-P5
Subdivision and development of residential units within the GRUZ - PREC5 - Highly Productive Land Precinct should ensure that economic farming units are retained and that the fragmentation of land for other uses is avoided.
SUB-S1
Each allotment, including the balance allotment must meet the following minimum lot size: a. General Residential Zone 350m^2; b. Large Lot Residential Zone 1000m^2; c. Medium Density Residential Zone 200m^2; and d. Neighbourhood Centre Zone 350m^2; e. Settlement Zone, Settlement Zone – Coastal Settlement Precinct and Settlement Zone – Settlement Centre Precinct 1000m^2 in unsewered areas and 500m^2 in sewered areas; f. Settlement Zone – Rural Residential Precinct 4000m^2; g. Rural Lifestyle Zone 1 hectare; h. General Rural Zone 4 hectares, except that it is 10 hectares in the Highly Productive Land; and i. Future Urban Zone 4 hectares

Mapping	
Identify all LUC 1-3 on land the Planning Maps as the Highly Productive Land Precinct and delete land that is not LUC 1-3.[127]	

4.4. Rural Lifestyle Zone Chapter

Submissions and Further Submissions

594. Two hundred and fifty submission points and eighteen further submission points on the Rural Living Zone chapter were received and are summarised in a table on pages 144-165 of the s42A report.

595. Four submission points were received on the chapter as a whole or seeking new rules and are summarised in a table on pages 144-145 of the s.42a report. One was in support of the chapter, two sought amendments, and one was in opposition.

596. Twenty submission points were received on RLZ-R1 and are summarised in a table on pages 145-147 of the s.42a report. One was in support of the chapter, two sought amendments, and one was in opposition.

597. Seven submission points were received on RLZ-R2 and are summarised in a table on pages 147-148 of the s.42a report. Three were in support, and four sought amendments.

598. Twenty-three submission points were received on RLZ-R3 and are summarised in a table on pages 148-149 of the s42A report. One was in support, and twenty-two sought amendments.

599. Five submission points were received in support of RLZ-R4 and are summarised in a table on page 150 of the s42A report.

600. Ten submission points were received on RLZ-R5 and are summarised in a table on pages 150-151 of the s42A report. One was in support, and nine sought amendments.

601. Nine submission points were received in support of RLZ-R6 and are summarised in a table on page 151 of the s42a report.

602. Twelve submission points were received on RLZ-R7 and are summarised in a table on pages 151-153 of the s.42A report. Three were in support, four sought amendments, and five were in opposition and sought that the rule be deleted.

603. Eleven submission points were received on RLZ-R8 and are summarised in a table on pages 153-154 of the s42A report. Three were in support, and eight sought amendments.

604. Nineteen submission points were received on RLZ-R9 and are summarised in a table on pages 154-155 of the s42A report. Four were in support, and fifteen sought amendments.

[127] Horticulture New Zealand (S486.007), Federated Farmers (S524.027)

605. Fourteen submission points were received on RLZ-R10 and are summarised in a table on pages 156-157 of the s42A report. Two were in support, and twelve sought amendments.

606. Eight submission points were received on RLZ-R12 and are summarised in a table on pages 157-158 of the s42A report. Two were in support, and six sought amendments.

607. Eight submission points were received on RLZ-R13 and are summarised in a table on page 158 of the s42A report. One was in support, two sought amendments, and five were in opposition and sought that the rule be deleted.

608. Nine submission points were received on RLZ-R14 and are summarised in a table on pages 158-159 of the s42A report. Three were in support, and six sought amendments.

609. Fourteen submission points were received on RLZ-R16 and are summarised in a table on pages 159-160 of the s42A report. Three were in support, and eleven sought amendments.

610. Twelve submission points were received on RLZ-R17 and are summarised in a table on pages 160-161 of the s42A report. One was in support, and eleven sought amendments.

611. Six submission points were received in support of RLZ-R18 and are summarised in a table on page 161 of the s42A report.

612. Ten submission points were received on RLZ-R19 and are summarised in a table on pages 161-162 of the s42A report. Four were in support, and six sought amendments.

613. Eight submission points were received in support of RLZ-R20 and are summarised in a table on page 162 of the s42A report.

614. Eight submission points were received in support of RLZ-R21 and are summarised in a table on pages 162-163 of the s42A report.

615. Nine submission points were received on RLZ-R22 and are summarised in a table on page 163 of the s42A report. Eight were in support, and one sought an amendment.

616. Eight submission points were received on RLZ-R23 and are summarised in a table on pages 163-164 of the s42A report. Two were in support, four sought amendments, and two were in opposition and sought that the rule be deleted.

617. Eight submission points were received on RLZ-R24 and are summarised in a table on page 164 of the s42A report. Two were in support, four sought amendments, and two were in opposition and sought that the rule be deleted.

618. Eight submission points were received on RLZ-R25 and are summarised in a table on pages 164-165 of the s42A report. Two were in support and six were in opposition, seeking to delete the rule.

619. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

Submissions on RLZ Chapter as a whole or seeking new rules

620. Ms Easton acknowledged the submission in support of the overall approach to the zone.

621. Ms Easton supported in part the submission point (S443.050) from Suzanne Hills seeking that commercial dog kennels be non-complying or prohibited or at least clarified that they are not permitted or controlled. She considered kennels to fall within the definition of commercial activity, which is a discretionary activity in the zone. She did not recommend any changes as a result of this submission point.

622. Ms Easton did not support submission point (S490.007) from the New Zealand Motor Caravan Association seeking that campgrounds be a permitted activity, noting that they would be either discretionary under RLZ-18 or subject to RLZ-17.

623. Ms Easton supported in part the submission point (S82.027) from Sophia Allen seeking more protection from communities, which Ms Easton understood to mean protection from mining activities. She noted that the Plan differentiates productive rural areas and rural lifestyle areas, but acknowledged that it is challenging to address reverse sensitivity issues that are already occurring because of past decisions to allow rural lifestyle development adjacent to primary production activities. She did not propose any changes as a result of this submission point.

RLZ-R1 Agricultural, Horticultural and Pastoral Activities and Buildings

624. Ms Easton acknowledged the submissions in support of the rule.

625. Ms Easton supported submission point (S304.001) from Gina Hogarth seeking a reduced internal boundary setback of 3m for lots adjoining another rural lifestyle zoned lot. She noted that a reduction to 5m had already been recommended in the General Rural Zone and considered a 3m setback appropriate for the Rural Lifestyle Zone.

626. Ms Easton did not support submission point (S443.048) from Suzanne Hills seeking that standard seven on beekeeping apply in all districts, noting that Westland District has the most evident issues relating to beekeeping effects, as Grey and Buller Districts have bylaws managing beekeeping that address these issues.

627. Ms Easton supported submission point (S450.277) from Waka Kotahi seeking the rule to require sites to meet vehicle crossing standards. She noted that while existing sites would have existing use rights, a large proportion of sites are accessed from state highways and expanding or new activities should be required to upgrade crossings to a safe standard.

628. Federated Farmers (S524.122) sought clarity as to why stock yards and farm quarries are excluded from the permitted activity standard and sought that these activities be permitted. Ms Easton did not support this submission, noting that the smaller site sizes in the Rural Living Zone mean activities that may have adverse effects on the amenity of adjoining properties are not provided for. She also noted the exclusion is for stock sale yards, which are not part of normal farming operations. She also noted that on rural lifestyle sites, the need for farm quarries for track maintenance is likely to be small.

629. BDC (S538.529) sought that standard 6 (poultry and pig keeping) be simplified and extended to cover all buildings used to house or feed livestock within a 30m setback. GDC seeks to increase the setback to 20m for poultry. Ms Easton supported a simplified approach but noted the BDC proposal relates only to buildings, whereas the standard refers to activities. She supported a reduction to a 30m setback, noting that the Timaru District Plan applies a 25m setback, and acknowledging the size and potential dimensions of lifestyle properties.

630. Ms Easton noted that other District Plans generally only specify setbacks for pigs and poultry. Therefore, she did not recommend widening the restriction to apply to buildings for housing

or feeding livestock. She considered that where these are expected to have significant effects, they are likely to be caught by the definition of intensive indoor primary production.

631. Several submitters, Chris & Jan Coll (S558.556), Chris J Coll Surveying Ltd (S566.556), William McLaughlin (S567.596), and Laura Coll McLaughlin (S574.556), sought to amend the rule to provide for free-range poultry and egg farming. Ms Easton supported these submission points in part, in that she considered the amendment to standard six partly addresses this issue and makes it clear that the standard applies to shelters and buildings. She did not think it necessary to specifically state that poultry range activities are permitted, as these activities are not included in the definition of Intensive Indoor Primary Production.

632. Ms Easton supported in part submission (S573.054) from FENZ seeking several changes to the standards, including an increased maximum height limit and exemption from setbacks for emergency service and critical facilities, and a requirement for firefighting water supply. Ms Easton supported an increased maximum height limit for emergency service facilities, to 10m. She did not support critical facilities being included, as these activities are not provided for in the zone. She did not support an exemption from setback requirements, noting that the deemed permitted activities provisions in the RMA would be the best approach to reduce setbacks. Ms Easton considered the proposed amendment regarding water supply to be inappropriate as rural lifestyle zone properties are not connected to reticulated water supplies, and she considered water supply to be a subdivision and building act matter.

633. Ms Easton did not support submission points Chris J Coll Surveying ltd (S566.557), Chris & Jan Coll (S558.557), William McLaughlin (S567.597) and Laura Coll McLaughlin (S574.557) seeking a Controlled activity status when compliance is not achieved. She noted that existing activities would have existing use rights but considered that new or expanding activities should comply with the standards to ensure effects are managed.

RLZ-R2 Conservation Activities

634. Ms Easton acknowledged the submissions in support of the rule.

635. Ms Easton did not support several submission points, Chris & Jan Coll (S558.558), Chris J Coll Surveying ltd (S566.558), William McLaughlin (S567.598), and Laura Coll McLaughlin (S574.558), seeking that the rule be amended so that existing non-compliance doesn't preclude application of the rule. She noted that existing activities would have existing use rights but considered that new or expanding activities should comply with the standards to ensure effects are managed.

RLZ-R3 Residential Activities and Residential Units

636. Ms Easton acknowledged the submissions in support of the rule.

637. Ms Easton supported in part the submission point (S82.028) from Sopia Allen seeking more protection for communities from heavy industry, noting that the zone rules are designed to protect landowners from the impacts of industrial activities, which are restricted. However, she noted that the Plan cannot address poor decision-making of the past around where residential and lifestyle development has occurred, or the conflict that has arisen between rural lifestyle landowners and primary production activities as a result.

638. Ms Easton supported submission point (S450.278) from Waka Kotahi seeking the rule be amended to require that vehicle crossing standards be met, noting the amendment to RLZ-R1 will achieve this outcome.

639. Ms Easton did not support submission points (S478.023) from Frank and Jo Dooley and (S595.011) from Frank O'Toole seeking to reduce residential density to 1 unit per 4000m2 on physically contiguous land, noting that the Settlement Zone – Rural Residential Precinct provides for this level of residential density. She noted that the TTPP provides a 3-tier framework for development density, with conscious decision-making around where each zone is located. The Settlement Zone – Rural Residential Precinct zone is located closer to existing settlement areas. This reflects a substantial move away from the previous ad-hoc approach to smaller lot development across the West Coast, which did not consider reverse sensitivity impacts or loss of primary production values.

640. Ms Easton did not support submission (S524.123) from Federated Farmers seeking that minor unit size be increased from 65m2 to 80m2, noting that this size is standard across the Plan and a common size nationally and at the large end of the spectrum. She noted the size is intended to effectively avoid two dwellings from being constructed, which would lead to subdivision.

641. Ms Easton did not support submission point (S571.002) from Greg Maitland, which sought to delete clause 3 and establish a minimum area for minor units of 90m2 and no requirement to be close to the main dwelling. The size issue is addressed in the response to the Federated Farmers submission point above. Ms Easton noted the minimum distance requirement is designed to avoid minor units leading to an argument for future subdivision.

642. Ms Easton supported submissions (S538.031) BDC, (S567.601) William McLaughlin, (S566.562) Chris J Coll Surveying ltd, (S558.562) Chris & Jan Coll, and (S574.562) Laura Coll McLaughlin seeking that Standard 2 be amended to state: Residential unit density is no more than one unit per 1ha net site area, by deleting the words on physically contiguous land except where the site is already in existence at the date of notification of the Plan. BDC argued that this clause, as notified, would allow a second residential unit and a minor dwelling to be constructed on existing lots. They considered this inappropriate on 1ha land parcels, given that the predominant rural character and open space are expected to be maintained. Ms Easton accepted the reasons in the Council submission and recommended that the standard be amended. She also noted that the words 'on physically contiguous land' were unnecessary and could be deleted.

643. Ms Easton did not support submission points Chris & Jan Coll (S558.561), Steve Croasdale (S516.136), John Brazil (S360.073), Chris J Coll Surveying Ltd (S566.561), William Mc Laughlin (S567.600), and Laura Coll McLaughlin (S574.561) seeking the rule be amended so that existing non-compliance doesn't preclude application of the rule. She noted that existing activities would have existing use rights but considered that new or expanding activities should comply with the standards to ensure effects are managed.

644. Ms Easton did not support submission points Chris & J Coll (S558.559), Laura Coll McLaughlin (S574.559), William McLaughlin (S567.599), and Chris J Coll Surveying Ltd (S566.559) seeking the noise advice note be deleted. She noted that noise would be considered in the Noise topic, and if the rule referenced is amended, the advice note would be updated as a consequential amendment.

RLZ – R4 Papakāinga Developments

645. Ms Easton acknowledged submissions received in support of the rule. As all submissions were in support, no amendments were recommended.

RLZ – R5 Minor Structures

646. Ms Easton supported submission point (S538.532) from BDC seeking Standard 1 be amended so that only the setback rules for the zone apply, noting this is consistent with submissions they made on similar rules in other zones that she supported. She noted this amendment partially addresses the relief sought by David Moore, who sought to retain the height and site coverage standard but delete all other standards.

647. Ms Easton supported in part submission points Chris & Jan Coll (S558.563), Chris J Coll Surveying Ltd (S566.563), William Mc Laughlin (S567.602), John Brazil (S360.075), Steve Croasdale (S516.137), and Laura Coll McLaughlin (S574.563) seeking that the rule be amended so that existing non-compliance with RLZ-R1 does not preclude application of the rule, in that her recommendation to amend standard 1 removes the requirement to comply with RLZ-R1 and instead only refers to setbacks. However, as a principle, she did not support providing for existing non-compliance.

RLZ – R6 Fences, Walls, and Retaining Walls

648. Ms Easton acknowledged submissions received in support of the rule. As all submissions were in support, no amendments were recommended.

RLZ – R7 Relocated Buildings/ RLZ – R13 Relocated Buildings not meeting Permitted Activity Standards

649. Ms Easton supported submission points BDC (S538.534), Chris & Jan Coll (S558.142, S558565), Chris J Coll Surveying Ltd (S566.142, S566.565), William Mc Laughlin (S567.022, S567.604), Laura Coll McLaughlin (S574.142, S574.565) seeking that these rules be deleted, as she considered the amenity concerns that apply to relocated buildings are principally associated with urban locations and do not arise in the same way in rural areas or need to be managed through the zone rules.

650. Ms Easton did not support submission points seeking amendments to the rules as she recommended, they be deleted.

RLZ – R8 Home Business

651. Ms Easton acknowledged submissions received in support of the rule.

652. Ms Easton supported submission (S538.535) from BDC seeking that the rule be amended to include a standard specifying that the activity must be ancillary to a residential activity and that no more than one full-time person engaged in the activity may reside off-site. BDC considered that this provides a clear compliance method to ensure the scale of home business does not exceed that anticipated in the zone. They were concerned that the traffic generation standards would be difficult to monitor and enforce when combined uses (residential, rural and home business) are occurring in a single dwelling. Ms Easton noted that Buller and Westland District Plans also have this requirement in their home business rules.

653. Ms Easton supported in part submission (S450.280) from Waka Kotahi seeking the rule be amended to reduce the maximum permitted number of vehicle movements to 30 per day. Above this, the use of the vehicle crossing is considered a high trip-generating activity. The notified standard allowed no more than 10 heavy vehicle movements per day, and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week. Ms Easton acknowledged that the standard as drafted could allow 210 light vehicle movements in one day and none of the remainder of the week. She recommended the standard be amended to

allow a maximum of 10 heavy vehicle movements per day and 210 light vehicle movements per week.

654. Several submission points Steve Croasdale (S516.140), Chris & Jan Coll (S558.566), Chris J Coll Surveying Ltd (S566.566), William McLaughlin (S567.605), and Laura Coll McLaughlin (S574.566) sought that non-compliance with RLZ-R1 does not preclude application of the rule. Ms Easton did not support accommodating existing non-compliance, as this could result in adverse effects on amenity and the environment. She noted that existing use rights would protect existing activities.

RLZ – R9 Residential Visitor Accommodation

655. Ms Easton acknowledged submissions received in support of the rule. She noted that BDC support the approach of only permitting homestay accommodation in the Buller District, noting that the conversion of long-term rental accommodation to short-term visitor accommodation was the community's second most identified concern after natural hazards.

656. Ms Easton supported submission point (S181.042) from the WDC seeking the same approach (permitting homestay only) to be provided in the Westland District. She noted this approach was strongly recommended by WDC staff when TTPP was being developed, but the TTPP committee did not accept this. After reviewing the analysis undertaken on environmental effects and issues in the Westland District, Ms Easton concluded that the district is experiencing similar effects to those in Buller. Therefore, the management approach should be the same. She considered that the impact of residential visitor accommodation is substantially less in the Grey District, as it is not a major tourist destination.

657. Ms Easton did not support submission point (S561.003) from Fiona McDonald seeking that the same approach that applies in the Grey District be taken in Buller, noting that the analysis undertaken to develop the Buller Provisions was sound and circumstances have not changed since then to justify a change in management approach.

658. Ms Easton did not support submission point (S561.004) from Fiona McDonald, seeking the rule be amended to increase the maximum number of guests permitted, or (S572.003) Jon Barltrop, seeking no restriction on guest numbers. She noted that several key factors had been considered when setting the cap, and that environmental effects increase significantly with the number of paying guests. She thought 6 paying guests to be reasonable, and generally consistent with limits imposed by other nearby Councils.

659. Ms Easton supported submission (S608.116) from GDC seeking that records of letting activity be provided annually rather than on request. The Council believed landowners should provide evidence of compliance as a requirement, rather than the Council having to identify where these activities are operating and approach them. Ms Easton considered this requirement to be reasonably necessary to ensure permitted activity standards are met and will assist the Council in discharging Building Act compliance duties.

660. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ-R10 Community Facilities, Educational Facilities, Emergency Service Facilities and Recreational Facilities

661. Ms Easton acknowledged submissions received in support of the rule.

662. Ms Easton did not support submission point (S456.050) from the Ministry of Education seeking a Restricted Discretionary activity status where permitted activity standards are not met. She noted that larger-scale activities are not anticipated in the Rural Lifestyle Zone and would be better located in a Settlement Zone – Settlement Centre Precinct.

663. Ms Easton supported submission point (S538.537) from BDC to fix a minor error where the rule refers to 12 pm (noon) instead of 12 am (midnight).

664. Ms Easton supported submission points (S608.117) from GDC and (S573.062) from FENZ, which argued that hours of operation do not apply to emergency service facilities, considering this to be a minor error.

665. Several submission points, Chris & Jan Coll (S558.569), Chris J Coll Surveying ltd (S566.569), William McLaughlin (S567.608), and Laura Coll McLaughlin (S574.569), requested that the noise advice note be deleted. Ms Easton did not support these submissions, noting that this matter would be considered in the Noise topic and any changes to the rule would be reflected in consequential amendments to the advice note.

666. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ – R12 Minor structures not meeting Permitted Activity Standards

667. Ms Easton acknowledged submissions received in support of the rule.

668. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ – R14 Residential Visitor Accommodation not meeting Permitted Activity Standards

669. Ms Easton acknowledged submissions received in support of the rule.

670. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ – R16 Agricultural, Horticultural and Pastoral Activities and Buildings not meeting Permitted Activity Standard

671. Ms Easton acknowledged submissions received in support of the rule.

672. Ms Easton did not support submission points John Brazil (S360.083), Steve Croasdale (S516.145), Chris & Jan Coll (S558.578), William McLaughlin (S567.616), Chris J Coll Surveying Ltd (S566.578), and Laura Coll McLaughlin (S574.578), seeking that standard one be deleted. She noted that no reason is given as to why the submitters consider the standard too

restrictive, and the standard identifies activities considered inappropriate due to the size of Rural Lifestyle Zone sites.

673. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules as this could result in adverse effects.

RLZ – R17 Commercial Activities

674. Ms Easton acknowledged the submission received in support of the rule.

675. Ms Easton supported in part the submission points BDC (S538.544), Chris & Jan Coll (S558.580), Chris J Coll Surveying Ltd (S566.580), William McLaughlin (S567.618) and Laura Coll McLaughlin (S574.580) seeking either the performance standard for floor and yard area to be deleted, or that the rule be amended to be more enabling of development. She noted this standard differs from the General Rural Zone rule, which only refers to large-format retail, not other types of commercial activities. She noted that the standard is intended to avoid these specific activities from establishing in rural areas to the detriment of commercial areas in the main townships and recommended amending the standard to refer to large formal retail activities.

RLZ – R18 Conservation Activities, Recreation Activities, Emergency Service Facilities, Educational Facilities and Community Facilities not meeting Permitted Activity Rules/ RLZ – R20 Residential Visitor Accommodation not meeting Permitted or Restricted Discretionary Activity Rules/ RLZ – R21 Home Business not meeting Permitted or Restricted Discretionary Activity Rules

676. Ms Easton acknowledged the submissions received in support of these rules.

RLZ – R19 Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Rules

677. Ms Easton acknowledged the submissions received in support of the rule.

678. Ms Easton supported submission points Chris & Jan Coll (S558.584, S558.153), Chris J Coll Surveying Ltd (S566.584, S566.153), William Mc Laughlin (S567.621, S567.0230, and Laura Coll McLaughlin (S574.153, S574.584) seeking the references to relocated buildings be removed, as a consequential amendment to the deletion of the relocated buildings rules.

679. Ms Easton supported submission points (S478.035) from Frank and Jo Dooley and (S595.023) from Frank O'Toole seeking that Fences, Walls and Retaining walls be removed and placed in a separate restricted discretionary rule with matters of discretion relating to the effects of these structures, consistent with their submissions on other zones. She agreed a restricted discretionary activity status is appropriate to manage these structures when permitted activity standards are not met.

RLZ – R22 Residential Activities, Residential Units and Papakāinga Developments not meeting Permitted Activity Rules

680. Ms Easton acknowledged the submissions received in support of the rule.

681. Ms Easton did not support submission point (S620.047) from Ngāi Tahu seeking a restrictive discretionary activity status where permitted activity standards are not met. She noted that

extensive provision had been made for papakāinga, but the same resource management issues (loss of productive land, reverse sensitivity) occur regardless of the type of residential development. She considered the notified discretionary activity status to be appropriate.

RLZ – R23 Agricultural, Horticultural and Pastoral Activities and Commercial Activities not meeting the Permitted or Discretionary Activity Rules

682. Ms Easton acknowledged the submissions received in support of the rule.

683. Ms Easton did not support several submission points John Brazil (S360.089), Steve Croasdale (S516.152), Chris J Coll Surveying Ltd (S566.588), Chris & Jan Coll (S558.588), William Mc Laughlin (S567.625) and Laura Coll Mc Laughlin (S574.588) seeking the rule be deleted and these activities be Discretionary, for the same reasons outlined in relation to these submitters' points on RLZ-R16.

RLZ – R24 Industrial Activities including Rural Industry

684. Ms Easton acknowledged the submissions received in support of the rule.

685. Ms Easton did not support several submission points Chris & Jan Coll (S558.589), Chris J Coll Surveying Ltd (S566.589), William McLaughlin (S567.626), Laura Coll McLaughlin (S574.589), John Brazil (S360.090) and Steve Croasdale (S516.153) seeking the rule be deleted and these activities be a Discretionary activity. She considered industrial activities do not fit with the purpose of the zone, which is a combined living and rural environment, noting there have been some strong submissions from submitters about the concerns and amenity effects that rural lifestyle dwellers find from industrial-type activities. She considered these activities to be inappropriate in these areas.

686. Ms Easton noted that the International Panel and Lumber supported these submissions because it has a property and carpark on Osmond Road, Gladstone, that is zoned Rural Lifestyle Zone that would be affected by this rule. She noted she would support this site being rezoned as a General Industrial Zone to reflect the existing use but was unclear on whether there is scope to do this.

RLZ – R25 Any activity not provided for in another rule in the zone

687. Ms Easton acknowledged the submissions received in support of the rule.

688. Ms Easton did not support submission points John Brazil (S360.0910, Steve Croasdale (S516.154), Chris & Jan Coll (S558.590), Chris J Coll Surveying Ltd (S566.590), William Mc Laughlin (S567.627) and Laura Coll McLaughlin (S574.590) seeking the rule be deleted and that these activities be Discretionary, noting that no reasons are given for requesting this change. She noted this type of 'catch-all' rule is more commonly a discretionary activity in other plans. She invited the submitters to provide information at the hearing on whether they would support that alternative relief.

Hearing and Submitter Evidence

689. Frida Inta, on behalf of herself and BCG, queried how the site coverage rule would be applied and stated she considered 30% to be too large and more suitable for smaller urban properties. She requested that the minimum size for minor units be aligned with kitset building sizes. She considered the traffic movement standards for home businesses to be too high and noted that

there is repetition in the rules between zones that she considered unnecessary. She also sought the rule to be amended to prevent the external generation of dust, odour, or smoke.

690. Jonathan Bhana-Thomson, on behalf of the Heavy Haulage Association, opposed the submissions seeking the deletion of relocated building rules. Mr Bhana-Thomson supported a permitted activity status for relocated buildings and the Council retaining a degree of control through performance standards, with a restricted discretionary activity standard for relocated buildings not meeting those standards. If the Commissioners did not support the standards sought, he confirmed he did not oppose a permitted activity status with no standards, so long as the activity is clearly identified as permitted.

691. Federated Farmers sought that if stock sale yards are to be excluded from RLZ-R1, it be made clear that this only refers to yards built specifically for agents selling stock on behalf of clients and does not include stock yards used as part of normal farming operations. They noted that stock yards will occasionally be used for sale processes, for example, so a potential buyer can view stock, without being a 'sale yard.'

692. Federated Farmers continued to seek that farm quarries are not excluded from RLZ-R1, as they considered there are potential needs for quarries on lifestyle blocks, but that they are subject to requirements and constraints set out elsewhere in the plan.

693. In a letter to the Panel tabled at the hearing, KiwiRail sought that the setback standard in RLZ-R1 be amended to apply to buildings and structures and to require a 5m setback from any rail designation boundary, noting that the designation is clearly identified on the planning maps.

694. In a letter, dated 19 July 2024, to the Panel tabled at the hearing, FENZ confirmed they would not pursue any amendments relating to critical facilities, acknowledging that these are not provided for in the zone. FENZ continued to seek a reduced road boundary setback, on the basis that buildings located 8-10m from the road boundary support their logistical and operational requirements, including the need for fire appliances to be strategically located adjacent to the transport corridor for prompt emergency responses. They also noted that greater setbacks increase civil costs, land parcel size, and can create fire separation issues at rear property boundaries.

695. FENZ continued to seek that RLZ-R1 be amended to require a firefighting water supply, requesting that the alternative wording provided for GRUZ-R1 be also included in this rule. They noted that water supply is not solely a subdivision matter, as new developments are subject to the need for new services, and that provision of firefighting water supply is not a matter covered in the Building Act. The amendments requested include a new standard and advice note as follows:

Where […]

7 Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

Advice Notes: […]

The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

696. In a letter to the panel dated 1 August 2024, Martin Kennedy, on behalf of Westpower Limited, noted that the s42A report had misallocated Westpower's further submission, (FS222.065) as a submission in support of BDC's submission on RLZ-R14 (FS222.065) was made in support of a BDC submission on the noise chapter and should not have been included in the RLZ submission table.

Reporting officers' right of reply

697. In response to Mr Boyd's verbal submission, Ms Easton recommended the maximum permitted activity size for antenna dishes be increased from 1m to 1.5m, consistent with her recommendations on the GRUZ chapter.

698. In response to a question from the Panel on whether RLZ-R1 should refer to enclosures as well as shelters and buildings, and whether there is a need for setback for stock runs, Ms Easton considered 'shelter' to be an inclusive term that would include enclosures. She considered adverse effects on amenity to arise from the congregation of animals in a shelter, and that it is not necessary to regulate stock runs.

699. Ms Easton recommended that an advice note be added to confirm that on-farm sale of stock, raised on the farm, does not fall within the term 'stock saleyard' in terms of standard 1.iii.

700. In response to a question from the Panel querying the activity status for new dwellings constructed on existing under-sized lots in the Rural Lifestyle Zone, Ms Easton confirmed that RLZ-R3.2 'grandparents' the right to build a dwelling on an undersized lot existing at the date of notification. She advised that any new sites under 1ha that are subdivided but not built upon when the Plan becomes operative would require a Discretionary resource consent. Still, she considered this situation to be unlikely and that there would be few, if any, lots created where this situation would arise.

Hearing Panel's Evaluation

701. In respect of submissions on the RLZ as a whole and those that sought new rules, the Panel agrees with Ms Easton's analysis of those submissions and accepts her recommendation that no changes to the Plan provisions are required for the reasons she provides.

702. Notwithstanding the above, the Panel has made changes to the Rural Lifestyle Overview for reasons of consistency with the other overviews in the chapter and to update the Plan with the current national guidance wording.

703. In relation to RLZ-R1, the Panel agrees with Ms Easton's analysis of the FENZ submission (S573.054) and agrees with her recommendation to amend clause 3i. to permit emergency service facilities to a height of 10m, being the same height limit as for residential buildings. FENZ sought a range of additional amendments to this rule, but we agree with Ms Easton's reasons for recommending they mostly be rejected.

704. The Panel agrees that the notified 10m setback from all internal boundaries is not appropriate for the zone. Ms Easton supported a submission point (S304.001) from Gina Hogarth seeking a reduced internal boundary setback of 3m for lots adjoining another rural lifestyle zoned lot. She noted that a reduction to 5m had already been recommended in the General Rural Zone and considered a 3m setback appropriate for the Rural Lifestyle Zone. We agree with this reasoning and her recommendation to delete 10m and replace it with 3m in clause 4. of the rule. We also not that the reduce setback will go some way towards addressing the FENZ submission.

705. The Panel agrees with Ms Easton's analysis of the BDC submission (S538.529) seeking to amend clause 6, which deals with performance standards for poultry and pig keeping. BDC sought that standard 6 (poultry and pig keeping) be simplified and extended to cover all buildings used to house or feed livestock within a 30m setback. GDC sought to increase the setback to 20m for poultry. Ms Easton supported a simplified approach but noted the BDC proposal relates only to buildings, whereas the notified standard refers to activities. Acknowledging this change, we consider that it is when the pigs or poultry are sheltered and housed that issues of concern would arise, as distinct from when the animals are ranging in the paddock. We note in her reply in response to our questions about regulating runs as well as shelters, Ms Easton considered that adverse effects on amenity would arise from the congregation of animals in a shelter, and that it is not necessary to regulate stock runs. We agree.

706. Ms Easton supported a reduction to a 30m setback, noting that the Timaru District Plan applies a 25m setback, and acknowledging the size and potential dimensions of lifestyle properties.

707. Ms Easton noted that other District Plans generally only specify setbacks for pigs and poultry. Therefore, she did not recommend widening the restriction to apply to buildings for housing or feeding livestock. She considered that where these are expected to have significant effects, they are likely to be caught by the definition of intensive indoor primary production.

708. The Panel agrees for the reasons advanced by Ms Easton to delete clause 6 as notified and replace it with her recommended wording.

709. The Panel agrees with Ms Easton's consideration of the Waka Kotahi submission (S450.277) seeking the rule to require sites to meet vehicle crossing standards. Ms Easton noted that while existing sites would have existing use rights, a large proportion of sites are accessed from state highways and expanding or new activities should require upgrading crossings to a safe standard. We agree with that reasoning and her recommendation to add a new clause 8, providing a new permitted activity Standard, namely that the vehicle crossing standards in Rule TRN-R1 are met.

710. As to the issue of Stock sale yards as it appears in notified clause 1. iii., the Panel agrees with Ms Easton's consideration of the Federated Farmers submission (S524.122) that sought clarity as to why stock yards and farm quarries are excluded from the permitted activity standard and sought that these activities be permitted. Ms Easton did not support this submission, noting that the smaller site sizes in the Rural Living Zone mean activities that may have adverse effects on the amenity of adjoining properties are not provided for. She also noted the exclusion is for stock sale yards, which are not part of normal farming operations. She also noted that on rural lifestyle sites, the need for farm quarries for track maintenance is likely to be small. We agree with her reasoning.

711. We note that Federated Farmers sought, through their evidence, that if stock sale yards are to be excluded from RLZ-R1, it should be made clear that this only refers to yards explicitly built for agents selling stock on behalf of clients and does not include stock yards used as part of normal farming operations. They noted that stock yards will occasionally be used for sale processes, for example, so a potential buyer can view stock, without being a 'sale yard.' Ms Easton responded to this issue within her reply, recommending the inclusion of an advice note, which made it clear that the sale of stock produced on a property is not to be considered a stock yard in terms of the rule. We agree with this response to the evidence and recommend including advice note 2.

712. In relation to RLZ-R2, the Panel agrees with Ms Easton's analysis of submissions on this rule. We agree with her recommendation that this rule be retained as notified for the reasons she provides.

713. In relation to RLZ-R3, the Panel agreed with Ms Easton that Standard 2 be amended to state: Residential unit density is no more than one unit per 1ha net site area, by deleting the words on physically contiguous land except where the site is already in existence at the date of notification of the Plan. BDC argued that this clause, as notified, would allow a second residential unit and a minor dwelling to be constructed on existing lots. They considered this inappropriate on 1ha land parcels, given that the predominant rural character and open space are expected to be maintained. Ms Easton accepted the reasons in the Council submission and recommended that the standard be amended. She also noted that the words 'on physically contiguous land' were unnecessary and could be deleted. We agree with these reasons and agree with her recommendation to amend clause 2.

714. The Panel agrees with Ms Easton's consideration of all other submissions on this rule, apart from the FENZ submission, noting her recommendation not to make any further amendments to this rule as notified. For the reasons she provides, we agree with that recommendation.

715. As to the FENZ submission (S573.054) that sought to include in the rules a clause relating to the provision of sufficient water supply and access to it for firefighting, and a related advice note advising consultation with the Fire service as to design for firefighting water supply we agree with Ms Easton's reply recommendation to include both when the subject matter of the rule is residential activity including Papkainga developments. We agree with the recommendation to include a new permitted activity standard as new clause 4. of this rule and a new advice note 2. detailing what we have described above.

716. In relation to RLZ-R4, the Panel agrees with Ms Easton that, except for the FENZ submission, all submissions on this rule supported it as notified. So, the amendments she recommends for this rule are consequential to those for RLZ-R2 and include a new standard 4 and a new advice note 2, both of which replicate amendments to RLZ-R3.

717. In relation to RLZ-R5, the Panel agrees with Ms Easton's support of a submission point from BDC (S539.532) seeking that Clause 1 be amended so that only the setback rules for the zone apply. Ms Easton advised that her recommendation on this rule is consistent with her recommendations on other submissions that BDC made on similar rules in other zones that she also supported. We agree that utilising the zone setback rules is appropriate. She noted this amendment partially addresses the relief sought by David Moore, who sought to retain the height and site coverage standard but delete all other standards.

718. The Panel notes that in respect of Clause 3, in response to Mr Boyd's verbal submission that the smaller dishes do not work as well with the heavy rainfall they have in the Haast area, Ms Easton, in her reply, recommended the maximum permitted activity size for antenna dishes be increased from 1m to 1.5m, consistent with her recommendations on the GRUZ chapter. We agree.

719. In relation to RLZ-R6, the Panel agrees with Ms Easton's recommendation to retain this rule as notified with no amendments.

720. In relation to RLZ-R7, the Panel agrees with Ms Easton that this rule dealing with relocated buildings should be deleted, because the amenity concerns that apply to relocated buildings are principally associated with urban locations and do not arise in the same way in rural areas

or need to be managed through the zone rules. A consequence of this recommendation is that RLZ-R13 will also be deleted.

721. In relation to RLZ-R8, the Panel agrees with Ms Easton that the rule should be amended to include a new Clause 3 that no more than one full-time person engaged in the activity may reside off-site. BDC considered that this provides a clear compliance method to ensure the scale of home business does not exceed that anticipated in the zone. They were concerned that the traffic generation standards would be difficult to monitor and enforce when combined uses (residential, rural and home business) are occurring in a single dwelling. Ms Easton noted that Buller and Westland District Plans also have this requirement in their home business rules. Ms Easton also noted that the rule should specify that the activity must be ancillary to a residential activity. While the rule does not explicitly detail that requirement, we consider Standard 2. Ii. b. achieves that result.

722. While the Panel notes Ms Easton's recommendation to amend Clause 4 in relation to traffic movement as a result of the Waka Kotahi submission, as a result of our recommendations in the Transport Chapter on trip generation, this standard is to be deleted to avoid the potential for uncertainty between provisions. We note that the inclusion of the no more than one full-time equivalent person should address the amenity issue associated with people and vehicle numbers.

723. In relation to RLZ-R9, the Panel agrees with Ms Easton's approach in supporting a submission from the WDC seeking the same approach (permitting homestay only) to be provided in the Westland District. She noted this approach was strongly recommended by WDC staff when TTPP was being developed, but the TTPP committee did not accept this. After reviewing the analysis undertaken on environmental effects and issues in the Westland District, Ms Easton concluded that the district is experiencing similar effects to those in Buller. Therefore, the management approach should be the same. She considered that the impact of residential visitor accommodation is substantially less in the Grey District as it is not a major tourist destination. We accept her evidence on this point and agree to the inclusion of the Westland District Council within clause 7 of the rule. We also agree with her analysis that the environmental effects of home stay activity in the Grey District do not support the inclusion of the Grey District in the rule.

724. The Panel has considered her assessment of the remaining submissions on this rule, both those seeking retention as notified and those seeking amendment, and we agree with her recommendation to retain the balance of the rule as notified, although we agree with GDC that records of letting activity should be provided annually rather than on request. We note Ms Easton supported this amendment, but it does not appear in Appendix 1 to the Right of Reply

725. In relation to RLZ-R10, the Panel agrees with Ms Easton's recommendations to make two amendments in response to submissions on this rule. Ms Easton supported a submission point (S538.537) from BDC to fix a minor error to Clause 3. where the rule refers to noon instead of 12 am (midnight) and also supported a submission point (S608.117) from GDC and (S573.062) FENZ, which argued that hours of operation do not apply to emergency service facilities, considering this to be a minor error to be resolved by including new clause 4. that recorded there are no hours of operation for emergency service facilities. We agree with both recommendations as they clarify the rule and its coverage.

726. In relation to RLZ-R12, the Panel agrees with Ms Easton that no amendments are required to this rule and it can be retained as notified. We agree with Ms Easton not supporting several

submission points[128] seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

727. In relation to RLZ-R14, the Panel agrees with Ms Easton's recommendation that this rule be retained as notified. We note and agree with Ms Easton's recommendation, where she did not support several submission points from, John Brazil (S360.082), Steve Croasdale (S516.144), Chris & Jan Coll (S558.576), Chris J Coll Surveying Ltd (S566.576), William Mc Laughlin (S567.614), and Laura Coll Mc Laughlin (S574.576) seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

728. In relation to RLZ-R16, the Panel agrees with Ms Easton's recommendation that this rule be retained as notified. We agree with her that submitters seeking to delete clause 1 did not provide reasons. As well, we agree with her that the standard identifies activities considered inappropriate due to the size of Rural Lifestyle Zone sites.

729. In relation to RLZ-R17, the Panel agrees with Ms Easton's recommendation to amend clause 1. We note Ms Easton supported in part the submission points (S538.544), Chris & Jan Coll (S558.580, S558.581), Chris J Coll Surveying Ltd (S566.580, S566.581), William Mc Laughlin (S567.618, S567.619), Laura Coll McLaughlin (S574.580, S574.581) John Brazil (S360.084) and Steve Croasdale (S516.147) seeking either the performance standard for floor and yard area to be deleted, or that the rule be amended to be more enabling of development. She noted this standard differs from the General Rural Zone rule, which only refers to large-format retail, not other types of commercial activities. She advised that the standard is intended to avoid these specific activities from establishing in rural areas to the detriment of commercial areas in the main townships and recommended amending the standard to refer to large formal retail activities. We agree with her reasoning and her recommendation to amend this rule to specifically refer to large format retail activities because we agree that the location of those activities outside of main centres can cause adverse effects on the economic health and vitality of main centres

730. In relation to RLZ-R18, the Panel notes all submissions were in support of retaining this rule, and we agree with Ms Easton's recommendation that the rule be retained as notified.

731. In relation to RLZ-R19, the Panel agrees with Ms Easton's recommendations that the references to relocated buildings be removed, as a consequential amendment to the deletion of the relocated buildings rules. As well we agree with her recommendation that Fences, Walls and Retaining walls be removed from the rule and placed in a separate restricted discretionary rule with matters of discretion relating to the effects of these structures, consistent with submissions on other zones seeking a similar outcome. She agreed that a restricted discretionary activity status is appropriate to manage these structures when permitted activity standards are not met. We note however that this restricted discretionary rule was not included in the s42A report or the Right of Reply in Appendix 1 and we have therefore included it.

732. In relation to RLZ-R20, the Panel agrees with Ms Easton's recommendation to retain this rule as notified for the reasons provided within her s42A report.

[128] Chris & Jan Coll, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, John Brazil, Steve Croasdale

733. In relation to RLZ-R21, the Panel agrees with Ms Easton's recommendation to retain this rule as notified for the reasons provided within her s42A report.

734. In relation to RLZ-R22, the Panel agrees with Ms Easton's recommendation to retain this rule as notified. The panel agrees with Ms Easton and does not support a submission point (S620.247) from Ngāi Tahu seeking a restricted discretionary activity status where permitted activity standards are not met. Ms Easton noted that extensive provision had been made for papakāinga, but the same resource management issues (loss of productive land, reverse sensitivity) occur regardless of the type of residential development. She considered the notified discretionary activity status to be appropriate. We agree.

735. In relation to RLZ-R23, the Panel agrees with Ms Easton's recommendation to retain the rule as notified for the reasons she provides within her s42A. In particular, the Panel agrees with Ms Easton that several submission points seeking the rule to be deleted and that these activities to be discretionary should not be supported, for the same reasons outlined concerning these submitters' points on RLZ-R16.

736. In relation to RLZ-R24, the Panel agrees with Ms Easton's recommendation that this rule be retained as notified for the reasons contained within the s42A report. The Panel notes that Ms Easton did not support several submission points from Chris & Jan Coll (S558.589), Chris J Coll Surveying Ltd (S566.589), William McLaughlin (S567.626), Laura Coll McLaughlin (S574.589), John Brazil (S360.090), and Steve Croasdale (S516.153), seeking the rule be deleted and these activities be a Discretionary activity. She considered that industrial activities do not fit with the purpose of the zone, which is a combined living and rural environment, noting there have been some strong submissions from submitters about the concerns and amenity effects that rural lifestyle dwellers find from industrial-type activities. She considered these activities to be inappropriate in these areas. We agree with that assessment and outcome.

737. Ms Easton noted that the International Panel and Lumber (FS98.005, FS98.006, FS98.007) supported these submissions because it has a property and carpark on Osmond Road, Gladstone, that is zoned Rural Lifestyle Zone that would be affected by this rule. She noted she would support this site being rezoned as a General Industrial Zone to reflect the existing use but was unclear on whether there is scope to do this.

738. In relation to RLZ-R25, while the Panel agrees that the rule should not be deleted, we consider, in line with other recommendations we have made, that it should become discretionary activity. We note that Ms Easton acknowledged that a Discretionary activity status is often applied to this type of 'catchall' rule. We recommend that approach is taken here.

Hearing Panel's Recommendation

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

Overview
…
Other relevant Te Tai o Poutini Plan provisions

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

- ~~Overlay Chapters - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Rural Lifestyle Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Rural Lifestyle Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of Rural Lifestyle Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Rural Lifestyle Zone, the provisions of the Ecosystems and Biodiversity chapter apply.**[129]
- **General District Wide Matters** - provisions in relation to Earthworks in particular may be relevant to many activities.
- **Subdivision** – The Subdivision chapter sets out the requirements for subdivision activities the RLZ - Rural Lifestyle Zone.
- **Financial Contributions** – The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators

Relationship with Other Plans
Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry
There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered. [130]

RLZ - R1 Agricultural, Horticultural and Pastoral Activities and Buildings

Activity Status Permitted

Where:

[129] Forest and Bird (S560.370, S560.0543)
[130] Clause 16(2) of the RMA

1. The activity does not include:
   i. Intensive indoor primary production;
   ii. The storage and disposal of solid or liquid animal waste other than that generated on the site;
   iii. Stock sale yards; or
   iv. Farm quarries;
2. The maximum gross ground floor area of a single building is 350m^2;
3. The maximum height above ground level is:
   i. 10m for residential buildings **and emergency service facilities**[131];
   ii. 7m for non-residential buildings; except
   iii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
4. Buildings are set back a minimum of 10m from the road boundary, **5m from any rail designation boundary,**[132] 20m from the State Highway Boundary and ~~10~~ **3m**[133] from all internal boundaries;
5. Site coverage is a maximum of 30%; ~~and~~
6. ~~Performance standards for poultry farming and pig keeping apply as follows:~~

   ~~Shelters and buildings used to house or feed poultry or pigs must be setback at least 30m from any boundary;~~

~~7. For poultry setbacks of 10m from any residential building on another site and 2m from the site boundary;~~

~~8. For pig keeping setbacks of 50m from any residential building on another site and 100m for any shelter holding 4 or more pigs;~~

   Shelters and buildings used to house or feed poultry or pigs must be set back at least 30m from any boundary.[134]

7. Performance standards for beekeeping in the Westland District apply as follows:
   a. No bees may be kept on a property less than 600m^2 net site area; and
   b. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary**; and**
8. **Vehicle crossing standards in Rule TRN – R1 are met**.[135]

Advice Note**s**:

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

[131] Fire and Emergency NZ (S573.054)
[132] KiwiRail (S442.093)
[133] Gina Hogarth (S304.001), FENZ (S573.054)
[134] Buller District Council (S538.529)
[135] Waka Kotahi (S450.277)

2. Sale of stock produced on the property is not considered a stock sale yard in terms of standard 1.iii[136]

Activity status where compliance not achieved: Discretionary

RLZ - R2 Conservation Activities

Activity Status Permitted
Where:

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

Activity status where compliance not achieved: Discretionary

RLZ - R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
2. Residential unit density is no more than one unit per 1ha net site area ~~on physically contiguous land except where the site is already in existence at the date of notification of the Plan; and~~[137]
3. There is no more than 1 minor residential unit with a maximum gross floor area of 65m^2 where this is located within 20 metres of and shares the driveway with the principal dwelling**; and**
4. **Provision shall be made for a sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).**[138]

Advice Notes:

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

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.[139]

[136] Fed Farmers (S524.122)
[137] Buller District Council (S538.531)
[138] Fire and Emergency New Zealand (S573.040)
[139] Fire and Emergency New Zealand (S573.040)

Activity status where compliance not achieved: Discretionary

RLZ - R4 Papakāinga Developments

Activity Status Permitted

Where:

1. Performance standards 3-5 for Rule RLZ - R1 are complied with;
2. Residential building density is no more than one unit per 1000m^2 net site area, however units can be clustered; ~~and~~
3. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga~~.~~**; and**
4. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**[140]

Advice Note**s**:

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

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

   Then the Noise Insulation Requirements set out in Rule NOISE - R3 will apply.

2. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**[141]

Activity status where compliance not achieved: Discretionary

RLZ - R5 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule RLZ - R1 are complied with~~. **Structures are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary and 3m from internal boundaries**[142]
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1**.5m**[143] in diameter;

[140] Fire and Emergency New Zealand (S573.040)
[141] Fire and Emergency New Zealand (S573.040)
[142] Buller District Council (S539.532)
[143] Clause 16(2) of the RMA

4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

RLZ – R6 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **Restricted** Discretionary

~~**RLZ – R7 Relocated Buildings**~~

~~Activity Status Permitted~~

~~Where:~~

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

~~Activity status where compliance not achieved: Controlled~~[144]

RLZ – R~~8~~7 Home Business

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
2. Hours of operation are limited to:
   i. 7am-10pm weekdays; and

[144] Buller District Council (S538.534), Chris & Jan Coll (S558.142, S558.565), Chris J Coll Surveying Limited (S566.142, S566.565), William McLaughlin (S567.022, S567.604), Laura Coll McLaughlin (S574.142, S574.565)

ii. 8am - 8pm weekends and public holidays; except where:

a. The entire activity is located within a building;

b. Each person engaged in the activity outside the above hours resides permanently on site; and

c. There are no visitors, customers or deliveries to the activity outside of the above hours; and

3. **There is no more than one full-time equivalent person engaged in the home business that resides off-site.**[145]

~~4. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~[146]

4. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Discretionary

RLZ – R~~9~~8 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a Residential Activity;
2. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4, LIGHT - R1 and -R3 and SIGN -R15 are complied with;
3. There is a maximum of **6** paying ~~6~~ guests at any one time;[147]
4. Written Notification to the District Council is required 10 working days prior to the activity commencing;
5. No heavy vehicle movements are generated; and
6. Records of letting activity must be kept and provided to the Council **annually**[148] ~~on request~~; and
7. In the Buller **and Westland** District**s**[149] the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

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

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

[145] Buller District Council (S538.504)
[146] Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083
[147] Clause 16(2) of the RMA
[148] Grey District Council (S608.116)
[149] Westland District Council (S181.042)

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

Activity status where compliance not achieved: Restricted Discretionary

RLZ – R~~10~~9 Community Facilities, Educational Facilities, Emergency Service Facilities and Recreational Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4 and LIGHT - R1 and -R3 are complied with;
2. Hours of operation are limited to:
   i. 7am-10pm weekdays; and
   ii. 8am - 8pm weekends and public holidays; except
   iii. For community halls lawfully established at the time of notification of the Plan:
3. Hours of operation on Friday and Saturday are 7am - 12~~pm~~**am** [150]midnight; ~~and~~
4. No restriction on hours is in place for up to 12 days per calendar year; **and**
5. **There are no hours of operation for emergency service facilities**[151]

Advice Note:

Where a noise sensitive activity is located within:

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

Then the Noise Insulation Requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

Controlled Activities

RLZ – R1~~2~~1 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. The minor structure does not exceed 10m in height; and
2. All other performance standards for Rule RLZ - R5 are met.

Matters of control are:

[150] Buller District Council (S538.537)
[151] Grey District Council (S608.117), and FENZ (S573.062)

a. Design and location of structures; and

b. ~~Landscape measures~~ **Measures to mitigate landscape effects**.[152]

Activity status where compliance not achieved: Discretionary

~~RLZ – R13 Relocated Buildings not meeting Permitted Activity Standards~~

~~Activity Status Controlled~~

~~Where:~~

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

~~Matters of control are:~~

~~a. Design and location of structures;~~

~~b. Landscape measures; and~~

~~c. Appearance of buildings.~~

~~Activity status where compliance not achieved: Discretionary~~[153]

Restricted Discretionary Activities

RLZ – R142 Residential Visitor Accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Number of visitors staying on site;

b. Number of days of use for the visitor accommodation;

c. Management of traffic and parking;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[154]

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

f. Any requirement for financial contributions;

g. Effects on visual amenity and rural character; and

h. Methods of wastewater treatment and disposal.

Activity status where compliance not achieved: Discretionary

RLZ – R13 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

[152] Consequential Plan wide amendment to Manawa Energy Limited S438.100

[153] Buller District Council (S538.534, S538.540), Chris & Jan Coll (S558.142, S558.565, S558.1640, Chris J Coll Surveying Limited (S566.142,S566.565, S566.164, S566.575), William McLaughlin (S567.022, S567.604, S567.024, S567.613) and Laura Coll McLaughlin (S574.142, S574.565, S574.164, S574.575)

[154] Consequential Plan wide amendment to Manawa Energy Limited S438.100

Discretion is restricted to:

a. Design and location of structures;

b. Height of structures; and

c. Shading and dominance effects on adjoining sites.

Activity status where compliance not achieved: N/A[155]

Discretionary Activities

RLZ – R16~~6~~5 Agricultural, Horticultural and Pastoral Activities and Buildings not meeting Permitted Activity Standards

Activity Status Discretionary

Where:

1. The activity does not include:
    i. Intensive indoor primary production;
    ii. The storage and disposal of solid or liquid animal waste other than that generated on the site; or
    iii. Stock sale yards.

Activity status where compliance not achieved: Non-complying

RLZ – R17~~6~~6 Commercial Activities

Activity Status Discretionary

Where:

1. ~~The maximum combined floor and yard area for any Commercial activity shall be 100m^2;~~ ~~and~~ **The activity is not for large format retail with a floor and/or yard area of greater than 250m^2; and**[156]
2. All performance standards for Rule RLZ - R1 are complied with.

Activity status where compliance not achieved: Non-complying

RLZ – R18~~7~~7 Conservation Activities, Recreation Activities, Emergency Service Facilities, Educational Facilities and Community Facilities not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

RLZ – R19~~8~~8 Minor Structures ~~Fences, Walls, Retaining Walls~~[157] **~~and Relocated Buildings~~**[158] **not meeting Permitted or Controlled Activity Rules**

Activity Status Discretionary

[155] Frank and Jo Dooley (S478.034, S478.0400) and Frank O Toole (S595.028, S595.022)
[156] Buller District Council (S538.544), Chris & Jan Coll (S558.580), Chris J Coll Surveying Limited (S566.580), William Mc Laughlin (S567.618), Laura Coll McLaughlin (S574.580), John Brazil (S360.084), Steve Croasdale (S516.147)
[157] Frank and Jo Dooley (S478.035), and Frank O Toole (S595.023)
[158] Chris & Jan Coll (S558.584, S558.153), Chris J Coll Surveying Limited (S566.584, S566.153), William McLaughlin (S567.621, S567.023) and Laura Coll McLaughlin (S574.153, S574.584)

Activity status where compliance not achieved: N/A
RLZ – R~~20~~19 Residential Visitor Accommodation not meeting Permitted or Restricted Discretionary Activity Rules
Activity Status Discretionary Activity status where compliance not achieved: N/A
RLZ – R2~~1~~0 Home Business not meeting Permitted or Restricted Discretionary Activity Rules
Activity Status Discretionary Activity status where compliance not achieved: N/A
RLZ – R2~~2~~1 Residential Activities, Residential Units and Papakāinga Developments not meeting Permitted Activity Rules
Activity Status Discretionary Activity status where compliance not achieved: N/A
RLZ – R2~~5~~2 Any activity not provided for in another rule in the zone
Activity Status ~~Non-complying~~ **Discretionary**[159] Activity status where compliance not achieved: N/A
RLZ- R23 Agricultural, Horticultural and Pastoral Activities and Commercial Activities not meeting the Permitted or Discretionary Activity Rules
Activity Status Non-complying Activity status where compliance not achieved: N/A
RLZ – R24 Industrial Activities including Rural Industry
Activity Status Non-complying Activity status where compliance not achieved: N/A

4.5. Sub-S1 in relation to the Rural Lifestyle Zone

Submissions and Further Submissions

740. Six submission points and six further submission points were received on the minimum allotment size and are summarised in a table on pages 179-180 of the s42A report. No submission points were in support of the standard, and all sought amendments. All submissions sought to reduce the minimum allotment size to either 4000m^2 or 5000m^2.

Section 42A Report

741. Ms Easton did not support these submissions from, Frank O'Toole (S595.010), Frank and Jo Dooley (S478.022), Lara Kelly (S421.013), Chris J Coll Surveying Ltd (S566.260), William Mc Laughlin (S567.327) and Laura Coll McLaughlin (S574.260), noting that the zone is new to the West Coast and intended to be an intermediate zone in terms of site size and rural production

[159] Chris & Jan Coll (S558.590), Chris J Coll Surveying Limited (S566.590), William McLaughlin (S567.627), Laura Coll McLaughlin (S574.590) John Brazil (S360.090), Steve Croasdale (S516.154)

potential, sitting between the General Rural Zone and the Settlement Zone – Rural Residential Precinct. She confirmed that the latter has a minimum allotment size of 4000m^2. Ms Easton considered that the submissions do not provide any compelling arguments as to why the zone should mirror the Rural Residential Precinct allotment sizes.

742. No amendments were recommended as a result of these submissions.

Hearing and Submitter Evidence

743. Frank O'Toole continued to seek a 4000m^2 lot size in the Rural Lifestyle Zone. As a group home builder, Mr O'Toole advised that he receives 1-2 enquiries per month for small lifestyle blocks on the edge of town but has observed that there are very few small lifestyle blocks available. He considered larger lifestyle blocks to be inherently more demanding and the cost of maintaining them to be beyond the finances of most West Coasters. As a result, he considered larger sites to be less desirable than a 4000m^2 site. He considered that 4000m^2 sites would allow developers to offer lifestyle sections at an affordable price point, and that the proposed 1ha site size would not meet demand.

744. Anna Bensemann presented evidence on behalf of Mr O'Toole. She noted that, given the history of ad-hoc development on the West Coast, and based on Mr O'Toole's experience, it is apparent that there is demand for sections with a sense of rural space, that are of a manageable size, alongside the demands of full-time employment. Ms Bensemann provided a comparison of minimum allotment sizes in other zones. She considered that there is merit in providing greater flexibility in the allotment sizes in the Rural Lifestyle Zone. Ms Bensemann considered that Ms Easton's description of the Rural Lifestyle Zone, as one intended to provide lot sizes where some primary production uses could occur, is inconsistent with the zone description in the Plan, which states the zone includes areas that have been farmed in the past but have moved out of economic primary production, although they may still have rural activities occurring. Ms Bensemann considered that, as there is a clear distinction between the intended purpose of the Rural Lifestyle Zone and the Settlement Zone, the Rural Lifestyle Zone could be reduced in area without compromising the Settlement Zone Rural Residential Precinct. She considered that allowing subdivision to 4000m^2 as requested by Mr O'Toole would allow for continued development to the sizes anticipated in the existing rural zones, but limited to specific areas, avoiding ad-hoc development but providing greater freedom of choice.

Reporting Officer Right of Reply

745. In response to a Panel query on how bonus lot provisions for protection of SNAs would work in the Rural Lifestyle Zone, Ms Easton confirmed they would apply, but that, depending on the size of the property, fewer bonus lots could be created. She noted that a 1ha Rural Lifestyle property could only accommodate one additional 4000m^2 bonus lot under Rule SUB-R9 (restricted discretionary activity), and further bonus allotments would be assessed as a discretionary activity under Rule SUB-R15.

Hearing Panel Evaluation

746. The Panel agrees with Ms Easton and does not support lowering the subdivision standard down the to 4,000m^2 in the Rural Lifestyle Zone. We agree that this is an intermediate zone in terms of size, and rural production potential between the General Rural Zone, and the Settlement Zone – Rural Residential Precinct which has a minimum lot size of 4000m^2. In our view a zone at the 4000m^2 level already exists and we no reason for amending the RLZ down to this level.

Hearing Panel Recommendation

747. The Panel recommends no amendment to the Plan as a result of these submissions.

4.6. Rural Zones (Zoning and Rezoning)

Submissions and Further Submissions

748. Submissions points relating to the zoning of land in the Rural Zones are summarised in a table on pages 180-195 of the s42A report. Twenty-six submissions were received in support of the zoning. A large number of submissions were received seeking the rezoning of properties.

749. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions

Section 42A Report

Buller District

750. Ms Easton acknowledged submissions in support of the zoning of their properties within the Buller District.

751. Many submissions sought rezoning in the Cape Foulwind area, including sites associated with the former Holcim Cement site. Ms Easton sets out the background to the sites in paragraphs 414-416 of the s42A report, and the Panel adopts this description.

752. In response to the submission point made by Steve Croasdale (S516.109) seeking that Lot 1 DP 450105 and Lot 2 DP 450105 (115 Okari Road, Cape Foulwind) be rezoned Rural Lifestyle, Ms Easton did not support this submission (s42A para 417-418). She noted that this property is located within a wider area of the General Rural Zone and is not in an area where the BDC would support Rural Lifestyle Zoning.

753. Several submitters, Chris J Coll Surveying Ltd (S566.260), William Mc Laughlin (S567.327), Laura Coll McLaughlin (S574.260), Bradshaw Farms (S511.078), Avery Brothers (S609.070), Brett Avery (S513.078), Paul Avery (S512.078), Avery Bros (S510.078), Chris & Jan Coll (S558.499), Leonie Avery (S507.078), Jared Avery (S508.078), Kyle Avery (S509.078), and John Brazil (S360.047) sought that the land between Bulls Road and Bradshaw Road south of State Highway 67A be rezoned to Settlement Zone: Rural Residential precinct. Ms Easton did not support this submission, noting that the property is not connected to any other Rural Lifestyle Zoned land and is within a wider area of General Rural Zone. (s42A para 419-420).

754. In response to a submission from James Hamilton (S4.001) seeking that his property on Alma Road/Cape Foulwind Tce be rezoned to a Future Urban Zone or Settlement Zone, Ms Easton did not support the submission. She noted that the property is classed as Land Use Capability 3, so rezoning results in potential loss of productive values, and that the BDC considers Alma Tce has sufficient Residential and Settlement zoned land to meet future growth requirements. (s42A para 421).

755. In response to submissions from Bevan Te Tai (S75.001) and Cape Foulwind Staple 1 Ltd seeking to rezone Larson Street at Cape Foulwind to Residential and Lot 1 DP 574635 to settlement, Ms Easton did not support these submissions (s42A para 422-424). She noted that these properties are not serviced by water or wastewater infrastructure and that rezoning could create reverse sensitivity issues for the Light Industrial former Holcim Cement site which

is across the road. While houses are already developed on Larsen Street, which have existing use rights, Ms Easton did not support zoning that provides for further residential dwellings and considered that General Rural zoning is a more appropriate zoning for the area.

756. In response to a submission from Mark Wiechern (S254.001), seeking to rezone his property Lot 5 DP 460905 Blk II Steeples SD to Settlement Zone: Rural Residential Precinct, Ms Easton did not support this submission (s42A para 425). She noted that the property is twice the size of the currently zoned Settlement Zone: Rural Residential Precinct area at Tauranga Bay, is bush-covered and has not had an ecological assessment. BDC has advised that past development has been subject to significant restrictions due to the ecological sensitivity of the area.

757. In response to a submission from Garry Howard (S358.004) seeking that the property at Cape Foulwind- Tauranga Bay is rezoned to Rural Lifestyle Zone, Ms Easton did not support the submission, noting that the property includes the former Holcim quarry with unconsolidated fill, stability issues and potential contamination, requiring significant remediation, which is not addressed in the submission. (s42A para 426)

758. Ms Easton did not support a submission from Cape Foulwind Staple 1 Ltd (S557.004) seeking that the Quarry Lake area in their development be rezoned to Rural Lifestyle Zone, noting that BDC advised the area was unsuitable for Rural Lifestyle development due to historic quarrying activities, unconsolidated fill and potential contamination (s42A para 427-428).

759. In response to a submission from Cape Foulwind Staple 1 Ltd (S557.003) seeking that the land known as Guardian Lakes Flats (adjacent to Tauranga Bay Road) be rezoned to Settlement Zone – Rural Residential Precinct, Ms Easton did not support this submission (s42A para 429). She noted this area includes former Holcim quarry workings, and there are concerns around unconsolidated fill and contamination. Ms Easton considered that there has been sufficient upzoning to Rural Residential Precinct in the area to meet the community's needs.

760. Ms Easton supported a submission from Cape Foulwind Staple 1 Ltd (S557.005) and Cape Foulwind Staple 2 Ltd (S568.009), seeking that the strips of former road land along Cape Foulwind Road at Omau be zoned in accordance with the adjacent zoning for consistency (s42A para 430).

761. Ms Easton did not support a submission from CFS2 (S568.005) seeking that an area identified as Area 2 is rezoned to Settlement Zone- Coastal Settlement Precinct (s42A para 431-432). The area is currently zoned Rural Residential Precinct, and BDC consider this lower density precinct to be more appropriate. Ms Easton noted that no expansion of infrastructure services is planned, and there is significant concern that lower lot sizes would lead to expectations of such services being provided. Ms Easton noted that the BDC prefers smaller lot development to be limited to the Alma Road terrace, where funding for infrastructure is focused.

762. Ms Easton supported a submission from Cape Foulwind Staple 2 Ltd seeking that a small triangle of land identified as Area 3 be rezoned to Light Industrial, as a correction to the zoning area (s42A para 433).

763. Ms Easton did not support a submission from Cape Foulwind Staple 2 Ltd (S568.006) seeking to rezone an area identified as Area 5 to be rezoned Settlement Zone: Coastal Settlement Precinct (s42A para 434-436). The area is currently zoned Rural Residential Precinct, and BDC consider this lower density precinct to be more appropriate. Ms Easton noted that no expansion of infrastructure services is planned, and there is significant concern that lower lot

sizes would lead to expectations of such services being provided. Ms Easton noted that the BDC prefer smaller lot development to be limited to the Alma Road terrace, where funding for infrastructure is focused.

764. Ms Easton did not support a submission from Tauranga Bay Holdings Ltd (S597.001) seeking to rezone 100ha of land at Lot 1 DP 19769, Section 2 SO 14304 and Section S014304 from General Rural Zone to Rural Lifestyle Zone and Rural Residential Precinct. Ms Easton considered the already substantial rezoning at the Cape Foulwind Area, including part of this site, to be sufficient to provide for the likely demand for rural lifestyle development in the area, and that further rezoning was not appropriate (s42A para 437-438).

Wider Westport Area

765. Ms Easton did not support a submission from John Brazil (S360.047) seeking rezoning of Lot 1 DP 336364 (261 Utopia Road, Westport), to Rural Lifestyle Zone, noting that the property is subject to the Coastal Hazard Alert and the updated coastal hazard mapping shows that the hazard is worse than shown in the proposed plan (s42A para 439).

766. Several submitters, Chris & Jan Coll (S558.554, S558493), Chris J Coll Surveying Ltd (S566.554, S566.493), Laura Coll Mc Laughlin (S574.554, S574.493), and William Mc Laughlin (S567.594), sought that 8677 State Highway 6 be rezoned for Rural Lifestyle Zone. Ms Easton did not support these submissions, noting that the property is within a wider area of General Rural Zone and not connected to any other Rural Lifestyle Zoned land (s42A para 440).

767. Ms Easton did not support a submission from Shannon Carlson (S19.001) seeking to rezone an area on the east side of Buller Road, from the Buller Bridge to the crossroads, as Settlement Zone. Ms Easton noted that while much of the land in this area was upzoned to Settlement Zone: Rural Residential Precinct, land was specifically excluded where there is flood risk and that denser development within SASM 17 is also not considered appropriate. Ms Easton noted that BDC are concerned that smaller lot sizes would come with expectations for servicing that are not proposed to be extended to this area (s42A para 441)

768. In response to a submission from Michael and Alyson Duff (S23.001) seeking that 28 Tuis Way be rezoned from General Rural to Settlement Zone Rural Residential Precinct, Ms Easton did not support this submission. She noted the site is subject to flood hazard overlays, and BDC are concerned there is insufficient information to confirm the land is suitable for this density of development (s42A para 442).

769. The s42A report states that Ms Easton did not support a submission from John A Menlove (S289.001) seeking to rezone his property at Sergeants Hill for residential sections, noting that the property is bush-covered and has not been assessed for ecological significance. The s42A report states that the property is in an area identified for rural lifestyle zoning but was excluded for this reason (s42A para 443-444). The Panel note that Ms Easton may have misinterpreted this submission, as the original submission from Mr Menlove does not request rezoning, and states that he wishes to put house sites/sections on his property and has constructed a road and cleared land in anticipation of this. The submission does not confirm how many house sites were planned.

770. Ms Easton did not support a submission from Frank and Jo Dooley and Frank O'Toole (S478.024) seeking that the portion of Nine Mile Road from Stafford Street to the Nine Mile, Victoria and Harneys Roads intersection, extending from the railway corridor to the banks of the Buller River, be rezoned from General Rural Zone to Rural Lifestyle Zone. Ms Easton noted

that the site is within Land Use Capability 3 area, which supports the NPSHPL and is subject to the Westport hazard Overlay and is not in an area identified as appropriate for Rural Lifestyle development.

771. Ms Easton did not support a submission from Frank and Jo Dooley and Frank O'Toole (S478.0270) requesting that 211 Utopia Road be rezoned to the Rural Lifestyle zone, noting that a Coastal Alert Hazard Overlay almost entirely covers it.

772. Ms Easton did not support a submission from O'Connor Crossroads Limited (S496.002) seeking that Section 26 Blk VII Kawatiri Survey District, Section 30 Blk VII Kawatiri Survey District, and Pt Section 27 Blk VII Kawatiri Survey District be rezoned to Settlement Zone: Rural Residential Precinct, and that Sec 1 SO 9139 Secs 1-2 SO 14816 Secs 3-4 23 Pt Sec 25 Blk VII Kawatiri SD be rezoned to Future Urban Zone. The BDC considered that sufficient land has been zoned for residential lifestyle on the riverside of the State Highway, the submission area is adjacent to the rifle range, and the BDC are concerned about reverse sensitivity effects. BDC consider there is sufficient land rezoned for residential activities on the east side of the highway to meet future growth. The s42A notes that the Council's masterplan process for the wider Westport area provides further opportunity for the submitter to have input into future rezoning in the area (s.42A para 447-448).

Buller Bay Settlements

773. Ms Easton supported a submission from Kathleen Mansell (S39.001) seeking that 3 Bayfield Street, Seddon, be rezoned to General Rural Zone, noting that she considers the split zoning in the proposed plan to be an error (s42A para 449)

774. Ms Easton did not support a submission from Julie Palmer (S334.001) seeking that her property at New Castle Street Waimangaroa be rezoned to rural residential, as she was unable to confirm the location of the property. (s42A para 450).

Karamea

775. Ms Easton did not support a submission from Ruth and Richard Henschel (S150.002, S285.002) seeking that 4456 Karamea Highway be rezoned to Rural Lifestyle Zone because it is within Flood Susceptibility and High Coastal Natural Character overlays, and not in the vicinity of other Rural Lifestyle zones. (s42A para 451)

776. Ms Easton did not support a submission from Nikau Farms Limited (S499.001) seeking that 51 ha of land along the Karamea Highway at Little Wanganui Karamea (legally described as Lots 1-3 DP 409294 Lot 2 DP 407416 Lot 2 DP 547019 Sec 32 Pt Secs 7-8 Blk III Pt Secs 14-16 Blk II Kongahu Sd) be rezoned as Settlement Zone. Ms Easton noted there has been substantial zoning at Little Wanganui to allow for expansion of the settlement, with the Rural Residential area intended to provide a lower density transition between the settlement and wider rural area. Ms Easton considered that any future subdivision would be more appropriate at rural residential rather than higher densities. (s42A para 452)

777. Ms Easton supported a submission from BP and CA Jones (S526.001) seeking that the Highly Productive Land Precinct be removed from 4300 Karamea Highway because it is a wetland and subject to coastal inundation with limited production value (s42A para 453-454).

778. Ms Easton did not support a submission from Rosalie Sampson (S529.003) seeking that the Highly Productive Land Precinct be removed from land at Karamea, noting that this land is one

of the few areas in the West Coast favourable for horticulture, and that studies of the soil types and land suitability informed the identification of the Precinct (s42A para 455-456).

779. Ms Easton did not support a submission from Rosalie Sampson (S529.002) seeking that the township of Karamea be rezoned to Settlement Zone, noting that downzoning of undeveloped land is due to the area being within the Flood Susceptibility Hazard Overlay, and the township itself is under the Coastal Alert Hazard Overlay. The West Coast Regional Council had advised that the flood scheme is not designed or constructed to a high level of service and cannot be relied upon to protect the town from flood hazards (s42A para 457).

780. Ms Easton did not support a submission from Jackie and Bart Mathers and Gillman (228.008) seeking that their and their northern neighbours' land at Granity is rezoned to Rural Lifestyle Zone. Ms Easton notes there is no Rural Lifestyle Zone at Granity due to the high erosion and coastal inundation risk and land instability concerns. The submitter's property is also within the High Natural Character Overlay (s42A para 458).

781. Ms Easton did not support a submission from Andrew Beaumont (S225.001) opposing Rural Residential zoning in the Fox River Punakaiki area, noting that no information was provided about the specific location of the zoning referred to or the reasons for opposing it (s42A para 459).

Grey District

782. The report acknowledges submissions from David Moore (S65.020) and T Croft (S460.002) in support of Rural Lifestyle Zoning on their properties.

783. Ms Easton did not support a submission from Ngāi Tahu (S620.017) seeking that the highly productive land precinct be removed from Lot 1 DP 464514 and Lot 1 DP 2850, on the basis that the purpose of the precinct did not align with the land use for production forestry. Ms Easton noted that the precinct restricts subdivision and residential development and is not inconsistent with the existing land use (s42A para 460-462).

784. Ms Easton did not support a submission from Riarnne Klempel (S67.009) seeking that Lot 8 DP 361177, 0 State Highway 6, Barrytown, be rezoned from Rural Lifestyle zone due to concerns about erosion and inundation hazards. Ms Easton discussed this with the GDC, who considered the natural hazard provisions sufficient to control the associated issues and noted that a significant part of the site is not subject to hazard overlays (s42A para 463-464).

785. Ms Easton did not support a submission from David Pugh (S40.001) seeking that the Highly Productive Land Precinct is removed from 1297 Haupiri Road, Haupiri 7872, (Lot 1 DP 377882), as the intention of the precinct is to retain farm size to support primary production (s42A para 465-466).

786. Ms Easton supported a submission from Barbara King (S71.001) seeking to rezone 42 Hatters Terrace, Nelson Creek, to a single zone, rather than the current split zoning, Settlement Zone and Rural Lifestyle Zone. Ms Easton recommended the whole site be rezoned to a Rural Lifestyle Zone (s42A para 467-468).

787. Ms Easton did not support a submission from Kirsty Dittmer (S148.001) seeking that 26 Pandora Avenue be included in the settlement zone, as the property is partly covered by High Natural Character and Coastal Hazard Alert overlays. Ms Easton acknowledged that part of the site may be appropriate for development but does not support split zoning as a general

principle, so she considered General Rural to be the most appropriate zone for the site (s42A para 469-470).

788. Ms Easton did not support a submission from Graham Wood (160.001) opposing the rezoning of properties on Barrytown flats from rural Lifestyle Zone, noting that the submitter may not be aware that these properties have been upzoned as there was no RLZ in the operative Plan (s42A para 471).

789. Ms Easton supported a submission from Te Tai o Poutini Plan Committee (S171.020) seeking that 3316 Coast Road, Barrytown, and two adjacent properties be rezoned to Rural Lifestyle Zone, on the basis that it corrected a zoning error (s42A para 472-473).

790. Ms Easton supported a submission from Te Tai o Poutini Plan Committee (S171.022) seeking that two sites at Rutherglen be rezoned to Rural Lifestyle Zone, on the basis that it corrected a zoning error (s42A para 474-475).

791. Ms Easton supported a submission from Te Tai o Poutini Plan Committee (S171.023) seeking that three sites at Te Kinga be rezoned to Rural Lifestyle Zone, noting that these small sites are adjacent to an area of Rural Lifestyle Zone and the zone is appropriate for these properties (s42A para 474-475).

792. Several submitters, John Boyles (S175.001), David McInroe (S176.001), Benjamin and Shari Ferguson (S173.001), and Kaye Leighton (S174.001) sought that 31ha of land at Waipuna, Grey District, be rezoned from general Rural to Rural Lifestyle, and others (Ken and Robyn Ferguson) sought that the Highly Productive Land Precinct be removed. Ms Easton supported this submission as it was supported by GDC, who considered that the zoning would recognise the small settlement that has been established in this location (s42A para 478-479).

793. Ms Easton did not support a submission from Christina Bushby (S178.001) seeking that Zone DP2764 Lots 3 & 4 adjacent to 406 State Highway 7, Kaiata, is rezoned as General Rural Zone, noting that the rezoning creates no obligation on landowners to develop their land, but provides for growth at Kaiata (s42A para 480-481).

794. Ms Easton did not support a submission from Mitchells 2021 Ltd (S448.002) to rezone Lot 4 DP 440795 from General Rural to General Rural and Rural Lifestyle, noting that the land is bush and understood to be covenanted in favour of DOC as part of the Forests Accord. GDC have raised concerns about the capacity of road infrastructure (a gravel road on the edge of the lake) to accommodate further development (s42A para 482-483).

795. Ms Easton did not support a submission from Mitchells 2021 Ltd (S448.001) to rezone PT RS 2032 from Rural Lifestyle to Settlement Zone, noting that there has already been significant upzoning at Mitchells to provide for additional development and that the block is bush covered and partly within an Outstanding Natural Landscape (s42A para 484-485).

796. Ms Easton did not support a submission from Davis Ogilvie & Partners Ltd (S465.001) seeking that Lot1 DP2617, Lot1 DP2512, Lots 1 and 2 DP2489, Lot 1 DP2781, and Part RS2082 at Mitchells be rezoned as Rural Lifestyle Zone, noting that the site is bush-covered and partly within an outstanding Natural Landscape. Ms Easton noted that the site is not in an area identified for Rural Lifestyle development and that the character is best described as General Rural zone (s42A para 486-487).

797. Ms Easton supported a submission from Riarnne Klempel (S296.001) seeking land to be rezoned to expand the Barrytown township settlement area, noting that there has been

substantial upzoning in Barrytown to allow the township to expand and that further rezoning is unnecessary (s.42a para 488).

798. Ms Easton did not support a submission from Shirley Godfrey (S406.001) seeking that two parcels of land, described as 'PT RS 1999 BLK VII WAIMEA SD. Area 11.9559 ha, and Sec 11 SO557707. Area 1.2126 ha,' be rezoned to rural residential as she could not determine the location of the properties (s42A para 489).

799. Ms Easton supported a submission from Suzanne Hills (S433.047) seeking that 3345 Coast Road be rezoned to Rural Lifestyle, as the adjacent properties have been rezoned, and Ms Easton could not identify any reason why this property had been excluded (s42A para 490-491).

800. Ms Easton did not support a submission (S96.0250) from Craig Schwitzer and Riarnne Klempel to rezone 64 Cargill Road from General Rural zone to Rural Residential Zone, noting there has been substantial upzoning in Barrytown to provide for expansion and allow for rural lifestyle development. Ms Easton considered that rezoning this large site would substantially expand rural residential use at the detriment of primary production values (s42A para 492-493).

801. Ms Easton did not support a submission from Te Kinga Estates (S517.003) to rezone Lot 2 DP 568525, Arnold Valley Road, Moana, from Rural Lifestyle Zone to Rural Residential Precinct Settlement Zone. Ms Easton noted that the zoning at Moana follows a concentric cascade around the core community, with areas of residential zone surrounded by Settlement Zone – Rural Residential Precinct. In the outer area, the Rural Lifestyle Zone, the property is in the outer area (s42A para 494-495).

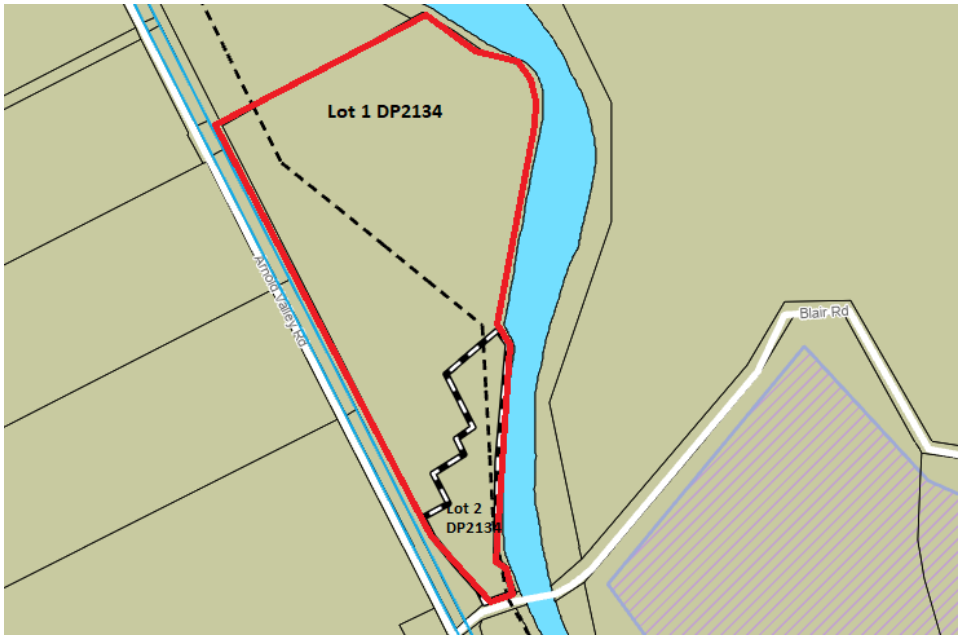
802. Ms Easton did not support a submission from Peter Jeffries (S544.001) seeking that the Highly Productive Land Precinct be removed from 843 Atarau Road, noting the property is within a significant farming area and the precinct is appropriate (s42A para 496-497).

803. Ms Easton did not support a submission from Martin and Lisa Kennedy (S545.001) seeking to remove the Highly Productive Land Precinct from Lot 3 DP 2743) in the Grey Valley, at Atarau, noting that while she couldn't determine the exact location of the property, it is in a significant farming area (s42A para 498-499).

804. Ms Easton did not support a submission from Nick Pupich & Sandy Jefferies (S546.001) seeking to remove the Highly Productive Land Precinct from 729 Atarau Road, noting that it is in a significant farming area (s42A para 500-501).

805. Ms Easton supported a submission from CMP Kokiri (S611.001) seeking Lots 1 and 2 DP2134, (containing a meat processing plant), be rezoned to General Industrial or similar relief, noting that General Industrial would be an appropriate zoning. Ms Easton considered Light Industrial to be the most appropriate zoning. She said the plant is located at the southern end of the property, with other parts being bush and farmland, including a Significant Natural Area, but she does not support split zoning in general and considers the ecosystem and biodiversity provisions are intended to manage impacts on the SNA (s42A para 502-503).

806. The map identifying this area in the s42A report does not clearly show the boundaries of Lot 1. For clarity, the lots are identified in the map below, outlined in red.



807. Ms Easton did not support a submission from Bede Udy (S154.001) seeking to rezone 2 Cashmere Bay Road, Moana, from Rural Lifestyle to Rural Residential, noting this would be out of character with the surrounding zoning and land uses (s42A para 504-505).

808. Ms Easton supported a submission (S620.116) from Ngai Tahu seeking that Section 2 SO12078 be rezoned to General Rural, noting that this was an error correction as the Plan maps incorrectly show it as a water body (s42AQ para 506).

809. Ms Easton did not support a submission from Murray Stewart (S217.002) seeking that the Highly Productive Land Precinct be removed from rocky and landslide areas of 746 Taramakau Settlement Road, noting that the focus of the precinct is retaining economic farming units and avoiding further fragmentation of rural land (s42A para 507-508).

Westland District

810. Several submitters, Denis and Wendy Cadigan (S532.001 S532.002), Birchfield Ross Mining Limited (S604.118), and Phoenix Minerals Limited (S606.096) sought to rezone 148 Kumara Junction Highway to Settlement Zone - Rural Residential Precinct. Ms Easton did not support these submissions due to concerns about reverse sensitivity on the SFF site, noting that SFF has concerns about residential uses on their southern boundary and rezoning on the northern boundary would magnify these issues (s42A para 509-510).

811. Ms Easton supported a submission from Westland Farm Services (S550.015) seeking that the General Rural part of Rural Section 1264 and Section 8-10 Survey Office Plan 12249 be rezoned to Settlement Rural Residential Precinct, as she considered this a zoning error (s42A para 511).

812. Ms Easton did not support a submission from Freehold Properties (Investments) LLP (FP) (S 73.001) seeking that 2902 Franz Josef Highway be rezoned as Settlement Zone, as there is no Settlement Zone on the west side of the State Highway and this site is in a wider rural area. Westland District Council confirmed this would not accord with the wider plan for the Franz Joseph area (s42A para 512)

813. Ms Easton supported a submission from Forest Habitats Ltd and Jacbrat Holdings Limited (S220.001) seeking that the zoning of 135 Ruatapu-Ross Road is changed from General Rural

to Rural Lifestyle, as Westland District Council consider this would be an appropriate transition from the Settlement Zone and allow some expansion of the Ruatupu community (s42A para 513-514).

814. Ms Easton did not support a submission from Forest Habitats Limited (S186.001) seeking that 117 Arthurstown Road be rezoned to Settlement Zone - Rural Residential Precinct. Ms Easton noted that this property is within a wider area of the General Rural Zone; the rezoning would result in fragmentation of that zone and could create reverse sensitivity effects with primary production. In addition, the surrounding roads are subject to flood risk and the increased residential population in this area is considered undesirable (s42A para 515).

815. Ms Easton did not support a submission from Erin Stagg (S314.006) seeking a larger area of Settlement Zone around Haast township, noting that the pTTPP already provided substantial Settlement Zoning to allow for growth, and further rezoning would take residential development closer to the airport with associated reverse sensitivity risks. She also noted that updated coastal hazard mapping identifies a larger area that will be affected by inundation hazard than the Proposed Plan hazard mapping indicates, making the larger block inappropriate for upzoning (s42A para 516).

816. Ms Easton did not support a submission from Totally Tourism (S449.008) to rezone Lot 33 DP 409401, to Settlement zone - Settlement Centre Precinct, as there is no planned servicing infrastructure in this area, and the existing Franz Alpine Resort water supply is non-compliant with new residents required to provide on-site wastewater and water supply tanks. Ms Easton also notes that the Alpine Fault traverses this site (s42A para 517).

817. Ms Easton did not support a submission from Gavin Molloy (S485.001) seeking that the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone and the Westland District Plan provisions are carried over into TTPP. Ms Easton noted that downzoning of this area has occurred in response to issues that have arisen over time, including concerning water infrastructure and the availability of better information about natural hazard risks (s42A para 519-520).

818. Ms Easton did not support a submission (from Hapuka Landing Ltd S514.001) seeking to rezone Lots 1-18 DP 498766, Lot 19 DP 498766 and Lot 100 DP 498766 from General Rural Zone to Settlement Zone Coastal Settlement Precinct or an alternative that recognises the existing environment. Ms Easton acknowledged that the area has been subdivided with one house developed on the site but did not support the rezoning as she was not clear on what the most appropriate zoning would be and had concerns about the development being within the Coastal Hazard Severe Overlay. Ms Easton noted that residential buildings are non-complying under this overlay, and this is why a General Rural zone was applied to the site, although permitted activity standards in this zone do not apply to these properties. She considered that a Settlement Zone – Coastal Settlement Precinct Zone would send a message that further development was appropriate (s42A para 521)

819. Ms Easton supported a submission from Hindman Smartsaw Ltd (S37.001) seeking to rezone Lot 1 and Lot 2 DP 462928 (a sawmill) for industrial use, noting this zoning would appropriately reflect the use of this site. (s42A para 522).

820. Ms Easton did not support a submission from Vance & Carol Boyd (S447.005) seeking a review of the Rural Lifestyle Zone because some sites within this zone are below the minimum permitted lot size. Ms Easton notes that the zone is new and has been applied across a range of property sizes based on what is considered an appropriate zone, with consideration given

to whether further subdivision is appropriate. Ms Easton notes that the submitter's property is in Hannah's Clearing, where the main settlement has a Settlement zone, but the periphery is zoned Rural Lifestyle Zone, with these lots being larger than those in the main settlement and subject to the Coastal Hazard Severe Overlay (s42A 523-524)

General Mapping Issues

821. Ms Easton supported a submission from Westpower limited (S547.501) seeking that a hashed line shown in the planning maps on 10 West Drive be deleted, considering this a mapping error (s42A 525-526).

822. Ms Easton did not support a submission from Lynley Hargreaves (S481.024) seeking that there be no rezoning of areas where there has not been public consultation on the approach. Ms Easton noted that consultation had been carried out through the development of the pTTPP and that, as the operative Plans are very old, very substantial rezoning was necessary due to NPS requirements and the plan being a combined plan (s42A para 527).

823. Ms Easton supported in part a submission from Cape Foulwind Staple 2 Ltd (S568.002) seeking that all planning maps accurately reflect legal appellations at the time of printing, noting that the PTTPP maps were produced with the most up-to-date cadastral information available at the time. However, as updating of the pTTPP base maps is not automatic and will be undertaken periodically, at times, not all legal titles will show on the maps.

824. Ms Easton did not support a submission from Jackie and Bart Mathers and Gillman (S228.009) seeking the rail corridor to be rezoned from General Rural to Rural Lifestyle on the basis that it could provide for coastal retreat once no longer required for rail purposes. Ms Easton noted that this would require a split zoning as the corridor outside of the main towns is zoned General Rural, and that NZRC owns this land and is unlikely to be available for managed retreat.

S42A Addendum

825. The addendum report addressed an additional submission that was omitted from the s42A report.

826. Ms Easton supported a submission from Griffen and Smith (S353.004) seeking that an area of land in Greymouth zoned General Rural be rezoned to reflect the zoning of adjacent land (s42A addendum, para 6-8) including:

- That the railway line adjacent to the Commercial Zone is rezoned as Commercial Zone, not zoned General Rural Zone
- The legal road between Mitre 10 and the Greymouth Hospital (which includes the hospital entrance) should be shown as a road, not zoned General Rural Zone
- All the Council-owned land south of Raleigh Street that forms part of the Airport should be zoned Special Purpose (Airport Zone)
- The flood wall and the triangular parcels of land around Waterwalk Road should be zoned Open Space Zone.

Hearing and Submitter Evidence

CMP Kokiri

827. In legal submissions, Sarah Schulte considered meat processing activities to sit more comfortably within the General Industrial zone than the Light Industrial Zone recommended by Ms Easton. Ms Schulte confirmed that if the panel prefer a zoning approach, CMP's preferred relief is GIZ zoning, noting that this is consistent with the recommended rezoning of the Harihari sawmill.

828. Amy Callaghan presented planning evidence on behalf of CMP Kokiri (ANZCO Foods). Ms Callaghan raised concerns that the proposed rezoning of the ANZCO site to General Industrial Zone, sought in the original submission, would provide for a significant scale of development and could create significant adverse effects. She suggested an alternative approach of retaining the GRUZ and applying an activity-specific precinct would provide for ongoing operation of the meat processing plant and provide for limited expansion as a permitted activity while managing effects on the surrounding rural environment. Ms Callaghan considered that this approach would provide greater long-term protection of rural amenity. However, if the Panel were to disagree with the precinct approach, Ms Callaghan considered the GIZ to best align with the operation of the meat processing facility.

829. Katharine Jones presented traffic evidence and concluded that although minor safety improvements could be made, the ANZCO site is not contributing to safety issues on the existing road network. She noted that future development beyond permitted activity limits could trigger a need for assessment as a high-trip-generating activity through a resource consent process.

830. Following the hearing, a memorandum of Counsel, Sarah Eveleigh/Sarah Schulte dated 14 August 2024, was submitted in response to a request from the Panel that CMP identify the parts of the site that would need to be rezoned if only part of the site were rezoned to GIZ. CMP considered a split zoning unnecessary, noting that the site contains the plant, a wastewater treatment system, 7.1 ha of vacant land and a 5.3ha SNA. CMP considers the remaining vacant area to be a strategic asset with potential to be developed to support the plant (for example, if additional wastewater treatment were needed). While the SNA could be excluded from the rezoning, CMP agreed with Ms Easton's assessment that the Plan provisions for SNAs would appropriately manage this area. CMP continued to seek that the entire site be rezoned to GIZ or subject to a Rural Industry precinct.

831. An additional memorandum of Counsel, dated 12 December 2024, was submitted in response to the officer's right of reply, to clarify the officer's recommendation, being:

> If the Panel favour a split zoning, the Significant Natural Area should be zoned General Rural Zone and the remainder of the CMP Site should be zoned LIZ. The Memorandum also confirms that the recommendation is for the LIZ to apply to both Lots.

Cape Foulwind Staple 1 and 2

832. Jane Bayley submitted planning evidence on behalf of Cape Foulwind Staple 1 Ltd and Cape Foulwind Staple 2 Ltd.[160]

833. In relation to Pt Sec Blk 1 Steeples SD, also known as Guardian Lakes Flats, Ms Bayley considered the key difference in land use rules between the proposed Rural Lifestyle zoning and the Settlement Zone- Rural Residential Precinct 4 sought by Cape Foulwind Staple 1 Ltd relates to the density of residential units and site coverage. She noted that, while the change in zoning could result in up to 10 additional residential units, the site limitations, including

[160] Planning Evidence of Jane Bayley 22 March 2024

native vegetation to be retained or low-lying areas to be avoided, would reduce development potential, resulting in a similar density to that expected under the RLZ. A conceptual subdivision layout provided shows 18 smaller allotments and nine larger allotments. As a result, Ms Bayley considered any effects on density to be minor.

834. Concerning site coverage, Ms Bayley noted that the zone change could enable an increase of up to 1.98ha of coverage, but that, due to the site constraints stated above, coverage based on the conceptual layout would be 55,800 m², slightly less than that expected in the RLZ.

835. In response to BDC's objection in part against the zoning of Limestone Road, which noted there was insufficient information available about natural hazards, a geotechnical assessment from Terra Forma Geotechnical Ltd was attached as Appendix 1 to Ms Bayley's evidence. This report concluded that specific foundation designs would be required, but 'there are no geotechnical constraints within the regions designated as potential building areas that would prohibit rezoning for residential use…'. Ms Bayley considered that the reasons for BDC's opposition had been addressed in part and that the site is therefore suitable for rezoning.

836. Ms Bayley addressed BDC's objection in part to the Cape Foulwind Staple 1 Ltd submission requesting Quarry Lake Area be rezoned to Rural Lifestyle, based on insufficient information available about natural hazards. Ms Bayley noted that Cape Foulwind Staple 2 Ltd do not have development plans for the Quarry Area at present and has not sought a geotechnical assessment, but that any subdivision application will require assessment of natural hazards.

837. Ms Bayley also considered that the General Rural Zoning does not take account of the modified environment, including the removal of topsoil from the basin during limestone mining, which has reduced the productive potential of the area. She considered that the notified zoning would limit the development potential of this parcel. Ms Bayley noted that the 84ha Quarry Area includes a 20ha lake, which could be developed for commercial recreation. Ms Bayley and Cape Foulwind Staple 1 Ltd discussed this with BDC early in the pTTPP process, and Cape Foulwind Staple 2 Ltd sought to set this land aside for Future Urban Development, including commercial focus around the lake, residential within the basin and Rural Lifestyle-sized sections along the top flanks of the site; however, BDC indicated a preference for more certainty.

838. Ms Bayley considered that the amphitheatre nature of the Quarry Area means there are no viewshafts from public areas and therefore visual effects would be internal only. She noted that the site will naturally limit the extent of development and sought that allotment sizes be that of the Rural Lifestyle.

839. Ms Bayley sought that three strips of land (Secs 5 and 6 SO14770 and Lot 17 DP574635), owned by Cape Foulwind Staple 2 Ltd and adjacent to Cape Foulwind Road, be rezoned from General Rural to Light Industrial to match the zoning of the adjacent land.

840. With respect to Cape Foulwind Staple 2 Ltd zoned land adjacent to Larsen Street, Ms Bayley confirmed that this area had been subdivided into lots with areas between 1686m^2 and 4000m^2, with three adjacent sections also owned by Cape Foulwind Staple 2 Ltd being 4836m^2 and 7766m^2. She considered it was not appropriate to retain the notified General Rural Zone on these parcels as the lot areas are below the threshold of the rural zone. She also noted that adjoining land to the east is Settlement Zone-Rural Residential Precinct 4, and that the Light Industrial land to the south already has a boundary with a rural residential precinct.

841. In relation to the Larsen Street land, Ms Bayley noted that the s.42A report incorrectly commented that the submission sought rezoning to residential, and that Ms Easton did not support a Rural Residential zone as she was concerned it would generate additional residential units. Ms Easton also had concerns about soil contamination and reverse sensitivity for the Light Industrial zone across Cape Foulwind Road. Ms Bayley noted that none of the lots in this area are large enough to permit a second unit under the Settlement Zone – Rural Residential Precinct provisions. She also noted that a PSI undertaken as part of the subdivision did not identify the area as being potentially contaminated, and that Light Industrial activities are described in the TTPP as unlikely to produce objectionable environmental effects, but there may still be some adverse effects, including those associated with odour, dust or noise. Ms Bayley also noted that the subdivision consent covenanted an area where vegetation will be retained as a buffer from the future Light Industrial Zone. She concluded that the Settlement Zone-Rural Residential Precinct is the most appropriate zoning for this area

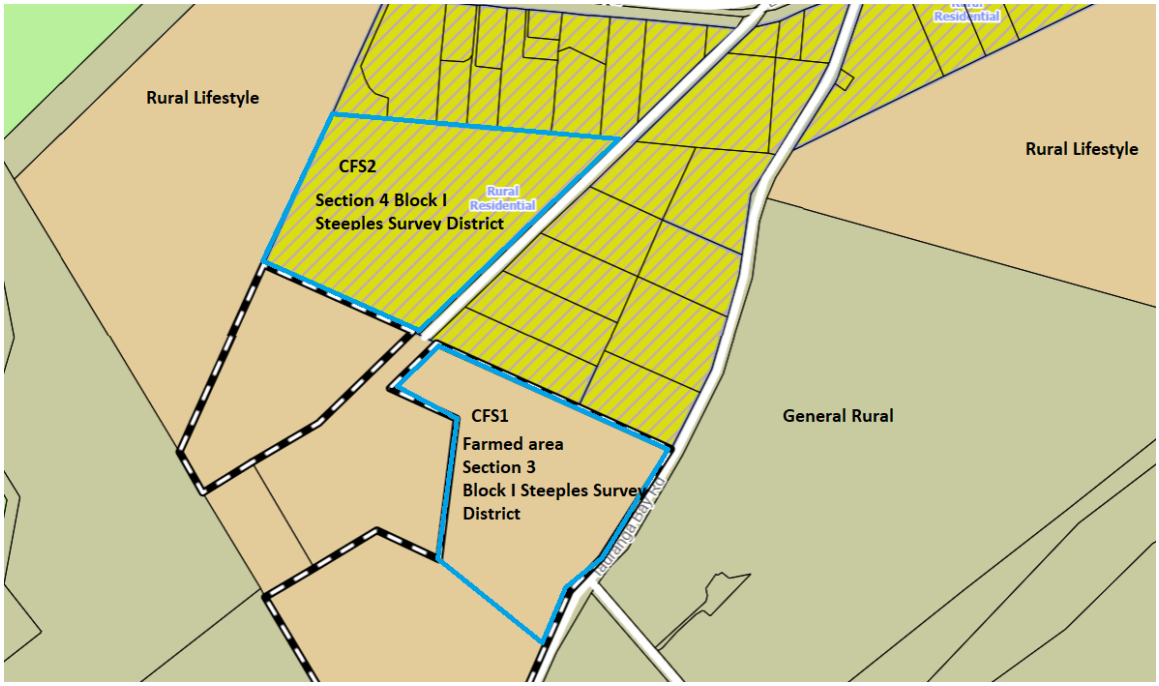
842. Ms Bayley confirmed that two submissions from Cape Foulwind Staple 2 Ltd were withdrawn, being S568-005, which sought to rezone land on Inner Cape Foulwind Road, and S568-007, relating to land east of Limestone Road. Ms Bayley noted that Cape Foulwind Staple 2 Ltd supported the notified zoning of these blocks.

843. With respect to the Inner Cape Foulwind Road land, Ms Bayley noted that BDC had opposed in part the notified zoning because there was insufficient information available about natural hazards. She attached a Geotechnical Assessment from Davis Ogilvie that concluded 'there are no geotechnical constraints … that would prohibit rezoning to residential land use'. She considered that this report addresses BDC's reasons for opposition in part and that the site is suitable for the notified zoning.

844. Ms Bayley also requested that a small sliver of land, Sec 1 SO 14304, be rezoned to Settlement Zone – Rural Residential Precinct 4 to match the notified zoning of Cape Foulwind Staple 2 Ltd adjoining (Area 2) land. She acknowledges that rezoning of this land is not included in the original submission and was incorrectly identified in Tauranga Bay's submission as being under their ownership.

845. In an additional statement of evidence dated 2 July 2024, Ms Bayley confirmed that Cape Foulwind Staple 1 Ltd continued to seek rezoning of the Quarry Area.

846. In relation to the rezoning sought at Guardian Quarry, Ms Bayley proposed a zoning swap and requested that the Panel utilise the provision under Clause 16(2) Schedule 1 of the RMA for this zoning change. She proposed that a 9.2ha block of farmed land west of the access track within the Guardian Quarry site be rezoned from Rural Lifestyle to Settlement Zone-Rural Residential precinct. Ms Bayley also proposed that this rezoning be 'offset' by rezoning a 12ha block of land owned by Cape Foulwind Staple 2 Ltd to Rural Lifestyle, noting that adjoining land to the west and south of this block are also Rural Lifestyle zones. This 12ha block is located north of Limestone Road and is zoned Settlement Zone – Rural Residential Precinct in the notified TTPP. Ms Bayley states that this area has limited development potential and is not suitable for Rural Residential Precinct zoning as it contains three important ecological areas that are SNAs, identified in an Ecological report from Richard Nichol Ecology, which was provided to pTTPP planners in 2021.



TTPP notified zoning map with the 12ha CFS2 owned site (section 4) and the 9.2ha farmed area within the CFS1 owned Section 3 outlined in blue.

847. Ms Bayley submitted a response to the WCRC Wastewater Discharge Report on 20 December 2024. This response confirmed that Cape Foulwind Staple 2 Ltd continued to seek that the 9.2ha area within Guardian Quarry be rezoned to Settlement zone, on the basis that drone mapping of the area confirmed that the whole of the area does not drain into the lake. She considered that restricting the density of development based on the potential for leaching into the lake is an overly cautious approach.

Tauranga Bay Holdings

848. Claire McKeever presented planning evidence on behalf of Tauranga Bay Holdings and confirmed that no changes were made to the rezoning sought in the original submission. Property Market evidence from Garry Howard, dated 2 September 2024, Geotechnical[161] Evidence from Andrei Coteiga, dated 4 July 2024, Landscape evidence from Jade Isaiah McFarlane, 4 July 2024, and Engineering evidence from Philippe Dumont, dated 4 July 2024, were also presented in support of the proposal. The engineering evidence concluded that area-specific investigations would be required regarding soil contamination and suitability for the disposal of treated wastewater.

849. Following the hearing, Eliot Sinclair responded to the Panel's request that the submitter consider and propose an Outline Development Plan framework that would provide certainty that the landscape mitigation measures could be achieved. The response provides an outline development plan and an accompanying rule framework. The proposed rules include:

SETZ-R2

7. In The Cape Development Area :

[161] Andrei Coteiga 4 July 2024

a. A minimum 7m wide buffer strip of indigenous vegetation is to be planted on all boundaries adjacent to Tauranga Bay Road and Wilsons Lead Road. Locally sourced native species will be selected and planted to ensure that, at maturity, buildings will be partially screened from the road, consisting of species that achieve a minimum mature width of 3.5m and height of 2.5m.

b. Indigenous vegetation within the gully overlay identified on The Cape Development Outline Plan are to be retained; and

c. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;

RLZ-R1

8. In The Cape Development Area:

a. Indigenous vegetation within the gully overlay identified on The Cape Development Outline Plan are to be retained; and

b. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan

RLZ-R3

4. In the Cape Development Area:

a. Indigenous vegetation within the gully overlay identified on the Cape Development Outline Plan are to be retained; and

b. Development will be in accordance with the Outline Planset out in the Development Areas section of the Plan;

GRUZ-R1

7. In the Cape Development Area:

a. Indigenous vegetation within the gully overlay identified on the Cape Development Outline Plan are to be retained; and

b. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;

GRUZ-R3

5. In The Cape Development Area:

a. Indigenous vegetation within the gully overlay identified on the East Tauranga Bay Road Development Outline Plan are to be retained; and

b. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;

850. The Panel were also provided with a response to the WCRC Onsite Wastewater Disposal Report, prepared by Philipe Dumont of Eliot Sinclair and dated 21 November 2024. Mr Dumont notes that future parcels would require specific wastewater reports but concluded that the report confirms the submitters' proposed site rezoning ‘continues to be appropriate’.

Other submitters

851. Frank O'Toole continued to seek that his property on Nine Mile Road be rezoned to Rural Living Zone, noting that the area is close to Westport and serviced by reticulated water supply with power/phone utility available. He noted that floodwalls are currently under construction and will result in the flood hazard risk being extremely low.

852. Ms Bensemann presented planning evidence in support of Mr O'Toole and notes that the s42A report describes the Settlement Zone as a buffer close to existing urban areas. She considered this to conflict with the zone descriptions in the Plan, which describe the Rural Living Zone as providing this function.

853. Ms Bensemann acknowledged that although flood mitigation measures are proposed, there is a risk that funding may be lost, or the parameters of the scheme altered. However, she considered that the latest update (Resilient Westport: June 2024) on stop bank development and initial remediation work underway provided more certainty than had existed at the time that the pTTPP was drafted.

854. Ms Bensemann identified that the area south of Westport is Land Use Class (LUC) 3 and subject to the NPS-HPL, although it is not identified in the pTTPP as being within the Highly Productive Land Precinct. She acknowledged that a Rural Lifestyle Zone for a portion of Nine Mile Road would reduce the overall area of this but considered that as the area adjoins Westport's southern boundary, it would not fragment the HPL land. She noted that for many properties along Nine Mile Road, allotment sizes are already less than 4ha and utilised as residential lifestyle sections rather than production activities despite the rural zoning and high-quality soils. She considered that rezoning would contribute to the housing supply. She also considered that the zone standards would provide sufficient separation between Mr O'Toole's land and the General Rural Zone, with the road network providing a legible delineation between the zones.

855. Mr O'Toole also continued to seek that his property at 211 Utopia Road be rezoned to Rural Living, noting that under Variation 2 the site area affected by the Coastal Severe Risk Overlay was reduced. He advised that previous erosion analysis undertaken in relation to a subdivision concluded that erosion is no longer a risk, and that vegetation established on a former sand dune provides further protection from erosion. He also noted in relation to coastal inundation, his property is higher than adjoining properties that have been rezoned to Rural Living.

856. In relation to Mr O'Toole's Utopia Road land, Ms Bensemann saw no reason why this site should not be rezoned, given that Variation 2 sought to move the coastal hazard overlay 75m northward. In her opinion, the Rural Living Zone boundary should better reflect the coastal hazard overlay as the intended limitation to land use, and partial zoning would allow more efficient use of the land resource.

857. Murray Stewart continued to oppose the Highly Productive Land classification due to the restrictions it places on farming and maintaining infrastructure. He also raised concerns about minimum lot sizes, noting that enabling a subdivision of 2-3000m^2 on a farm leaves the remaining farm in a more financially manageable state compared to minimum lot sizes of 4ha. This matter was not included in his original submission.

858. International Panel and Lumber sought to have their car park rezoned from the notified Rural Lifestyle Zone to an industrial zoning, on the basis that the car park is currently zoned for industrial usage and the rezoning appears to be an error. International Panel and Lumber did not make a submission requesting this rezoning and have lodged further submissions only concerning the RLZ rules.

859. Frida Inta, on behalf of herself and the BCG, opposed zoning boundaries that cut through the middle of some properties, and having properties on one street subject to different zones. She also opposed residential zoning being applied to publicly owned land and requested that a section of Hope Street be rezoned from Settlement to 'Road.'

860. Steve Tuck presented planning evidence on behalf of SFF and continued to seek that the land adjacent to SFF Hokitika meat processing site is rezoned General Rural. He also provided his amendments to the rural zone provisions, which he recommended be added if the land is rezoned to Rural Lifestyle Zone (the proposed amendments to objectives and policies are included in those sections of this report). Mr Tuck supported Ms Easton's recommendation that submissions seeking to rezone land north of the Hokitika site to Rural Residential be declined.

861. Barry James MacDonell presented planning evidence and supporting documents on behalf of Forest Habitats Limited, responding to Ms Easton's reasons for not supporting the submission seeking that 117 Arthurstown Road be rezoned Rural Residential. Mr Macdonell noted that the land is not highly productive and there are no mining operations in the immediate vicinity. Mr Macdonell's evidence included engineering reports that concluded the land is suitable for development and considered that natural hazard risk can be mitigated through the consent process, including through raised floor heights.

862. Mr MacDonell submitted further evidence dated 1 October 2024 to the Panel following the hearing, noting that the s42A report for the Hazards Chapter recommended deleting the Flood Plain overlay due to mapping inaccuracy, consistent with WCRC's submission. Mr MacDonell emphasised that flood risk was the only issue raised by WCDC concerning the rezoning of this area, and that Ms Easton's recommendation to decline the submission appears to have been based on incomplete information. He disagreed that residential use is undesirable in this location, noting that the site adjoins a Settlement Zone. He noted that the land is currently held in 9 titles on which dwellings could be developed as a Controlled activity, and on this basis, considered that fragmentation already exists.

863. Mr Rob Kinney, a Director of Te Kinga Estates Limited presented a statement at the hearing. He said Te Kinga Estates Limited had submitted in support of the Rural Residential Precinct zoning of properties on the Arnold Valley Road and had sought for this zoning to be applied to the adjoining property being Lot 2 DP 568525, which currently had a Rural Lifestyle Zone. He said the site was located near the township of Moana and that Te Kinga Estates Limited anticipates further development of the site in the future. He noted that the property is generally flat with some areas which are slightly undulating and is naturally suited to development. He clarified that they sought Settlement Zone for the property (1000m^2 lots). Mr Kinney considered that, although the notified Settlement zone – Rural Residential Precinct appears extensive (approximately 50ha), the potential area for development is reduced due to the undulating and poorly drained nature of the area, likely natural hazards and remnants of mature native vegetation. The Moana transfer station is also located in the middle of the proposed settlement zone. He considered it to be at low risk from natural hazards. Mr Kinney requested the Panel consider rezoning this property to allow for potential future growth of the Moana township.

864. In response to Minute 52 Te Kinga Estates provided a letter to the Panel noting that BTW considered the cumulative effects associated with the proposed change of land use and primary treatment systems would be low. They advised that the report stated that where discharges are likely to occur, the effects would be within the bands for NPSFW guidelines. Te Kinga Estates Limited, therefore, supported the findings concerning Area E.

865. Pauline Hadfield presented planning evidence on behalf of T Croft Ltd. She noted that the s42A report omits any comment on the submitter's request that 139 Arnold Valley Road (Lot 3 DP2261) be rezoned from General Rural zone to Light Industrial to be consistent with the surrounding land. Ms Hadfield notes that Appendix 2 to the s42A report, which lists the reporting officer's recommendations to accept/reject each submission, recommends that the submission be accepted. She noted that this site is 4000m^2 and contains a house that was originally approved as a manager's residence and currently occupied by Frank (director and shareholder of T Croft Ltd), and Clare Croft. Ms Hadfield requested the panel rezone 139 Arnold Road to Light Industrial, consistent with the reporting officer's recommendation in her Appendix 2.

866. Mark Wiechern presented a statement in support of his submission. He noted that the greater Tauranga Bay area is part of an active subdivision with himself and other landowners in the process of subdivision. He considered there was a disconnect between the pTTPP and real-world activities occurring in the area. He sought that Cape Foulwind through to Tauranga Bay be recognised as a precinct.

867. Mr Wiechern stated that he had discussed the Rural Residential Precinct area at Tauranga Bay with BDC, who advised that past development had been subject to significant restrictions through consent notices due to the area's ecological sensitivity. He confirmed he was in the process of making a subdivision application and would be lodging in September/October 2024, with a supporting ecological assessment and blocks designed to replicate the existing character in relation to lot size. He noted his block is not suitable for agriculture and is immediately connected to properties that are lifestyle or rural residential.

868. Tom McGaveston presented a statement in support of his further submission in support of rezoning 367 Utopia Road. He noted that the neighbouring properties are proposed to be rural lifestyle and suggested his property be included with Deadman Creek, providing a natural zone boundary. He considered the flooding risk to be low, noting a significant rock wall protects the northern and eastern property boundaries, and that the Orowaiti River mouth has moved east with a sand bank protecting the property. He advised that recent large sea surges and flood events had not affected the property.

869. Ms Shari Ferguson, representing several submitters at Waipuna (McInroe, Boyles, Leighton and Ferguson), was seeking rezoning from General Rural Zone to Rural Lifestyle Zone. She indicated that the HPL needed to be correct and substantiated, and at this stage, she did not know how that had been done or what process had been gone through. They had no objection to the categorisation if it was correct. She said they had obtained their independent advice from a farm consultant who had concluded that the land was not HPL. She was concerned about what might be incorporated into HPL rules later.

870. Andrew Beaumont opposed the rural residential zoning at Fox River on the grounds of density standards. He contended the location was unusual, being bounded on all sides by the National Park. As a result, he said there was a need for a smaller density standard based on the adequate provision of septic and grey water to enable the growth of the community. He noted there were already lots smaller than 2ha.

871. Christina Bushby continued to seek that her property be 'downzoned' to the General Rural Zone. She sought that lots 3 and 4 DP2764 at Kaiata to remain as a General Rural Zone

872. Ms Shirley Godfrey provided additional information on the location of her property at 233 Taramakau Highway, Kumara Junction, which she is seeking to be rezoned Settlement (it is

proposed to be zoned General Rural in the PTTPP). The property is adjacent to the Kumara Junction Settlement Zone.

873. Mr John Menlove spoke at the hearing and sought to include his property at Caledonian Road in the Settlement. In his submission S289.001, he sought to rezone the site to develop it for residential sections. We visited the site at Sergeants Hill, we stopped at 71 Waterworks Road and viewed the site up on a hill.

Reporting Officer Reply Evidence

874. Rezoning was addressed in both the joint Rural Zones and Settlement Zones right of reply, and in a separate right of reply concerning rezoning at Moana, Grey District and Cape Foulwind, Buller. This was also informed by the technical report produced by BTW, addressing the cumulative effects of onsite wastewater disposal.

875. In response to the submission from Mr Wiechern, Ms Easton considered that the proposed subdivision layout presented is the type of proposal envisaged by the subdivision provisions relating to significant areas of indigenous biodiversity, being a bespoke design reflecting the values on the ground and providing for bonus lots where significant indigenous biodiversity is legally protected. Ms Easton considered that the Settlement Zone – Rural Residential Precinct was inappropriate for this site for the reasons outlined in the s42A report. She considered that General Rural Zone remained the most appropriate zone for this site.

876. In relation to CMP Kokiri, Ms Easton supported a split zoning of this site and considered that the most appropriate zone for the SNA area would be the General Rural Zone.

877. Ms Easton provided a map showing all areas sought to be rezoned within the Cape Foulwind and wider Westport area and provided the contaminated land report for the former Holcim site.

878. In relation to the Forest Habitats submission, requesting rezoning of land on Arthurstown Road, Ms Easton acknowledged that the s42A report map does not show the full extent of the land in question. Ms Easton considered this rezoning to be inappropriate due to the land being subject to a flood hazard and at significant risk of storm surge inundation in a large coastal hazard event. She noted that at the time of writing, a proposed subdivision consent hearing had not yet taken place, but the planner's s42A report recommended it be declined.

879. Ms Easton supported rezoning T Croft Limited caretaker's residence at 139 Arnold Valley Road, (Lot 2 DP2261) to Light Industrial.

880. Ms Easton did not support Shirley Godfreys request to rezone land at 233 Taramakau Highway, Kumara Junction, noting that rezoning at Kumara Junction was considered when TTPP was developed and that care was taken in identifying farm properties rather than bush lots for rezoning, because areas of significant indigenous biodiversity have not yet been assessed in the Westland District. Ms Easton noted that Ms Godfrey's land is not within the Kumara Junction Development outline plan area, where specific bush retention provisions apply, and no ecological assessment of the existing vegetation has been undertaken. On this basis, she did not support rezoning; however, she noted that the bonus lot provisions associated with indigenous biodiversity subdivision provisions are likely to be an appropriate pathway for future development of this site.

881. Concerning the International Panel and Lumber car park zoning error, Ms Easton confirmed that she considered the Rural Lifestyle Zoning to be an error. She agreed that amending the zoning to General Industrial could be treated as a Clause 16 amendment.

882. Ms Easton provided a map showing all zoning requests at Moana (noting that several of these are addressed in the Settlement s42A report and decision).

883. Ms Easton provided her thoughts on the demand that 4000m^2 sites create for infrastructure, noting that while the Plan is clear that rural infrastructure will be provided in the Settlement Zone: Rural Residential precinct, new residents often have higher expectations. Ms Easton confirmed this with planners from the three Councils who advised that the most common requests are for footpaths, streetlights, cycle connections and stormwater upgrades.

884. Ms Easton noted she could not provide a view on the updated zoning proposal for the Cape Foulwind Staples Land until information sought by the Panel on wastewater in Minute 38 was provided. This was subsequently addressed in the rezoning right of reply discussed below.

885. Concerning the wastewater servicing options for the Te Kinga Estates rezoning proposal, Ms Easton noted that GDC had advised they were about to approve a subdivision consent for Cashmere Bay Dairy, which would take most of the available capacity in the existing Council system. Any rezoning of the Te Kinga site would therefore require additional wastewater capacity. Ms Easton concurred with GDC staff that on-site wastewater disposal was inappropriate in this location. She noted that all other small sites are connected to reticulation, either the Council system or a private system owned by David Ellerm. Ms Easton advised that the Council system is newer and treats wastewater to a higher standard and considered that an expansion of the Council system would be required to accommodate the Te Kinga proposal.

886. Ms Easton considered that there was scope in Te Kinga Estate's original submission for the requested rezoning to Settlement Zone – Rural Residential Precinct but did not support this proposal as outlined in the s42A report.

887. In response to the Panel's query as to whether the Waipuna rezoning meets the purpose of the zone, and what the implications are of the area being LUC 3, Ms Easton considered that the pTTPP does not provide for specific zone purposes but includes general statements to provide context for the zones and where they are located.

888. Ms Easton noted that Waipuna is not located near a main town or settlement but is the historic location of a settlement area. She considered that it meets some aspects of the Rural Lifestyle Zone as described in the Plan, in that it has gradually taken on a more residential character with a cluster of houses. She noted that it sits within a large area of the General Rural Zone, with the nearest settlements being Ikamatua and Totara Flat. She confirmed that while the wider Waipuna area includes LUC 3 soils, they are not present in the area where the properties in question are located.

889. Concerning the submission from Julie Ann Palmer, Ms Easton noted there is substantial rezoning of the Settlement Zone, but no Settlement Zone Rural Residential Precinct at Waimangaroa. She advised that the Council provides a range of infrastructure there and wanted to ensure that any new development connects to this to help support the costs of this significant community investment. Ms Easton did not support rezoning this large area of land on the edge of Waimangaroa, which could result in potentially 60 additional lots, unconnected to services.

Te Kinga Estates

890. In response to the Te Kinga Estates submission, Ms Easton noted that no additional evidence had been provided concerning servicing, infrastructure or adverse environmental or cultural effects at the hearing. The site contains areas of sphagnum moss, pakihi and manuka wetlands that would be subject to the NESF, but no landscape, ecological or cultural assessment was provided.

891. Ms Easton summarised the BTW Company (BTW) assessment, noting it identified that key environmental risks from on-site wastewater systems on this property relate to cumulative effects from E.Coli and nutrients in the small streams and wetlands within the site, as well as increased E.coli at Molloy Bay in Lake Brunner. BTW considered that the current approach to on-site wastewater at Moana is inadequate to manage these effects due to the high permeability of the soils, and that, at a minimum, secondary treatment should be required.

892. Ms Easton concluded that no information presented at the hearing or within the BTW report had caused her to change her recommendations, and recommended the property remain Rural Lifestyle Zone as per the notified Plan.

Cape Foulwind

893. In response to the submitters and the BTW technical report, Ms Easton considered the current approach to on-site wastewater at Cape Foulwind to be generally inappropriate when applied to densities of 4000m^2 or more, noting that the BTW report identified that poor drainage creates a moderate to high risk of nutrient contamination occurring in local streams and wetlands.

894. Concerning the land known as Area 4 Guardian Lake Flats, Ms Easton noted this land is within an area where BTW considered there was insufficient information to assess the actual or potential adverse effects but considered these could be significant. Ms Easton had recommended that this land remain a Rural Lifestyle Zone in the s42A report and concluded that the BTW and evidence presented at the hearing had not altered her view. She recommended that this land remain a Rural Lifestyle Zone.

895. In response to the submitter's request at the hearing to 'downzone' a 12ha Settlement Zone Rural Residential Precinct area of land to Rural Lifestyle Zone as a 'swap,' Ms Easton considered there was no scope in the original submission of Cape Foulwind Staple 1 Ltd for this request. However, she supported it on its planning merits. She did not recommend any changes to the Plan concerning this matter.

Tauranga Bay Holdings

896. Ms Easton acknowledged the range of technical evidence presented at the hearing. She noted that BTW considered it may be possible to service this area with on-site wastewater systems appropriately, provided these are at least secondary and potentially tertiary systems.

897. Ms Easton retained her view that the development proposed was not appropriate at this time, noting that Omau is a small township and substantial rezoning to Settlement zone – Rural Residential Precinct (90ha) and Rural Lifestyle Zone (100ha) has already been provided for in the notified plan. She considered that the development this rezoning allows for will put significant pressure on existing infrastructure. She acknowledged that roading upgrades at the worst intersection at Limestone Road were about to proceed but was not aware of the capacity the upgrades would provide for development not included in the notified TTPP, noting that

the submitter had provided no evidence on infrastructure impacts. She also raised concerns about the proposed approach to stormwater management and the lack of evidence addressing the potential impacts on Gibsons Creek.

898. Ms Easton noted that the Westport masterplan had been released since the hearing, which confirms that the intention for long term development is for development onto the Alma Road terrace and the land area behind it. The masterplan anticipates that the current Omau population of 150 people might double within the life of the plan and within the existing infrastructure capacity. Ms Easton considered this to be consistent with the rezoning provided for in the notified plan.

899. Ms Easton considered that BDC has limited resources and does not have capacity to undertake infrastructure upgrades across several growing areas, noting that the Limestone Road/Cape Foulwind Road upgrade has been more than a decade in the planning. She considered that the absence of infrastructure planning and existing rezoning creates a risk that the Omau community will face significant increases in infrastructure need and improvement, and that the cumulative effects of development need to be specifically planned for ahead of any further rezoning.

900. Ms Easton concluded that, while the rezoning proposal may be appropriate in a future Plan change, it is not appropriate at this time. She recommended that the rezoning proposal be rejected.

901. Ms Easton did not recommend any amendments to the plan in this right of reply to the rezoning.

Silver Fern Farms, Joint right of reply

902. A joint right of reply was prepared to address the zoning submission points from SFF, prepared by Ms Easton, Briar Belgrave as reporting officer for the industrial and commercial zones topic, and Ruth Evans as reporting officer for the noise topic.

903. The planners were of the view that the direction on reverse sensitivity in the WCRPS principally relates to Regionally Significant Infrastructure and that this is the priority for reverse sensitivity management. They considered that the direction is to avoid, remedy or mitigate reverse sensitivity on other industrial uses.

904. The planners noted that all but one of the properties in question contain dwellings and all are currently being used for rural lifestyle purposes. They considered that landowners would be no more likely to complain about SFF activities, whether the properties were zoned General Rural or Rural Lifestyle.

905. Ms Easton considered the zoning of adjacent properties and considered the notified Rural lifestyle Zone to be appropriate.

<u>Hearing Panel's Evaluation</u>

Buller District

Broader Cape Foulwind Area

906. In relation to the submission by Steve Croasdale seeking that Lot 1 DP 450105 and Lot 2 DP 450105 (115 Okari Road, Cape Foulwind) be rezoned Rural Lifestyle, the Panel agrees with Ms

Easton's recommendation not to rezone this site and retain the site's zoning as notified for the reasons she provides within her s42A. We agree that this is an isolated site divorced from any other Rural Lifestyle Zone

907. In relation to the submission points made by Several submitters[162] sought that the land between Bulls Road and Bradshaw Road south of State Highway 67A be rezoned to Settlement Zone: Rural Residential precinct. The Panel agrees with Ms Easton's recommendation not to rezone this land and to retain its zoning as notified for the reasons she provides within her s42A.

908. In relation to the submission from James Hamilton seeking that his property on Alma Road/Cape Foulwind Tce be rezoned to a Future Urban Zone or Settlement Zone, the Panel agrees with Ms Easton's recommendation not to rezone this land and to retain its zoning as notified for the reasons she provides within her s42A.

909. In relation to the submission from Mark Wiechern, seeking to rezone his property Lot 5 DP 460905 Blk II Steeples SD to Settlement Zone: Rural Residential Precinct, the Panel agrees with Ms Easton's recommendation not to rezone this property for the reasons she provides within her s42A. Ms Easton noted that the property is twice the size of the currently zoned Settlement Zone: Rural Residential Precinct area at Tauranga Bay, so we have concerns as to the size and scale of this rezoning and the impacts of the same on Tauranga Bay. We agree with Ms Easton when she noted that the proposed subdivision layout presented is the type of proposal envisaged by the subdivision provisions relating to significant areas of indigenous biodiversity, being a bespoke design reflecting the values on the ground and providing for bonus lots where significant indigenous biodiversity is legally protected. The Panel agree after considering Mr Wichern's evidence, that the Settlement Zone – Rural Residential Precinct is inappropriate for this site. We considered that the General Rural Zone remains the most appropriate zone for this site. We acknowledge however that there may be an alternative pathway via the bonus lot provisions relating to indigenous biodiversity for Mr Wiechern to achieve a similar outcome to that he sought via submission.

Cape Foulwind/Omau Area

910. The Panel have considered the Cape Foulwind/Omau Area together as the issues arising from the rezoning requests are generally similar in their substance.

911. The issue before the Panel is that there are a number of individual submissions seeking rezonings of various scale. Some are relatively minor and are more akin to corrections, while others are of some scale and would enable a significant increase in housing development potential in this location. We accept that one of the key matters associated with this level of development is servicing and the potential pressure on BDC that could evolve to provide for or undertake infrastructure upgrades and provision of other services. This might include expectations for street lighting, footpaths, recycling and waste removal and quality of water.

912. As part of this process, a report from BTW (previously referred to) was commissioned to assess the impacts of wastewater associated with development. The Panel acknowledges that issues associated with wastewater could be addressed with onsite disposal. Whether this is the most

[162] Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Bradshaw Farms, Avery Brothers, Brett Avery, Paul Avery, Avery Bros, Chris & Jan Coll, Leonie Avery, Jared Avery and Kyle Avery in relation to Section 1 SO 14694, Part Section 2 Blk II Steeples SD, Section 3 Blk II Steeples SD, Section 4 Blk II Steeples SD, Section 5 Blk II Steeples SD, 197 Te Tai o Poutini Plan – Section 42A Report Rural Zones Section 42 Blk II Steeples SD and Section 71 Blk II Steeples SD

appropriate solution for the level of development proposed across the whole area remained unclear.

913. Another key factor is land use, and, in this context, we accept that much of the land concerned is of limited value in terms of farming or other agricultural uses. There may also be other yet to be identified constraints, such as geotechnical, associated with the land which may limit housing development as well.

914. In addition to the above is the recent release of a masterplan for the Westport - "Cutting our Own Track". This promotes the long-term intention for Westport to gradually move development up onto the Alma Road terrace and the land area behind it. As it was not addressed in evidence it was unclear to the Panel whether a significant increase in development in the Cape Foulwind/Omau area might impact upon the masterplan aspirations. What was clear however was that the focus of both the Council and Central Government investment in infrastructure for the foreseeable future will be on enabling the development of the wider Alma Road area.

915. Ms Easton noted that Omau has a current population of 150 people and that within the life of the TTPP, that might increase to around twice that size within the existing infrastructure capacity. This she said was consistent with the amount of rezoning that has already been provided for within the notified Plan.

916. Given the above, the Panel considers further rezoning to the densities sought in the Cape Foulwind/Omau Area is premature. Individual rezonings of the level proposed will not, in our view, lead to coordinated development or deployment of infrastructure enabling sites to leverage off infrastructure and share costs. Further, we accept that BDC has very limited resources and cannot undertake infrastructure upgrades across several areas, which poses a risk to any development.

917. Notwithstanding the above, we do consider rezoning in the Cape Foulwind/Omau Area could well be appropriate, however it needs to be undertaken in a coordinated and planned, rather than piecemeal manner, which addresses all environmental, infrastructure and servicing issues (and costs) in conjunction with necessary Council input.

918. For the reasons set out above as well as those provided by Ms Easton the Panel recommends the rezoning requests from the following submitters be rejected:

- Cape Foulwind Staple 1 Ltd (S557.003), (S557.004)
- Cape Foulwind Staple 2 Ltd (S568.003), (S568.005), (S568.007)
- Garry Howard (S358.004)
- Tauranga Bay Holdings (S597)
- Bevan Te Tai (S75.001)

919. The Panel agrees that the minor rezonings sought by Cape Foulwind Staple 1 Ltd (S557.005) and Cape Foulwind Staple 2 Ltd (S568.009) (S568.006) are appropriate and recommends these be included.

Wider Westport Area

920. In relation to John Brazil (S360.047) seeking rezoning of Lot 1 DP 336364 (261 Utopia Road, Westport), to Rural Lifestyle Zone, the Panel agrees with Ms Easton's recommendation to

retain the zoning as notified because the property is subject to the Coastal Hazard Alert and the updated coastal hazard mapping shows that the hazard is more severe than shown in the proposed plan.

921. Several submitters, Chris & Jan Coll (S558.554, S558.493), Chris J Coll Surveying Ltd (S566.554, S566.493), Laura Coll McLaughlin (S574.554, S574.493), and William McLaughlin (S567.594) sought that 8677 State Highway 6 be rezoned for Rural Lifestyle Zone. Ms Easton did not support these submissions, noting that the property is within a wider area of General Rural Zone and not connected to any other Rural Lifestyle Zoned land. The Panel agrees with her recommendation to retain the notified zoning of this property for the reasons she provides.

922. In relation to a submission from Shannon Carlson (S19.001) seeking to rezone an area on the east side of Buller Road, from the Buller Bridge to the crossroads, as Settlement Zone. The Panel agrees with Ms Easton's recommendation to retain the notified zoning for this site for the reasons she provides within her s42A.

923. In relation to a submission from Michael and Alyson Duff (S23.001) seeking that 28 Tuis Way be rezoned from General Rural to Settlement Zone Rural Residential Precinct, the Panel agrees with Ms Easton to retain the notified zoning for this site for the reasons she provides within her s42A report.

924. In relation to a submission from John A Menlove (S289.001) seeking to rezone his property at Sergeants Hill for residential sections, the Panel agrees with Ms Easton's recommendation that the notified zoning for the site be retained for the reasons she provides within her s42A report.

925. In relation to a submission from Frank and Jo Dooley (S478.0240) and Frank O'Toole seeking that the portion of Nine Mile Road from Stafford Street to the Nine Mile, Victoria and Harneys Roads intersection, extending from the railway corridor to the banks of the Buller River, be rezoned from General Rural Zone to Rural Lifestyle Zone the Panel after carefully considering the evidence of Ms Bensemann supporting the rezoning the Panel agrees with Ms Easton's recommendation to retain the notified zoning for this site. In our view, the evidence of Ms Bensemann did not fully resolve for us the issues that Ms Easton had identified with the rezoning. It seems to us that she had not considered the various clauses under the NPS-HPL (a higher order document) noting that clause 3.7 states: *Territorial authorities must avoid rezoning of highly productive land as rural lifestyle, except as provided in clause 3.10*. We were not provided with any evidence as to exceptions under clause 3.10 for this land.

926. In relation to a submission from Frank and Jo Dooley (S478.027) and Frank O'Toole (S595.015) requesting that 211 Utopia Road be rezoned to Rural Lifestyle zone, the Panel acknowledges the evidence of Mr O'Toole that under Variation 2 the site area affected by the Coastal Severe Hazard Overlay was reduced. He advised that previous erosion analysis undertaken concerning a subdivision concluded that erosion is no longer a risk, and that vegetation established on a former sand dune provides further protection from erosion. In terms of coastal inundation, he said his property is higher than adjoining properties that have been rezoned to Rural Living. Ms Bensemann said she saw no reason why this site should not be rezoned, given that variation 2 sought to move the coastal hazard overlay 75m northward. In her opinion, the Rural Living Zone boundary should better reflect the coastal hazard overlay as the intended limitation to land use, and a partial zoning would allow more efficient use of the land resource.

927. Notwithstanding the above, the Panel note that currently, a Coastal Alert Hazard Overlay almost entirely covers 211 Utopia Road. While there may be speculation as to future Plan provisions emerging from Variation 2 and while there have been landform changes overtime

in the vicinity of this site the Panel agrees with Ms Easton's assessment this site is not suitable for rezoning due to natural hazard risks. We agree with her recommendation that this site retain its notified zoning for these reasons as well as those provided by Ms Easton within her s42A report.

928. In relation to a submission from O'Connor Crossroads Limited (S496.001) seeking that Section 26 Blk VII Kawatiri Survey District, Section 30 Blk VII Kawatiri Survey District, and Pt Section 27 Blk VII Kawatiri Survey District be rezoned to Settlement Zone: Rural Residential Precinct, and that Sec 1 SO 9139 Secs 1-2 SO 14816 Secs 3-4 23 Pt Sec 25 Blk VII Kawatiri SD be rezoned to Future Urban Zone the Panel agrees with Ms Easton's analysis of this submission and that of BDC in opposition. We agree with Ms Easton for the reasons she provides within her s42A report that these sites retain the zoning as notified.

Buller Bay Settlements

929. In relation to a submission from Kathleen Mansell (S39.001) seeking that 3 Bayfield Street, Seddon, be rezoned to General Rural Zone, the Panel accepts the split zoning is an error and recommends it be rezoned.

930. In relation to a submission from Julie Palmer (S334.001) seeking that her property at New Castle Street, Waimangaroa, be rezoned to rural residential, initially Ms Easton recommended the submission be rejected as she was unable to confirm the location of the property. However, in her reply, she assessed the submission, noting that there is substantial rezoning of the Settlement Zone, but no Settlement Zone Rural Residential Precinct at Waimangaroa. Ms Easton advised that the BDC provides a range of infrastructure and wanted to ensure that any new development connects to this to help support the costs of this significant community investment. The Panel agree that rezoning this large area of land on the edge of Waimangaroa, which could result in upwards of 60 lots unconnected to services. In this situation we agree that the recommendation should be to retain the zoning as notified.

Karamea

931. In relation to a submission from Ruth and Richard Henschel (S150.002, S285.002) seeking that 4456 Karamea Highway be rezoned to Rural Lifestyle Zone, Ms Easton recommended the submission be rejected because it is within Flood Susceptibility and High Coastal Natural Character overlays, and not in the vicinity of other Rural Lifestyle zones. The Panel agrees with that recommendation for the reasons provided by Ms Easton.

932. In relation to a submission from Nikau Farms Limited (S499.001) seeking that 51ha of land along the Karamea Highway at Little Wanganui Karamea (legally described as Lots 1-3 DP 409294, Lot 2 DP 407416, Lot 2 DP 547019, Sec 32 Pt Secs 7-8 Blk III and Pt Secs 14-16 Blk II Kongahu Sd) be rezoned as Settlement Zone Ms Easton recommended this submission be rejected. She noted there has been substantial zoning at Little Wanganui to allow for expansion of the settlement, with the Rural Residential area intended to provide a lower density transition between the settlement and wider rural area. Ms Easton considered that any future subdivision would be more appropriate at rural residential rather than higher densities. The Panel agrees with Ms Easton's recommendation for the reasons she provides.

933. In relation to a submission from BP and CA Jones (S526.001) seeking that the Highly Productive Land Precinct be removed from 4300 Karamea Highway because it is a wetland and subject to coastal inundation with limited production value, Ms Easton recommended this submission be accepted. The Panel notes that a large proportion of this land is classified LUC3, therefore we

partially agree with removal following the mapping exercise if land is confirmed not to be LUC 1-3.

934. In relation to a submission from Rosalie Sampson (S539.001) seeking that the Highly Productive Land Precinct be removed from land at Karamea, Ms Easton recommended rejecting this submission noting that this land is one of the few areas in the West Coast favourable for horticulture, and that studies of the soil types and land suitability informed the identification of the Precinct. The Panel agrees with the recommendation and notes that Karamea has large areas of LUC 3 class land however whether this identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.

935. In relation to submission from Rosalie Sampson (S539.002) seeking that the township of Karamea be rezoned to Settlement Zone, Ms Easton recommended this submission be rejected, noting that downzoning of undeveloped land is due to the area being within the Flood Susceptibility Hazard Overlay, and the township itself is under the Coastal Alert Hazard Overlay. Further, Ms Easton noted that the West Coast Regional Council had advised that the flood scheme is not designed or constructed to a high level of service and cannot be relied upon to protect the town from flood hazards. The Panel agrees with the recommendation that the notified zoning of this site be retained.

Granity

936. In relation to a submission from Jackie and Bart Mathers and Gillman (S228.008) seeking that their and their northern neighbours' land at Granity is rezoned to Rural Lifestyle Zone, Ms Easton recommended rejection of the submission. She noted that there is no Rural Lifestyle Zone at Granity due to the high erosion and coastal inundation risk and land instability concerns. The submitter's property is also within the High Natural Character Overlay. The Panel agrees with Ms Easton's recommendation that the submission be rejected, and the notified zoning be retained.

Fox River

937. In relation to a submission from Andrew Beaumont (S225.001) opposing Rural Residential zoning in the Fox River Punakaiki area, Ms Easton recommended rejecting this submission, noting that no information was provided about the specific location of the zoning referred to or the reasons for opposing it. The Panel agrees that the submission should be rejected for the reasons Ms Easton provides.

Grey District

938. In relation to a submission from Ngāi Tahu (S620.017) seeking that the highly productive land precinct be removed from Lot 1 DP 464514 and Lot 1 DP 2850, Ms Easton recommended this submission be rejected on the basis that the purpose of the precinct did not align with the land use for production forestry. Ms Easton noted that the precinct restricts subdivision and residential development and is not inconsistent with the existing land use. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.

939. In relation to a submission from Riarnne Klempel (S67.009) seeking that Lot 8 DP 361177, on State Highway 6, Barrytown, be rezoned from Rural Lifestyle zone to General Rural, Ms Easton recommended this submission be rejected. She had discussed this issue with the GDC, who considered the natural hazard provisions sufficient to control the associated issues and noted

that a significant part of the site is not subject to hazard overlays. The Panel agrees with the recommendation to reject the submission for the reasons provided and to retain the notified zoning.

940. In relation to a submission from David Pugh (S40.001) seeking that the Highly Productive Land Precinct is removed from 1297 Haupiri Road, Haupiri 7872, (Lot 1 DP 377882), Ms Easton recommended the submission be rejected as the intention of the precinct is to retain farm size to support primary production. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.

941. In relation to a submission from Barbara King (S71.001) seeking to rezone 42 Hatters Terrace, Nelson Creek, to a single zone, rather than the current split zoning, Settlement Zone and Rural Lifestyle Zone, Ms Easton recommended that the submission be accepted and the whole site be rezoned as a Rural Lifestyle Zone. The Panel accepts the zoning should be amended and recommends the site re fully zoned Rural Lifestyle Zone.

942. In relation to a submission from Kirsty Dittmer (S148.001) seeking that 26 Pandora Avenue be included in the settlement zone, Ms Easton recommended the submission be rejected as the property is partly covered by High Natural Character and Coastal Hazard Alert overlays. She acknowledged that part of the site may be appropriate for development, but she did not support split zoning as a general principle, so she considered General Rural to be the most appropriate zone for the site. The accepts Ms Easton's reasoning and recommends the submission be rejected.

943. In relation to a submission from Graham Wood (S160.001) opposing the rezoning of properties on Barrytown flats from rural Lifestyle Zone, Ms Easton recommended rejecting this submission, noting that the submitter may not be aware that these properties have been upzoned as there was no RLZ in the operative Plan. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides

944. In relation to a submission from Te Tai o Poutini Plan Committee (S171.020) seeking that 3316 Coast Road, Barrytown, and two adjacent properties be rezoned to Rural Lifestyle Zone, Ms Easton recommended this submission be supported on the basis that it corrected a zoning error. The Panel agrees with Ms Easton's recommendation to rezoned these properties Rural Lifestyle.

945. In relation to a submission from Te Tai o Poutini Plan Committee (S171.022) seeking that two sites at Rutherglen be rezoned to Rural Lifestyle Zone, Ms Easton recommended this submission be supported on the basis that it corrected a zoning error. The Panel agrees with Ms Easton's recommendation that the properties be rezoned to Rural Lifestyle.

946. In relation to a submission from Te Tai o Poutini Plan Committee (S171.023) seeking that three sites at Te Kinga be rezoned to Rural Lifestyle Zone, Ms Easton recommended this submission be supported noting that these small sites are adjacent to an area of Rural Lifestyle Zone and the zone is appropriate for these properties. The Panel agrees with Ms Easton's recommendation that the properties be rezoned to Rural Lifestyle.

947. In relation to submission from John Boyles (S175.001), David McInroe (S176.001), Benjamin and Shari Ferguson (S173.001), and Kaye Leighton (S174.001) who sought that 13ha of land at Waipuna, be rezoned from General Rural to Rural Lifestyle, and Ken and Robyn Ferguson seeking that the Highly Productive Land Precinct be removed, Ms Easton supported this

submission. She noted this submission was supported by GDC, which considered that the zoning would recognise the small settlement that has been established in this location. The Panel agrees with Ms Easton's recommendation that the properties concerned be rezoned to Rural Lifestyle and that the properties be removed from the Highly Productive Land Precinct.

948. In relation to a submission from Christina Bushby (S178.001) seeking that Zone DP2764 Lots 3 & 4 adjacent to 406 State Highway 7, Kaiata, is rezoned as General Rural Zone, Ms Easton did not support this submission, noting that the rezoning creates no obligation on landowners to develop their land, but provides for growth at Kaiata. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

949. In relation to a submission from Mitchells 2021 Ltd (S448.002) to rezone Lot 4 DP 440795 from General Rural to General Rural and Rural Lifestyle, Ms Easton did not support this submission, noting that the land is bush and understood to be covenanted in favour of DOC as part of the Forests Accord. She noted that GDC have raised concerns about the capacity of road infrastructure (a gravel road on the edge of the lake) to accommodate further development. The Panel has considered the submissions and agrees with Ms Easton's conclusions. We recommend rejecting the submission for the reasons outlined and retain the notified zoning.

950. In relation to a submission from Mitchells 2021 Ltd (S448.001) to rezone PT RS 2032 from Rural Lifestyle to Settlement Zone, Ms Easton did not support this submission, noting that there has already been significant upzoning at Mitchells to provide for additional development and that the block concerned is bush-covered and partly within an Outstanding Natural Landscape. The Panel agrees that rezoning in this area would be inappropriate and recommends rejecting the submission and retaining the notified zoning.

951. In relation to a submission from Davis Ogilvie & Partners Ltd (S465.001) seeking that Lot 1 DP2617, Lot 1 DP2512, Lots 1 and 2 DP2489, Lot 1 DP2781, and Part RS2082 at Mitchells be rezoned as Rural Lifestyle Zone, Ms Easton did not support this submission, noting that the site is bush covered and partly within an Outstanding Natural Landscape. Ms Easton noted that the site is not in an area identified for Rural Lifestyle development and that the character is best described as General Rural Zone. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

952. In relation to a submission from Riarnne Klempel (S296.001) seeking land to be rezoned to expand the Barrytown township settlement area, Ms Easton did not support this submission, noting that there has been substantial upzoning in Barrytown to allow the township to expand and that further rezoning is unnecessary. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

953. In relation to a submission from Shirley Godfrey (S406.001) seeking that two parcels of land, described as PT RS 1999 BLK VII WAIMEA SD. Area 11.9559ha and Sec 11 SO557707. Area 1.2126ha, be rezoned to rural residential, Ms Easton did not support this submission as she could not determine the location of the properties. The Panel agrees with Ms Easton's recommendation to reject the submission and to retain the notified zoning.

954. In relation to a submission from Suzanne Hills (S443.047) seeking that 3345 Coast Road be rezoned to Rural Lifestyle, as the adjacent properties have been rezoned, Ms Easton supported this submission as she could not identify any reason why this property had been excluded. The Panel agrees with Ms Easton's recommendation to accept the submission and to rezone the property to Rural Lifestyle.

955. In relation to a submission from Craig Schwitzer (S96.025) and Riarnne Klempel (S67.0060) to rezone 64 Cargill Road from General Rural zone to Rural Residential Zone, Ms Easton did not support this submission, noting there has been substantial upzoning in Barrytown to provide for expansion and allow for rural lifestyle development. Ms Easton considered that rezoning this large site would substantially expand rural residential use at the detriment of primary production values. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

956. The Panel accepts Ms Easton's recommendation to reject the submission from Te Kinga Estates Limited to rezone Lot 2 568525 to Rural Residential. While we acknowledge Mr Kinney's statement, he did not provide us with additional evidence regarding servicing or infrastructure needs, environmental or cultural effects, or the need for further Rural Residential zoning in the Moana area. We note that the BTW report scenarios examined the implications of developing the property with 4000m² sites and on-site servicing. It notes that the property drains to three sub-catchments, which drain, respectively, to Lake Brunner, the Arnold River, and Molloy Creek. Given that the site in question is 134 hectares and would substantially increase the housing potential, we consider resolution of these factors to be necessary.

957. For the above reasons, the Panel recommends that the proposal to rezone Lot 2 568525 to Rural Residential by Te Kinga Estates Limited be rejected

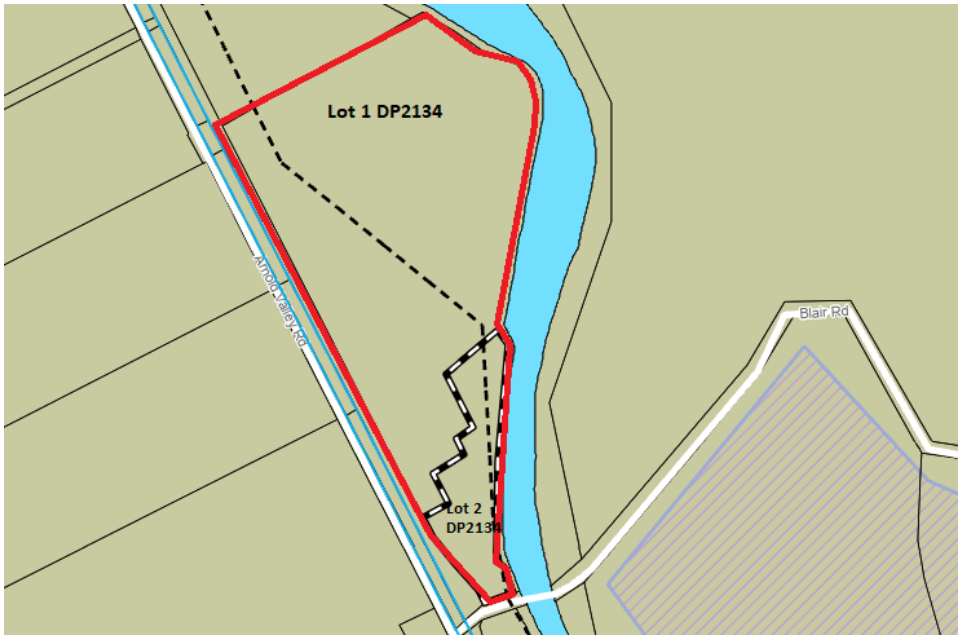
958. In relation to a submission from Peter Jefferies (S546.001) seeking that the Highly Productive Land Precinct be removed from 843 Atarau Road, Ms Easton did not support this submission, noting the property is within a significant farming area and the precinct is appropriate. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.

959. In relation to a submission from Martin and Lisa Kennedy (S545.001) seeking to remove the Highly Productive Land Precinct from Lot 3 DP 2743) in the Grey Valley, at Atarau, Ms Easton did not support this submission noting that while she could not determine the exact location of the property, it is in a significant farming area. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.

960. In relation to a submission from Nick Pupich & Sandy Jefferies (S546.001) seeking to remove the Highly Productive Land Precinct from 729 Atarau Road, Ms Easton did not support this submission noting that it is in a significant farming area. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.

961. Ms Easton supported a submission from CMP Kokiri (S611.001) seeking Lots 1 and 2 DP2134, (containing a meat processing plant), be rezoned to General Industrial or similar relief, noting that General Industrial would be an appropriate zoning. Ms Easton considered Light Industrial to be the most appropriate zoning. She said the plant is located at the southern end of the property, with other parts being bush and farmland, including a Significant Natural Area. Initially she did not support split zoning because she considered the ecosystem and biodiversity provisions are intended to manage impacts on the SNA. (s42A para 502-503).

962. The map identifying this area in the s42A report doesn't clearly show the boundaries of Lot 1. For clarity, the lots are identified in the map below, outlined in red.



963. Ultimately, Ms Easton's recommendation, as detailed in her reply, supported LIZ for both lots 1 and 2, but for the SNA to be the General Rural zone.

964. The Panel has given consideration to the various options before it. We are not persuaded that Ms Callaghan's bespoke option is appropriate, when existing zones are available. We consider this would simply add unnecessary complexity to the Plan and we were unclear just how this option would be more efficient and effective compared to either a General Industrial or Light Industrial zoning. In the end we agree with Ms Easton that a Light Industrial Zoning is the most appropriate option, but we do not consider it is necessary to carve out and rezone the SNA General Rural. In our view it sufficient to rely on the SNA provisions in the Plan to provide protection. We also note this avoids the creation of a complex zoning outcome for the site. The Panel therefore recommends that Lots 1 and 2 DP2134 be rezoned LIZ.

965. In relation to a submission from Bede Udy (S154.001) seeking to rezone 2 Cashmere Bay Road, Moana, from Rural Lifestyle to Rural Residential, Ms Easton did not support this submission, noting this would be out of character with the surrounding zoning and land uses. The Panel agrees with Ms Easton's recommendation to reject the submission and to retain the notified zoning.

966. In relation to a submission from Ngai Tahu (S620.016) seeking that Section 2 SO 12078 be rezoned to General Rural, Ms Easton supported this submission noting that this was an error as the Plan maps incorrectly show it as a water body. The Panel agrees with Ms Easton's recommendation to accept the submission and to rezone the site General Rural.

967. In relation to a submission from Murray Stewart (S217.002) seeking that the Highly Productive Land Precinct be removed from rocky and landslide areas of 746 Taramakau Settlement Road, Ms Easton did not support this submission, noting that the focus of the precinct is retaining economic farming units and avoiding further fragmentation of rural land. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.

968. In relation to a submission by T Croft Ltd (S460.003) the Panel notes from Ms Hadfield's evidence that the s42A report omits any comment on the submitter's request that 139 Arnold Valley Road (Lot 2 DP2261) be rezoned from General Rural Zone to Light Industrial Zone to be

consistent with the surrounding land. Ms Hadfield notes that Appendix 2 to the s42A report, which lists the reporting officer's recommendations to accept/reject each submission, recommends that the submission be accepted. She noted that this site is 4000m^2 and contains a house that was originally approved under a resource consent as a manager's residence and currently occupied by Frank (director and shareholder of T Croft Ltd), and Clare Croft. Ms Hadfield requested the Panel rezone 139 Arnold Road to Light Industrial, consistent with the reporting officer's recommendation in her Appendix 2.

969. The Panel visited the site and we agree with Ms Hadfield that given the use of the neighbouring site being industrial, and the usage of the residence being directly connected with that usage, Lot 2 DP 2261 should be rezoned to Light Industrial, being consistent with Ms Easton's recommendation. The Panel notes that Ms Easton, within her reply, supported rezoning 139 Arnold Valley Road, the manager's residence, to light industrial. The Panel recommends Lot 2 DP2261 be rezoned LIZ.

970. In relation to the International Panel and Lumber (IPL) (FS98.005) car park zoning error, the Panel accepts Ms Hadfield's evidence that IPL contacted Davis Ogilvie in May 2023 to lodge a further submission after they noticed that the zoning of part of their land at Gladstone, containing the staff car park for the IPL factory, had been proposed for re-zoning under the notified TTPP. The car park site (Part Lot 2 DP 1460) is held in the same title as the main factory site (Lot 1 DP 1460). A copy of Record of Title WS1A/184 was attached as Appendix 1, to Ms Hadfield's evidence. Under the operative Grey District Plan, the IPL factory site, including the car park, was included in the Industrial Zone. Under the TTPP, the car park has been re-zoned as Rural Lifestyle.

971. Ms Easton's advice to the Panel was that the Rural Lifestyle Zoning of the car park located on Osmond Road, Gladstone, adjacent to the factory building, is an error and that amending the zoning to General Industrial could be treated as a Clause 16 amendment. The Panel notes that Clause 16 has arisen for consideration because the scope available under the further submission to support rezoning is questionable. We note Ms Hadfield's evidence confirms the carpark has been utilised as a carpark for as long as the factory has been operational, and a common zone over the factory and carpark would be anticipated by both neighbours and plan users alike. The Panel, based on this advice and evidence, recommends utilising clause 16 that the International Panel and Lumber Carpark, being Part Lot 2 DP 1460, be rezoned General Industrial, as is the status quo under the operative Plan.

972. In relation to the Griffen & Smith Ltd (S353.004) submission, which identified an anomaly in the Zone maps in that there are areas around the Mitre 10 Site and Blaketown lagoon zoned General Rural Zone. This includes the flood wall, the road reserve, the railway line, and some areas of Council-owned land adjacent to the airport. This submitter sought that they be rezoned to reflect the zoning of the adjacent land as follows:

- That the of the railway line adjacent to the Commercial Zone is rezoned as Commercial Zone, not zoned General Rural Zone
- The legal road between Mitre 10 and the Greymouth Hospital (which includes the hospital entrance) should be shown as road, not zoned General Rural Zone
- All the Council owned land south of Raleigh Street that forms part of the Airport should be zoned Special Purpose (Airport Zone)
- The flood wall and the triangular parcels of land around Waterwalk Road should be zoned Open Space Zone. 7. These amendments are shown in the map below:

973. Ms Hadfield provided additional planning evidence to support the proposed rezoning. Ms Easton, in her s42A addendum report, agreed that the General Rural Zone identification of these lands is an error, and supports the approach proposed by the submitter as outlined in that planning evidence. The Panel accepts the evidence of Ms Hadfield and agrees with Ms Easton's recommendation to rezone the land as detailed on the map in Appendix 3.

Westland District

974. In relation to the Several submitters[163] that sought to rezone 148 Kumara Junction Highway to Settlement Zone - Rural Residential Precinct, Ms Easton did not support these submissions due to concerns about reverse sensitivity on the SFF site, noting that SFF has concerns about residential uses on their southern boundary, and rezoning on the northern boundary would magnify these issues. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

975. In relation to a submission from Westland Farm Services (S550.015) seeking that the General Rural part of Rural Section 1264 and Section 8-10 Survey Office Plan 12249 be rezoned to Settlement Rural Residential Precinct, Ms Easton supported this submission as she considered this a zoning error. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides, and the site be rezoned to Settlement Rural Residential Precinct.

976. In relation to a submission from Freehold Properties (Investments) LLP (FP) seeking that 2902 Franz Josef Highway be rezoned as Settlement Zone, Ms Easton did not support this submission as there is no Settlement Zone on the west side of the State Highway and this site is in a wider rural area. Westland District Council confirmed this would not accord with the wider plan for the Franz Joseph area. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

977. In relation to a submission from Forest Habitats Ltd and Jacbrat Holdings Limited (S138.001, S220.001) seeking that the zoning of 135 Ruatapu-Ross Road is changed from General Rural to Rural Lifestyle, Ms Easton supported this submission as Westland District Council consider this would be an appropriate transition from the Settlement Zone and allow some expansion of the Ruatupu community. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides, and the site be rezoned to Rural Lifestyle.

Forest Habitats Limited

978. In relation to a submission from Forest Habitats Limited seeking that 117 Arthurstown Road be rezoned to Settlement Zone - Rural Residential Precinct, Ms Easton did not support this submission. Ms Easton's reasons noted that this property is within a wider area of the General Rural Zone; the rezoning would result in fragmentation of that zone and could create reverse sensitivity effects with primary production. In addition, the surrounding roads are subject to flood risk, and the increased residential population in this area is considered undesirable.

979. Ms Easton noted in her s42A report that Forest Habitats had a resource consent in process for part (27.3834ha) of the submission site. The submission site is some 98ha as shown on Appendix 1 of the evidence of Mr MacDonell dated 25 June 2024.

980. Since our hearing a Commissioner has released a decision, dated 14 March 2025, approving an application to subdivide land into 17 allotments (including amalgamation) and land use

[163] Denis and Wendy Cadigan, Birchfield Ross Mining Limited, and Phoenix Minerals Limited

consent to erect a total of 12 dwellings, including no more than one dwelling per allotment on Lots 1 to 12, and to form an unformed legal road for residential access, resulting from the three-stage subdivision of land at 117 Arthurstown Road, Hokitika.

981. The consented site is located on the Hokitika River side of Arthurstown Road, with the balance of the submission site being situated to the south of Arthurstown Road. Ms Easton has confirmed in response to a post-hearing question from the Panel that no appeals have been lodged against the resource consent decision, with the appeal period having lapsed.

982. Ms Easton's reply noted that the proposed rezoning is much more extensive than the commentary or map in the s42A report implied. As presented to the hearing by Forest Habitats Limited, a large area, some 98 ha. in the Arthurstown locality is sought to be rezoned from General Rural, as notified, to Rural Residential Precinct. Ms Easton considered this rezoning to be inappropriate, and she did not support it. Principally, she was concerned about the flood hazard in the area, which has been identified based on a LIDAR-informed hydrodynamic model, under a 1:100-year flood, generally regarded as the "gold standard" for flood modelling.

983. Ms Easton advised that the Arthurstown area is a well-known flooding area, and part of the property proposed includes an area of Flood Hazard Severe, as well as most of the Title 2 and 3 properties, as shown on the Plan titled "Plan of Existing 9 Titles with Possible House", dated 4 April 2024 attached as Appendix 3 to Mr MacDonell's evidence being covered by the Flood Hazard Alert overlay.

984. Ms Easton advised that while the TTPP Flood Hazard Overlays do not include an allowance for climate change, this information is available and was included in part of the evidence presented. This shows that the submission site would be under 0.5 – 1m of water in a 1:100-year flood. Localised changes to the Hokitika River, as outlined in the submitter's evidence, have occurred because of the normal dynamic process of braided rivers in "normal" years and do not reflect how the river might respond in a significant flood event. Ms Easton noted that a substantial part of the submission site is also covered by the Coastal Hazard Alert Overlay, as identified in Variation 2, indicating that, as well as flood risk, there is significant risk from storm surge inundation in a large coastal hazard event.

985. Now that post hearing a resource consent has been granted for part of the site, the Panel need to decide whether we can consider that consent, and if so, what is the outcome, in this process, for the entire submission site. We note that we were certainly aware, based on the evidence from both Forest Habitat and Ms Easton, that a resource consent was in process. It seems to the Panel that it is artificial to ignore the fact that a consent for part of the site has been granted subject to conditions.

986. Notwithstanding the above, applicable considerations for a resource consent and recommendations on a proposed plan are different. Resource consent considerations are focused on the subject site, its surrounds, the application, its effects and the provisions of relevant plans. Our recommendation process has a district-wide focus, considering from an efficiency and effectiveness point of view which Plan provisions, that is, the notified or those promoted by submitters, best meet the purposes of the RMA.

987. So, in this case, the question is whether the notified plan provisions and zoning of General Rural or those supported by Forest Habitat, which are the Rural Residential Precinct provisions and zoning, are better in achieving the purpose of the RMA. We note that other Chapters, such as the Hazards Chapter of the Plan, will have Plan provisions that also apply to this site.

988. The consent includes a number of conditions. Those resource consent conditions have a focus on hazards, primarily flooding, which provides for conditions requiring that the minimum finished floor levels of any dwelling, including a buffer, shall be designed, constructed, and thereafter maintained to a minimum height of RL 6m in terms of NZVD 2016. However, all future building sites are required to be assessed by a registered engineer at the time of building consent to ensure that higher modelled flood levels above RL6m do not apply to that building site. In the instance that they are applicable, the finished floor level of any dwelling shall be designed, constructed and thereafter maintained to be 500mm above that higher flood level. Climate change and storm surge are to be assessed and provided for. Certification from the engineer that the floor height of the proposed dwelling meets conditions is to be supplied to Westland District Council with the building consent application.

989. The Commissioner, in granting consent, was satisfied that conditions, including those detailed above, would protect buildings from hazards. As well, reliance was placed on warnings to occupants to vacate in the event of a threat of hazards.

990. The Panel note, based on the submitter's evidence of flood modelling from Hutchinson, Consulting Engineers, the flood modelling for titles 5, 6, and 7 located south of Authurstown Road provides similar depths and flood velocities to those on the northern side of the road. So similar conditions as to dwelling floor levels would be required.

991. Title 5 is 42.27 ha; Title 6 is 14.4ha, and Title 7 is 13.7ha. So, assuming rezoning to Settlement Zone - Rural Residential Precinct, the minimum lot size for subdivision is 4000m^2; for less than this, it is a Discretionary Activity.

992. Any subdivision would, however, be a Restricted Discretionary Activity under SUB-R13 because it would be to create allotments in the Flood Susceptibility Overlay. Matters of discretion in SUB-R13 include c. *the location and design of proposed buildings, vehicle access and infrastructure concerning natural hazard risk*. Natural Hazards Overlays apply to titles 5-7. Flood Hazard Susceptibility entirely covers Title 7, Title 5 is about 95% covered by Flood Hazard Susceptibility, and Title 6 is about 85% covered by Flood Hazard Susceptibility. New buildings for sensitive activities (which include residential) must have a finished floor level of 500mm above the 1% AEP event (Rule NH-R10 - Permitted Activity). So, the subdivision rule could restrict the locations of buildings, and the natural hazard rule would set the freeboard requirement.

993. The Panel acknowledge that this exercise on the application of TTPP provisions shows that the Plan can control both the placement and conditions under which dwellings could be constructed on the southern side of the submission site. However, when considering the submitters' flood modelling evidence provided by Hutchinson Consulting Engineers, we are unclear as to how many new dwellings could be constructed as, perhaps understandably, possible building platforms were not identified for the southern portion of the submission site to the same degree of detail as for the now consented portion. So, we are unclear how many dwellings could be involved and how many more people may be in any development.

994. As to fragmentation, Mr MacDonell pointed out that as of right, some of the sites within the submission site could be built on, so if fragmentation is an issue, fragmentation has already occurred, and more development will not have a significant impact. As well, he noted that the land is not highly productive, with limited production potential. Grazing at low densities appeared to be the current primary rural activity. Mr MacDonell considered that reverse sensitivity effects with rural-based activities would not arise. He did not consider that the presence of mining to the south of the subject site would cause reverse sensitivity issues for

the mine. He considered that a sufficient buffer distance was in place to address any reverse sensitivity effects on that mining activity. Mr MacDonell did not comment on the suitability or functionality of the immediate roading network in the event of a hazard.

995. Assuming rezoning, we accept that the plan provisions could, based on modelling of hazards, limit the number and location of new dwellings, and control dwelling floor heights. However, we are unclear on the number of dwellings that could be established on the balance of the submission site, assuming rezoning. We assume that, given the size of the balance area, there could be a large number of dwellings. Given what we know of flood risk, notwithstanding that a resource consent has been granted for a small portion of the submission site, we consider that increasing the number of people who could be exposed to flood risks beyond that allowed by the consented site would be inappropriate. While flood modelling can be conservative, it is only modelling. There is no guarantee that future flooding will follow the modelled predictions. Floods will place occupants and those called on to assist in rescue or recovery at risk. Existing roading may be capable of remaining available in times of flood, or not. As well, property, including assets such as waste infrastructure, could be damaged beyond repair during a flood. We did not receive evidence that there were no other available options for housing development in the locality. For all these reasons, plus those advanced by Ms Easton, we do not consider rezoning the submission site, including that part now consented, to be appropriate. Hence, we recommended the submission be rejected and the notified zoning for the submission site be retained.

Other Submissions

996. In relation to a submission from Erin Stagg seeking a larger area of Settlement Zone around Haast township, Ms Easton did not support this submission, noting that the pTTPP already provided substantial Settlement Zoning to allow for growth, and further rezoning would take residential development closer to the airport with associated reverse sensitivity risks. She also noted that updated coastal hazard mapping identifies a larger area that will be affected by inundation hazard than the Proposed Plan hazard mapping indicates, making the larger block inappropriate for upzoning. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

997. In relation to a submission from Totally Tourism to rezone Lot 33 Deposited Plan 409401, to Settlement zone - Settlement Centre Precinct, Ms Easton did not support this submission, as there is no planned servicing infrastructure in this area. The existing Franz Alpine Resort water supply is non-compliant with new residents required to provide on-site wastewater and water supply tanks. Ms Easton also notes that the Alpine Fault traverses this site. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

998. In relation to a submission from Gavin Molloy seeking that the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone and the Westland District Plan provisions are carried over into TTPP, Ms Easton did not support this submission. Ms Easton noted that downzoning of this area has occurred in response to issues that have arisen over time, including concerns about water infrastructure and the availability of better information about natural hazard risks. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

999. In relation to a submission from Hapuka Landing Ltd seeking to rezone Lots 1-18 DP 498766, Lot 19 DP 498766 and Lot 100 DP 498766 from General Rural Zone to Settlement Zone Coastal Settlement Precinct or an alternative that recognises the existing environment, Ms Easton did

not support this submission. Ms Easton acknowledged that the area has been subdivided with one house developed on the site but did not support the rezoning as she was not clear on what the most appropriate zoning would be and had concerns about the development being within the Coastal Hazard Severe Overlay. Ms Easton noted that residential buildings are non-complying under this overlay, and this is why a General Rural zone was applied to the site. However, permitted activity standards in this zone do not apply to these properties. She considered that a Settlement Zone – Coastal Settlement Precinct Zone would send a message that further development was appropriate. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

1000. In relation to a submission from Hindman Smartsaw Ltd (S37.001) seeking to rezone Lot 1 and Lot 2 DP 462928 (a sawmill) for industrial use, Ms Easton supported this submission noting this zoning would appropriately reflect the use of this site. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides and to rezone the site for industrial use.

1001. In relation to a submission from Vance & Carol Boyd (S447.005) seeking a review of the Rural Lifestyle Zone because some sites within this zone are below the minimum permitted lot size, Ms Easton did not support this submission. Ms Easton notes that the zone is new and has been applied across a range of property sizes based on what is considered an appropriate zone, with consideration given to whether further subdivision is appropriate. Ms Easton notes that the submitter's property is in Hannah's Clearing, where the main settlement has a Settlement zone, but the periphery is zoned Rural Lifestyle Zone, with these lots being larger than those in the main settlement and subject to the Coastal Hazard Severe Overlay.The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

General Mapping Issues

1002. In relation to a submission from Westpower Limited (S547.501) seeking that a hashed line shown in the planning maps on 10 West Drive be deleted, Ms Easton supported this submission, considering this a mapping error. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides and to delete the hashed line as shown in the planning maps on 10 West Drive.

1003. In relation to a submission from Lynley Hargreaves (S481.024) seeking that there be no rezoning of areas where there has not been public consultation on the approach, Ms Easton did not support this submission. Ms Easton noted that consultation had been carried out through the development of the pTTPP and that, as the operative Plans are very old, very substantial rezoning was necessary due to NPS requirements and the plan being a combined plan. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides.

1004. In relation to a submission from Cape Foulwind Staple 2 Ltd (S568.002) seeking that all planning maps accurately reflect legal appellations at the time of printing, Ms Easton supported this submission in part noting that the PTTPP maps were produced with the most up-to-date cadastral information available at the time. However, as updating of the pTTPP base maps is not automatic and will be undertaken periodically, at times, not all legal titles will show on the maps. The Panel agrees with Ms Easton's recommendation to accept this submission in part for the reasons she provides.

1005. In relation to a submission from Jackie and Bart Mathers and Gillman (S228.009) seeking the rail corridor to be rezoned from General Rural to Rural Lifestyle on the basis that it could provide for coastal retreat once no longer required for rail purposes, Ms Easton did not support this submission. Ms Easton noted that this would require a split zoning as the corridor outside of the main towns is zoned General Rural, and that NZRC owns this land and is unlikely to be available. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides.

Hearing Panel's Recommendation

1006. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends that the following amendments be made to the **Planning Maps and as shown in Appendix 1**:

Zoning	
Precincts	
Settlement Zone – Rural Residential Precinct 4	Strips of land adjacent to the road from the former cement works site to the end of lighthouse road between Cape Foulwind Road and the adjoining SETZ-PREC4 land at Omau. General Rural Zoned part of Part RS 1264 and Section 8-10 Survey Office Plan 12249
General Rural Zone	3 Bayfield Street, Seddon Section 2 SO 12078 SNA area on the CMP Kokiri site
Rural Lifestyle Zone	42 Hatters Terrace, Nelson Creek, 3316 Coast Road, Barrytown (Lot 2 DP 3403), and two lots in front of 3320 Coast Road (RES 1021 and PT RS 4809 BLK I WAIWHERO SD) Two sites adjacent to 267 Rutherglen Road (Lot 2 Deposited Plan 485621 and Lot 1 Deposited Plan 485621). 388A and 388B Lake Brunner Road 3342 Coast Road, Barrytown
Waipuna Rural Lifestyle	13ha of land at 540 – 578 Waipuna Road, Waipuna
Ross Road Rural Lifestyle Zone	135 Ruatapu – Ross Road, Ruatapu

Light Industrial	Strips of land between Cape Foulwind Road and the adjoining LIZ land at Omau fronting the former cement works. Part Section 8 Block I Steeples Survey District (CFS2 'Area 3' triangle) CMP Kokiri site at 7 Blair Road, Arnold Valley T Croft Limited dwelling at 139 Arnold Valley Road
General Industrial	Hindeman Smartsaw Ltd site Lot 1 and Lot 2 DP462928, Harihari International Panel and Lumber Carpark Part Lot 2 DP 1460
Delete dashed lines	10 West Drive, Hokitika



Dean Chrystal

Hearings Panel Chair



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member



Anton Becker

Hearings Panel Member

Date: 10 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

Term	Definition
Agricultural aviation activities	**means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for rural production activities, plantation forestry production, and conservation activities for biosecurity, or biodiversity purposes, including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAVs).**
Agricultural, Pastoral and Horticultural Activities	means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes: a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive indoor primary production; b. beekeeping; c. sphagnum moss collection; d. storage of products and initial processing of horticultural and agricultural products produced on that site; e. the storage, treatment and disposal of solid and liquid animal waste; f. wood lots; g. stock sale yards; h. rural research; i. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale); j. farm quarries; k. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for ~~rural production purposes~~ **agricultural aviation activities**; ~~and~~ **l. greenhouses** **m. artificial crop protection structures; and** n. ancillary structures/accessory buildings.
Commercial Forestry	**means exotic continuous-cover forestry or plantation forestry.**
Exotic continuous-cover forestry	**means** **(a) a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—**

	(i) will not be harvested or replanted; or **(ii) is intended to be used for low-intensity harvesting or replanted; and** **(b) includes all associated forestry infrastructure; but** **(c) does not include—** **(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or** **(ii) forest species in urban areas; or** **(iii) nurseries and seed orchards; or** **(iv) trees grown for fruit or nuts; or** **(v) long-term ecological restoration planting of indigenous forest species; or** **(vi) willows and poplars space planted for soil conservation purposes.**
Farm quarry	means an open pit or excavation from which quantities of soil, stone, gravel or mineral ~~is~~ are extracted for farming activities on the same ~~site~~ **farm property.**
Intensive Indoor Primary Production	Means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry. **Advice Note: For the avoidance of doubt intensive indoor primary production does not include wintering barns or herd homes where the primary production activity principally occurs in an outdoor environment.**
Primary Production	**Means:** **a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and** **b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);** **c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but** **d. excludes further processing of those commodities into a different product.**
Land Based Primary Production	**means production from agricultural, pastoral, horticultural, or forestry activities that is reliant on the soil resource of the land.**
Plantation Forestry	**means a forest deliberately established for commercial purposes, being—** **a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and**

	b. includes all associated forestry infrastructure; but **c. does not include—** **(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or** **(ii) forest species in urban areas; or** **(iii) nurseries and seed orchards; or** **(iv) trees grown for fruit or nuts; or** **(v) long-term ecological restoration planting of forest species; or** **(vi) willows and poplars space planted for soil conservation purposes.**
Specified Māori land	**means:** **(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):** **(b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:** **(c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:** **(d) land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:** **and in the context of implementing the National Policy Statement on Indigenous Biodiversity, also means:** **(e) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):** **(i) as part of redress for the settlement of Treaty of Waitangi claims; or** **(ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.**
Woodlot	**means a forest of up to 1ha of continuous forest cover of deliberately established forest species that has been planted and has or will be harvested or replanted and is not regulated by the NES – CF due to its size or non-commercial nature. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long term ecological restoration**

	planting of forest species or willows and poplars space planted for soil conservation purposes.

Rural Zones – Objectives and Policies

Overview

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

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

Small settlements and townships are a significant feature within the rural areas of the West Coast/Te Tai o Poutini, with numerous coastal and inland settlements around the districts. Some of these settlements were once much larger, due to past mining and forestry activities which supported the settlements population. Some are expanding, mainly due to the increase in tourism activities or their proximity to the main centres meaning they are becoming more like commuter areas.

Settlements have a range of characteristics – coastal, historic, bush living and rural. They are often typified by the presence of historic or longstanding industrial uses, although commercial activity is only found in the largest of these places.

Because the Rural areas represent such a large part of the West Coast/Te Tai o Poutini, in addition to the RURZ - Rural Zones Objectives and Policies the Strategic Objectives also provide particularly relevant considerations for the management of these areas.

Key points to note are:

- The strategic direction for AG – Agriculture **is** to maintain productive values and maintain agricultural viability **including through enabling support industries and services.**
- **Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around climate change and resilience, and are necessary activities within Rural zones**.
- The importance of identifying and protecting unique and important NENV - Natural Environments as well as areas where subdivision use and development can occur;
- Supporting POU - Poutini Ngāi Tahu as kaitiaki, in economic activity around tourism and visitors and in their management of Pounamu and Aotea stone resources;
- The role that the rural areas play in terms of supporting TRM – Tourism as a major economic activity on the West Coast/Te Tai o Poutini.

There are three RURZ - Rural Zones on the West Coast/Te Tai o Poutini - the GRUZ - General Rural Zone, the RLZ - Rural Lifestyle Zone and the SETZ - Settlement Zone.

- The GRUZ - General Rural Zone covers much of the land on the West Coast/Te Tai o Poutini where primary production uses are the major activities. There are two Precincts within the Zone - GRUZ - PREC1 - Community Living Precinct and GRUZ - PREC5 - Highly Productive Land Precinct.

- The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Because of the range of conditions within the Settlement Zone there are three Precincts within the Zone - SETZ - PREC2 -Settlement Centre Precinct, SETZ - PREC3 Coastal Settlement Precinct, and SETZ - PREC4 - Rural Residential Precinct.
- The RLZ - Rural Lifestyle Zone is located around the edges of towns and settlements. It includes areas that were predominantly farmed in the past, but have gradually moved out of economic primary production, although they still may have rural activities occurring.

Alongside the RURZ - Rural Zone Policies there is a specific policy for each Precinct.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

Rural Zones Objectives

RURZ-O1	To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while **protecting** ~~retaining~~ highly productive ~~and rural activities~~ **land for land based primary production**, and supporting a productive rural working environment **and rural activities**.
RURZ-O2	~~To~~ **The Rural Lifestyle Zone** provide**s** for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.
RURZ-O3	To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while: c. Allowing settlements to grow and adapt as economic activity changes; d. Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services.
RURZ-O4	To support the expansion of existing settlements and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations.
RURZ-O5	To support the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects are minimised and rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations.
RURZ-O6	To ensure appropriate levels of infrastructure servicing for communities and development within rural areas, recognising that outside of settlements or major developments, on site infrastructure servicing is expected.
RURZ-O7	**The General Rural Zone is managed to ensure its primary production purpose is not compromised by reverse sensitivity effects.**

Rural Zones Policies

Rural Amenity and Character	
RURZ-P1	**Within the General Rural Zone enable primary production activities as the predominant land use, alongside activities that support primary production**.
RURZ-P~~1~~**2**	~~Enable a variety of activities to occur within RURZ - Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should:~~ **Rural character and amenity within the GRUZ - General Rural Zone and RLZ - Rural Lifestyle Zone is maintained by:** a. ~~For b~~**B**uildings and structures hav~~e~~**ing** a bulk and location that is characteristic of rural environments **and primary production activities**; b. Maintain**ing** privacy and rural outlook for residential buildings; c. **Ensuring activities are** ~~Be~~ compatible with existing development and the surrounding area **while recognising that primary production activities can generate noise, odour and dust;** d. Have~~ing~~ appropriate setbacks from the road **and adjacent primary production activities** ~~significant natural and cultural features~~; **and** e. **Locating activities sensitively in the environment to minimise adverse visual and cultural effects including restricting activities on ridge lines or ancestral mountains.** ~~f. Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and~~ ~~g. Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains~~
RURZ-P~~2~~**3**	Provide for growth and change to settlements **within the SETZ – Settlement Zone** that: c. Improves the long-term viability of the settlements and their communities; d. Fits with the historic, cultural and environmental character of the existing settlement; c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards; d. Integrates with the existing residential settlement and maintains a consolidated settlement form; e. Supports rural community needs by providing for community facilities and educational facilities; and f. Does not compromise the ~~dominance of the~~natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.

RURZ-P~~3~~**4**	Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or ~~significant agricultural~~ **primary** production values.
RURZ-P~~4~~**5**	Provide for rural lifestyle development **within the RLZ – Rural Lifestyle Zone**[164] on the outskirts of towns and settlements where this will not conflict with ~~rural production values~~ **primary production activities**, and recognising that these have the following characteristics: f. Large lots with onsite infrastructure servicing; g. A mix of activities; h. Low traffic and moderate noise levels; i. Dominance of open space and plantings over buildings; and j. Setbacks from property boundaries.
Production Values	
RURZ-P~~5~~**6**	~~Recognise that there are only~~ **Protect the remaining** small areas of highly productive land for **land based primary** ~~and soils for agricultural~~ production ~~on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations~~ **including by**: **a. avoiding subdivision, unless:** **iv. the proposed lots will maintain the overall productive capacity of the land over the long-term;** **v. on specified Māori land; or** **vi. for regionally significant infrastructure;** **b. avoiding inappropriate use or development that is not land based primary production; and** **c. any subdivision, use or development:** **iii. minimises or mitigates loss of the availability or capacity of high productive land; and** iv. **avoids or otherwise mitigates any reserve sensitivity effects on land based primary production**. **Advice Note: For the purposes of determining what is inappropriate use of development for the purposes of clause b. reference is to be made to the NPS-HPL.**
Non-rural activities	
RURZ-P~~6~~**7**	Recognise that the rural areas may be the most appropriate location for some utility~~y~~**ies**, **regionally significant infrastructure, educational facilities,** industrial or commercial uses to establish, where these have a functional relationship with rural areas, **or where regionally significant infrastructure has a functional need or operational need to locate in that area** provided

[164] Cashmere Bay Dairy Ltd (S461.012)

	the character and amenity of the rural areas is maintained and adverse effects are managed.
RURZ-P~~7~~**8**	Recognise that where non-rural activities are located in rural areas, this should not be to the detriment of the effective function**ing** of towns and settlements, **n**or to avoid the costs of connection to community funded infrastructure.
RURZ-P~~8~~**9**	Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.
Visitor Economy	
RURZ-P~~9~~**10**	Recognise that the rural areas form an important part of the visitor economy of the West Coast/Te Tai o Poutini, particularly as a location where tourism and visitor attractions are established.
RURZ-P~~10~~**11**	Support the development of appropriate tourism and visitor businesses such as accommodation, education and other facilities which relate to the rural environments in which they are located. **and which do not adversely affect primary production activities**
Infrastructure in Rural Areas	
RURZ-P~~11~~**12**	Subdivision and development in GRUZ – General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 – Coastal Settlement Precinct and the SETZ - PREC4 -Settlement Zone – Rural Residential Precinct should recognise the character and form of rural infrastructure including: d. Roads with roadside ditches rather than kerb and channel; e. An absence of street lights and urban style footpaths; and f. On-site provision of water supply **with sufficient capacity for firefighting purposes** and on-site land treatment and disposal of stormwater and wastewater.
RURZ-P~~12~~**13**	Within the SETZ – Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ-PREC4 – Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.
RURZ-P~~13~~**14**	Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.
RURZ-P~~14~~**15**	Where new infrastructure is required to support rural lifestyle development or settlement expansion this new infrastructure should be put in place at the time of development at the expense of the developer.
RURZ – P16	**Ensure that buildings of 18m or more in height within the Westport Radio Mast EM Overlay are designed and constructed to prevent significant safety risks from electromagnetic radiation.** **Advice note: The primary electromagnetic risk in the Westport Radio Mast EM Overlay arises from the potential for tall structures to absorb radio-wave energy from Radio New Zealand's AM transmission station at Cape Foulwind. Radio New Zealand can provide technical advice on the risk to**

	specific proposed structures as well as advice on steps to minimise and reduce risks
Reverse sensitivity	
RURZ-P15**7**	New development should be designed and located with sufficient buffers so that existing rural uses and ~~consented~~ **lawfully established** activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.
RURZ-P16**8**	There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, **renewable electricity generation activities, electricity** transmission **and other regionally significant** infrastructure and **telecommunication and radiocommunications infrastructure**, and water supply catchments ~~to avoid reverse sensitivity effects on the infrastructure~~ **to ensure that infrastructure is not compromised by reverse sensitivity effects.**
Papakainga Housing	
RURZ-P17**9**	Enable the housing needs of Poutini Ngāi Tahu whānui to be met in rural areas and locations safe from significant natural hazards.
Mineral Extraction	
RURZ-P18**20**	Addressed in the Mineral Extraction Recommendation
RURZ-P19**21**	Addressed in the Mineral Extraction Recommendation
RURZ-P20**22**	Addressed in the Mineral Extraction Recommendation
Airfields and helipads	
RURZ-P26**8**	Provide for development **and use** of ancillary infrastructure such as **rural** airstrips and ~~helipads~~ **helicopter landing areas** which support rural land uses ~~such as farming~~ **including rural production, conservation** and recreation.
RURZ-P27**9**	Manage the location and operation of **rural airstrips** ~~airfield~~ and helicopter landing areas within the rural area **for activities other than primary production, and conservation** to provide for the amenity values of the surrounding rural and settlement areas.
RURZ-P28**30**	Enable aircraft and helicopter movements within the rural area for ~~purposes~~ **agricultural aviation activities** ancillary to rural production on a seasonal and short-term basis.
GRUZ-PREC1 - Community Living Precinct	
GRUZ-PREC1-P1	Subdivision, use and development within the GRUZ - PREC1 - Community Living Precinct should: 1. Provide for grouped housing, community infrastructure and other activities with appropriate buffers to avoid impacts on the amenity of surrounding properties and the environment; 2. Minimise any impacts on natural environment values and appropriately locate wastewater treatment infrastructure to avoid adverse effects on water quality;

3. Provide for appropriate expansion and redevelopment of the buildings and activities within the Precinct, allowing for change and growth of the communities within it; and
4. Be undertaken in a planned manner, in accordance with a concept plan agreed with the Grey District Council.

General Rural Zone

Overview

The GRUZ – General Rural Zone is the largest zone that affects private land on the West Coast/Te Tai o Poutini. Rural land is an important resource as it underpins the social and economic well-being of the West Coast/Te Tai o Poutini. The rural area is a dynamic environment, influenced by changing farming practice and by a wide range of productive activities. The RURZ – Rural Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development within this zone.

The GRUZ - General Rural Zone provides for primary production, such as pastoral farming, livestock, horticulture and forestry. It also provides for resource extraction such as quarrying and mining**, regionally significant infrastructure**, and intensive indoor farming, such as indoor poultry and pig farms. These activities have the potential to generate adverse activities beyond the boundaries of a site, for example: noises from farm animals and machinery, odour from dairy-sheds and associated effluent treatment and discharge systems, silage/baleage and agricultural fertiliser, light overspill, and traffic effects from milk tankers, aggregate trucks and stock trucks. The effects of rural production activities therefore need to be appropriately managed and mitigated, while recognising that the GRUZ – General Rural Zone is a production-oriented working environment that is characterised by these activities.

The GRUZ - General Rural Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and appearance used for intensive primary production or rural industry. **A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.** Rural halls, domains and schools which serve the needs of the rural community are also present, however there is a general lack of urban infrastructure in the zone such as street lighting and footpaths. Te Tai o Poutini Plan seeks to maintain this rural character.

Where numerous or larger scale buildings or structures are proposed, their location, height and scale are managed to ensure development does not compromise the qualities of the rural setting or rural character.

A range of structures associated with regionally significant infrastructure are also a feature of the rural areas.

Urban activities such as commercial and retail, or industrial activities not associated with primary production, are restricted within the zone. Rural lifestyle subdivision is also limited due to the potential for reverse sensitivity effects impacting on primary production activities and the potential for fragmentation of productive land.

The RURZ – Rural Zones Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development in the GRUZ – General Rural Zone. However, there are additional specific policies and different rules for the two precincts – the GRUZ – PREC1 – Community Living Precinct and the GRUZ – PREC5 – Highly Productive Land

Precinct. Where there is a conflict between a GRUZ – General Rural Zone provision and the GRUZ – PREC1 – Community Living Precinct or GRUZ – PREC5 – Highly Productive Land provision, within each Precinct, the relevant Precinct provision applies.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ – Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

Other relevant Te Tai o Poutini Plan provisions

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

- ~~Overlay Chapters – the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~
- **The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities. Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.**

  The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities.[165]
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Residential Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Residential Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of General Residential Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply.**[166]

[165] Consequential stemming from Manawa S438.127 and Transpower S299.028,
[166] Forest and Bird (S560.034)

- **General District Wide Matters** - provisions in relation to Earthworks in particular may be relevant to many activities.
- **Subdivision** - The Subdivision Chapter sets out the requirements for subdivision activities in the GRUZ - General Rural Zone.
- **Financial Contributions** – The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

GRUZ – R1 Agricultural, Pastoral or Horticultural Activities and Buildings and structures

Activity Status Permitted

Where:

1. Maximum building **or structure** height above ground level is:
   i. 10m; except that
   ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
2. Buildings **and structures** are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, **5m from the rail designation, 10m from any settlement zone boundary** and ~~10~~**5**m from internal boundaries;
3. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m;
4. Woodlots are not established within:
   i. 10m of the boundary of an adjoining property unless that property is within plantation forest; and
   ii. 40m of a dwelling.
      1. Within the Rifle Range Protection Areas only buildings that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities are established; ~~and~~
      2. Performance standards for beekeeping in the Westland District apply as follows:

iii. No bees may be kept on a property less than 600m^2 net site area; and

iv. Beehives must be placed with an obstruction in front of them or be elevated to enable bees to be 2.5m above ground level prior to crossing the site boundary~~;~~.

1. **The maximum ground floor area of any single building is 1000m^2 or 500m^2 for any residential building**;
2. **Vehicle crossing standards in Rule TRN – R1 are met**; **and**

3. **No building housing sensitive activities shall be located within 150m of a Designated community wastewater treatment facility site boundary**.

Advice Note:

1. If land is used for disposal of effluent or solid waste then there may be rules in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.
2. Quarrying activity within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.

Activity status where compliance not achieved: **Restricted Discretionary for Agricultural, Pastoral or Horticultural buildings not meeting standard 7, Otherwise** Discretionary

GRUZ – R2 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with.
2. Within the Rifle Range Protection Areas, Recreation Activities are restricted to Recreational Firearms ~~Target~~ **Shooting.**

Activity status where compliance not achieved: Discretionary where 1 is not complied with Non-complying where 2 is not complied with.

GRUZ-R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with;
2. No residential activities or residential units occur within the Rifle Range Protection Area;
3. Residential unit density is no more than one unit per 10ha net site area in the Highly Productive Land Overlay and one unit per 4ha net site area in the rest of the General Rural Zone except
   i. Where:
      a. The site is already in existence and complied with the previous relevant Grey, Buller or Westland District Plan density provisions; or
      b. The site is subject to an approved subdivision consent at the operative date of the plan;
      c. Then the residential unit density is no more than one unit per site;
   ii. Where this is within the Community Living Precinct and in accordance with the Concept Plan contained in Appendix Eight; ~~and~~
4. There is no more than 3 minor residential units per 10ha net site area that:
   i. Are located within 20 metres of and share the driveway with either the principal dwelling; or
   ii. Are worker accommodation associated with primary production buildings; **and**
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008**).

Activity status where compliance not achieved:

Restricted Discretionary where this is Temporary Worker Accommodation subject to Rule GRUZ – R22, Otherwise Discretionary

Advice Notes:

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

vi. 80m of a State Highway with a speed limit of 70kph or greater; or

vii. 40m of a State Highway with a speed limit of less than 70kph; or

viii. 40m of a Railway Line; or

ix. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

x. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

GRUZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with;
2. No papakāinga development occurs within any Rifle Range Protection Area;
3. Residential building density is no more than one unit per hectare net site area, however units are able to be clustered; ~~and~~
4. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga**; and**
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**

Advice Notes:

1.Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

GRUZ – R5 Minor structures

Activity Status Permitted

Where:

1. These are not structures associated with Agricultural, Pastoral and Horticultural Activities Permitted under Rule GRUZ – R1;
2. ~~All performance standards for Rule GRUZ – R1 are complied with~~; **Structures are set back a minimum of 10m from the road boundary, 20m from the State Highway boundary and 5m from internal boundaries**
3. Masts, poles, aerials and pou whenua must not exceed 7m in height;
4. Any antenna dish must be less than **1.5m** in diameter;
5. Any other structure must not exceed 10m^2 and 2m in height; and
6. Within the Rifle Range Protection Area only minor structures that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: Controlled

GRUZ-R6 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level;
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall; and
3. Within the Rifle Range Protection Area only fences walls and retaining walls that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: **Restricted** Discretionary

~~**GRUZ-R7 Relocated Buildings**~~

~~Activity Status Permitted~~

~~Where:~~

~~1. All performance standards for Rule GRUZ – R1 are complied with;~~
~~2. Any relocated building intended for use as a dwelling must have been designed and built to be used as a dwelling;~~
~~3. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;~~
~~4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and~~
~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12~~

~~months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

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

GRUZ -R~~8~~7 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or rural activity or is located within the GRUZ – PREC1 – Community Living Precinct;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**;
6. No heavy vehicle movements are generated; and
7. In the Buller District, the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

Where a noise sensitive activity is located within:

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

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

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R~~9~~8 Home Business

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. **There are no more than two full-time equivalent persons engaged in the home business that reside off site**
4. ~~A maximum of 10 heavy vehicle movements occurs per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~
4. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R~~10~~9 Emergency Service Activity

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with except that:
   a. Hose drying towers are exempt from the height standard; and
   b. A setback of 5m from the road or State Highway Boundary is required.
2. **Where the facility will located within the Westport Radio Mast EM Overlay, any hose drying or siren tower of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated.**

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R1~~3~~2 Community Halls

Activity Status Permitted

Where:

1. No restriction on hours is in place for up to 12 days per calendar year;
2. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes;
3. For circumstances other than outlined in **1 and** 2 ~~and 3.~~ above, hours of operation are limited to:
   i. 7am to 10pm Sunday – Thursday;
   ii. 7am to 12~~pm~~**am** midnight Friday and Saturdays

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-14~~3~~ Community Facilities and Educational Facilities in the Community Living Precinct

Activity Status Permitted

Where:

1. These facilities are located in accordance with the Concept Plan in Appendix Eight.

Activity status where compliance not achieved: Controlled

Controlled Activities

GRUZ-R1~~5~~4 Community Facilities and Educational Facilities in the Community Living Precinct not meeting Permitted Activity Standards

Activity Status Controlled

Matters of control are:

a. Design and location of structures; and
b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;
c. Methods of wastewater and stormwater treatment and disposal;
d. Methods of ensuring safe drinking water supply;
e. Any requirement for financial contributions; and

f. Parking and access.

Activity status where compliance not achieved: N/A

GRUZ-R16<u>5</u> Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures; and

b. ~~Landscape measures~~ **<u>Measures to mitigate landscape effects</u>**.

Activity status where compliance not achieved: Discretionary

~~**GRUZ-R17 Relocated Buildings not meeting Permitted Activity standards**~~

~~Activity Status Controlled~~

~~Where:~~

~~All performance standards for Rule GRUZ – R1 are complied with.~~

~~Matters of control are:~~

~~a. Design and location of structures;~~

~~b. Methods of wastewater and stormwater treatment and disposal;~~

~~c. Methods of ensuring safe drinking water supply;~~

~~d. Any requirement for financial contributions;~~

~~e. Landscape measures; and~~

~~**f.** Appearance of buildings.~~

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

GRUZ – R1~~9~~<u>7</u> Intensive Indoor Primary Production in the Community Living Precinct

Activity Status Controlled

Where:

1. All performance standards for Rule GRUZ – R1 are complied with; and
2. This is located in accordance with the Concept Plan in Appendix Eight.

Matters of control are:

a. Design and location of buildings;

b. Management of access, traffic and parking;

c. Management of odour, noise, lighting and dust;

d. Method of effluent management and disposal;

e. ~~Landscape measures~~ **<u>Measures to mitigate landscape effects</u>**;

f. Hours of operation;

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

h. Effects on visual amenity and rural character; and

i. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Restricted Discretionary

Restricted discretionary activities

GRUZ-R~~20~~18 Intensive Indoor Primary Production

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Bulk and location of buildings;

b. Management of access, traffic and parking;

c. Management of odour, noise, lighting and dust;

d. Method of effluent management and disposal;

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

f. Hours of operation;

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

h. Any requirement for financial contributions;

i. Effects on visual amenity and rural character; and

j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-~~21~~19 Rural Industry

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Bulk and location of buildings;

b. Management of access, traffic and parking;

c. Management of odour, noise, lighting and dust;

d. Hours of operation

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

f. Any requirement for financial contributions;

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

h. Effects on visual amenity and rural character; ~~and~~

i. Methods of water supply; **and**

j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R22~~0~~ Visitor Accommodation ~~and~~ not meeting Permitted Activity Standards and Temporary Worker Accommodation

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Number of visitors/workers staying on site;

b. Number of days of use for the accommodation;

c. Management of traffic and parking;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

e. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;

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

g. Any requirement for financial contributions;

h. Effects on visual amenity and rural character; and

i. Methods of wastewater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R23~~1~~ Papakāinga Developments not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where

1. These are not established within any Rifle Range Protection Area.

Discretion is restricted to:

a. Design and location of structures;

b. Requirements for wastewater, water supply or stormwater servicing;

c. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;

d. Any requirement for financial contributions; ~~and~~

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

f. **Management of access and parking and**

g. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase**.

Activity status where compliance not achieved: Non-complying

~~**GRUZ-R24 Non-rural activities**~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

~~1. The maximum floor and yard area for any non-rural activity shall be 250m^2; and~~

~~2. All performance standards for Rule GRUZ – R1 are complied with.~~

~~Discretion is restricted to:~~

~~a. Management of access, traffic and parking;~~

~~b. Landscape measures;~~

~~c. Hours of operation;~~

~~d. Management of odour, noise, lighting and dust;~~

~~e. Any impacts on the production values of the surrounding land;~~

~~f. Any requirements for management of hazardous substances in accordance with the objectives and policies in the Hazardous Substances chapter;~~

~~g. Any requirement for financial contributions;~~

~~h. Effects on visual amenity and rural character; and~~

~~i. Methods of water supply, wastewater and stormwater treatment and disposal.~~

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

GRUZ-R2~~6~~3 Community Facilities, Educational Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Management of access, parking and traffic generation;

b. Hours of operation;

c. Noise management and lighting;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects; and**

e. Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.

Activity status where compliance not achieved: N/A

GRUZ – R24 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures

b. Height of structures

c. Shading and dominance effects on adjoining sites.

Activity status where compliance not achieved: N/A

GRUZ – R25 Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Bulk and location of buildings;

b. Effects on visual amenity and rural character;

c. Measures to mitigate landscape effects; and

d. Methods of stormwater treatment and disposal.

Activity Status where Compliance Not Achieved: N/A

Discretionary Activities

GRUZ-R2~~7~~6 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

GRUZ-R2~~8~~7 Minor Structures, ~~Fences, Walls, Retaining Walls and Relocated Buildings~~ not meeting Permitted or Controlled Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

GRUZ-R2~~9~~8 Intensive Indoor Primary Production or Rural Industry not meeting Permitted or Restricted Discretionary Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

GRUZ-R3~~0~~29 ~~Non-rural~~ Industrial and Commercial activities ~~not meeting Permitted or Restricted Discretionary Activity Standards~~ Excluding Rural Industry

Activity Status: Discretionary

Where:

1. The activity is not ~~for large format retail~~ **a Commercial activity** with a floor and/or yard area of greater than 250m^2; nor any
2. ~~Non-rural i~~ **Industrial** activities located within 10km of any Industrial Zone site of sufficient size to accommodate the activity.

Activity status where compliance not achieved: Non-complying

GRUZ-R3~~1~~0 Visitor and Temporary Worker Accommodation not meeting Permitted or Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

~~1. The visitor and temporary worker accommodation is ancillary to a farming, conservation or residential activity.~~

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

GRUZ-R3~~3~~2 Residential Activities and Residential Units not meeting Permitted ~~or Restricted Discretionary~~ Activity Standards

Activity Status Discretionary

Where:

1. This does not occur within any Rifle Range Protection Area.

Activity status where compliance not achieved: Non-complying

GRUZ-3~~5~~3 Any Activity not provided for by another Rule in the zone

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

Activity status where compliance not achieved: N/A

Non-complying Activities

GRUZ-34 ~~Non-rural Activities, Visitor and Temporary Worker Accommodation~~ Residential Activities and Residential Units, Commercial and Industrial activities not meeting any other Rule in the zone

Activity Status: Non-complying

Activity status where compliance not achieved: N/A

Rural Lifestyle Zone

Overview

…

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the GRUZ - General Rural Zone, including:

- ~~Overlay Chapters - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Residential Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Residential Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of General Residential Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply.**
- **General District Wide Matters** - provisions in relation to Earthworks in particular may be relevant to many activities.
- **Subdivision** – The Subdivision chapter sets out the requirements for subdivision activities the RLZ - Rural Lifestyle Zone.

- **Financial Contributions** – The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

RLZ - R1 Agricultural, Horticultural and Pastoral Activities and Buildings

Activity Status Permitted

Where:

1. The activity does not include:
   i. Intensive indoor primary production;
   ii. The storage and disposal of solid or liquid animal waste other than that generated on the site;
   iii. Stock sale yards; or
   iv. Farm quarries;
2. The maximum gross ground floor area of a single building is 350m^2;
3. The maximum height above ground level is:
   i. 10m for residential buildings **and emergency service facilities**;
   ii. 7m for non-residential buildings; except
   iii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
4. Buildings are set back a minimum of 10m from the road boundary, **5m from any rail designation boundary,** 20m from the State Highway Boundary and ~~10~~ **3m** from all internal boundaries;
5. Site coverage is a maximum of 30%; ~~and~~
6. ~~Performance standards for poultry farming and pig keeping apply as follows:~~

   ~~Shelters and buildings used to house or feed poultry or pigs must be setback at least 30m from any boundary;~~

~~7. For poultry setbacks of 10m from any residential building on another site and 2m from the site boundary;~~

~~8. For pig keeping setbacks of 50m from any residential building on another site and 100m for any shelter holding 4 or more pigs;~~

Shelters and buildings used to house or feed poultry or pigs must be set back at least 30m from any boundary.

9. Performance standards for beekeeping in the Westland District apply as follows:
    a. No bees may be kept on a property less than 600m^2 net site area; and
    b. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary**; and**
10. **Vehicle crossing standards in Rule TRN – R1 are met**.

Advice Notes:

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

2. Sale of stock produced on the property is not considered a stock sale yard in terms of standard 1.iii

Activity status where compliance not achieved: Discretionary

RLZ - R2 Conservation Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

RLZ - R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
2. Residential unit density is no more than one unit per 1ha net site ~~area on physically contiguous land except where the site is already in existence at the date of notification of the Plan; and~~
3. There is no more than 1 minor residential unit with a maximum gross floor area of 65m^2 where this is located within 20 metres of and shares the driveway with the principal dwelling**; and**
4. **Provision shall be made for a sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).**

Advice Notes:

1. Where a residential building or noise-sensitive activity is located within:
    i. 80m of a State Highway with a speed limit of 70kph or greater; or
    ii. 40m of a State Highway with a speed limit of less than 70kph; or
    iii. 40m of a Railway Line; or
    iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

Activity status where compliance not achieved: Discretionary

RLZ - R4 Papakāinga Developments

Activity Status Permitted

Where:

1. Performance standards 3-5 for Rule RLZ - R1 are complied with;
2. Residential building density is no more than one unit per 1000m^2 net site area, however units can be clustered; ~~and~~
3. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga~~.~~**; and**
4. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**

Advice Note**s**:

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

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the Noise Insulation Requirements set out in Rule NOISE - R3 will apply.

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

Activity status where compliance not achieved: Discretionary

RLZ - R5 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule RLZ - R1 are complied with.~~ **Structures are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary and 3m from internal boundaries**
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;

3. Any antenna dish must be less than 1**.5m** in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

RLZ – R6 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **Restricted** Discretionary

~~**RLZ – R7 Relocated Buildings**~~

~~Activity Status Permitted~~

~~Where:~~

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

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

RLZ – R~~8~~7 Home Business

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
2. Hours of operation are limited to:
   i. 7am-10pm weekdays; and
   ii. 8am - 8pm weekends and public holidays; except where:
      a. The entire activity is located within a building;
      b. Each person engaged in the activity outside the above hours resides permanently on site; and

c. There are no visitors, customers or deliveries to the activity outside of the above hours; and

3. **There is no more than one full-time equivalent person engaged in the home business that resides off-site.**

~~4. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~

4. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Discretionary

RLZ – R~~9~~8 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a Residential Activity;
2. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4, LIGHT - R1 and -R3 and SIGN -R15 are complied with;
3. There is a maximum of **6** paying ~~6~~ guests at any one time;
4. Written Notification to the District Council is required 10 working days prior to the activity commencing;
5. No heavy vehicle movements are generated; and
6. Records of letting activity must be kept and provided to the Council **annually** ~~on request~~; and
7. In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

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

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

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

Activity status where compliance not achieved: Restricted Discretionary

RLZ – R~~10~~9 Community Facilities, Educational Facilities, Emergency Service Facilities and Recreational Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4 and LIGHT - R1 and -R3 are complied with;
2. Hours of operation are limited to:

i. 7am-10pm weekdays; and

ii. 8am - 8pm weekends and public holidays; except

iii. For community halls lawfully established at the time of notification of the Plan:

3. Hours of operation on Friday and Saturday are 7am - 12~~pm~~**am** midnight; ~~and~~
4. No restriction on hours is in place for up to 12 days per calendar year; **and**
5. **There are no hours of operation for emergency service facilities**

Advice Note:

Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the Noise Insulation Requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

Controlled Activities

RLZ – R1~~2~~1 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. The minor structure does not exceed 10m in height; and
2. All other performance standards for Rule RLZ - R5 are met.

Matters of control are:

a. Design and location of structures; and

b. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: Discretionary

~~**RLZ – R13 Relocated Buildings not meeting Permitted Activity Standards**~~

~~Activity Status Controlled~~

~~Where:~~

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

~~**Matters of control are:**~~

~~a. Design and location of structures;~~

~~b. Landscape measures; and~~

~~c. Appearance of buildings.~~

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

Restricted Discretionary Activities

RLZ – R14<u>2</u> Residential Visitor Accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

a. Number of visitors staying on site;
b. Number of days of use for the visitor accommodation;
c. Management of traffic and parking;
d. ~~Landscape measures~~ **<u>Measures to mitigate landscape effects</u>**;
e. Any impacts on the production values of the surrounding land;
f. Any requirement for financial contributions;
g. Effects on visual amenity and rural character; and
h. Methods of wastewater treatment and disposal.

Activity status where compliance not achieved: Discretionary

<u>RLZ – R13 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards</u>

<u>Activity Status Restricted Discretionary</u>

<u>Discretion is restricted to:</u>

<u>a. Design and location of structures</u>

<u>b. Height of structures</u>

<u>c. Shading and dominance effects on adjoining sites.</u>

<u>Activity status where compliance not achieved: N/A</u>

Discretionary Activities

RLZ – R16<u>5</u> Agricultural, Horticultural and Pastoral Activities and Buildings not meeting Permitted Activity Standards

Activity Status Discretionary

Where:

1. The activity does not include:
    i. Intensive indoor primary production;
    ii. The storage and disposal of solid or liquid animal waste other than that generated on the site; or
    iii. Stock sale yards.

Activity status where compliance not achieved: Non-complying

RLZ – R17<u>6</u> Commercial Activities

Activity Status Discretionary

Where:

1. ~~The maximum combined floor and yard area for any Commercial activity shall be 100m^2;~~ ~~and~~ **The activity is not for large format retail with a floor and/or yard area of greater than 250m^2; and**
2. All performance standards for Rule RLZ - R1 are complied with.

Activity status where compliance not achieved: Non-complying

RLZ – R1~~8~~7 Conservation Activities, Recreation Activities, Emergency Service Facilities, Educational Facilities and Community Facilities not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

RLZ – R1~~9~~8 Minor Structures, ~~Fences, Walls, Retaining Walls and Relocated Buildings~~ not meeting Permitted or Controlled Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

RLZ – R~~20~~19 Residential Visitor Accommodation not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

RLZ – R2~~1~~0 Home Business not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

RLZ – R2~~2~~1 Residential Activities, Residential Units and Papakāinga Developments not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

RLZ – R2~~5~~2 Any activity not provided for in another rule in the zone

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

Activity status where compliance not achieved: N/A

RLZ- R23 Agricultural, Horticultural and Pastoral Activities and Commercial Activities not meeting the Permitted or Discretionary Activity Rules

Activity Status Non-complying

Activity status where compliance not achieved: N/A

RLZ – R24 Industrial Activities including Rural Industry

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Mapping

Identify all LUC 1-3 on land the Planning Maps as the Highly Productive Land Precinct and delete land that is not LUC 1-3.

Zoning

Precincts

Settlement Zone – Rural Residential Precinct 4

Strips of land adjacent to the road from the former cement works site to the end of lighthouse road between Cape Foulwind Road and the adjoining SETZ-PREC4 land at Omau.

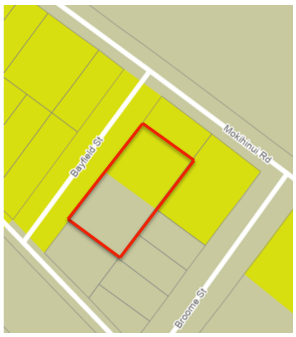


General Rural Zoned part of Part RS 1264 and Section 8-10 Survey Office Plan 12249



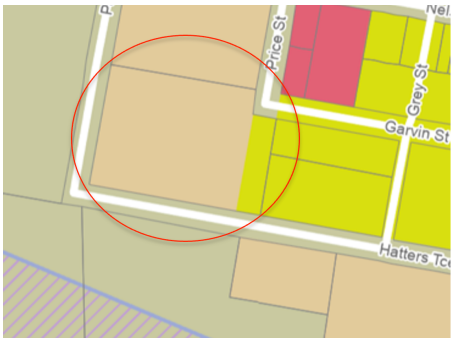
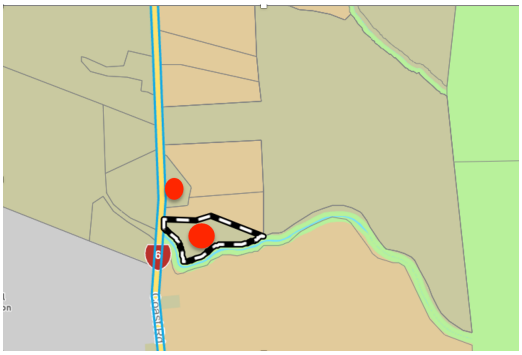
General Rural Zone

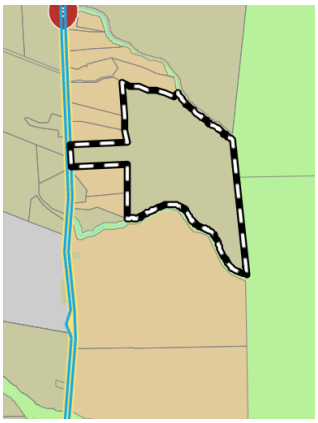
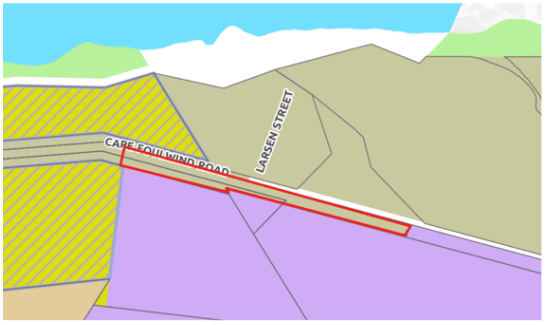
3 Bayfield Street, Seddon



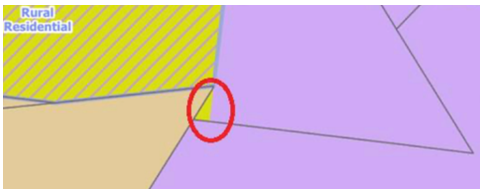
Section 2 SO 12078



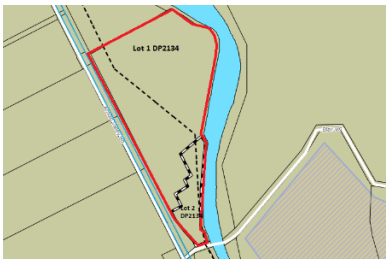
Rural Zone	Lifestyle	42 Hatters Terrace, Nelson Creek,  3316 Coast Road, Barrytown (Lot 2 DP 3403), and two lots in front of 3320 Coast Road (RES 1021 and PT RS 4809 BLK I WAIWHERO SD)  Two sites adjacent to 267 Rutherglen Road (Lot 2 Deposited Plan 485621 and Lot 1 Deposited Plan 485621).  388A and 388B Lake Brunner Road 

	3342 Coast Road, Barrytown 
Waipuna Rural Lifestyle	13ha of land at 540 – 578 Waipuna Road, 
Ross Road Rural Lifestyle Zone	135 Ruatapu – Ross Road, Ruatapu 
Light Industrial	Strips of land between Cape Foulwind Road and the adjoining LIZ land at Omau 

Part Section 8 Block I Steeples Survey District (CFS2 'Area 3' triangle)



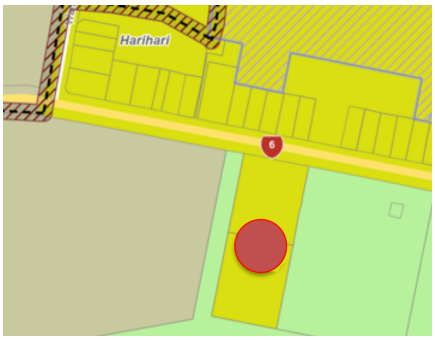
CMP Kokiri site at 7 Blair Road, Arnold Valley with the exception of the area within the Significant Natural Area



T Croft Limited dwelling at 139 Arnold Valley Road



Hindeman Smartsaw site Lot 1 and Lot 2 DP462928



International Panel and Lumber Carpark Part Lot 2 DP 1460



General Industrial

10 West Drive, Hokitika

Delete dashed lines



APPENDIX 2 - PANEL MINORITY POSITION

Minority View of Commissioner Bartlett – Gloriavale Community Living Precinct

1. Overview

1. Commissioner Bartlett considers that addition of GRUZ-PERC1 – Community Living Precinct in the General Rural Zone is not required and does not meet the purpose and principles of the Act; therefore, the following should be deleted from the Plan:

    - Reference to GRUZ-PREC1 Community Living Precinct in the RURZ Overview
    - Reference to GRUZ–PREC1 Community Living Precinct in the GRUZ Overview
    - GRUZ–PREC–P1
    - Reference to Community Living Precinct in GRUZ-R3
    - Reference to GRUZ–PREC1 in GRUZ–R8
    - GRUZ-R14
    - GRUZ-R15
    - GRUZ-R19
    - Appendix Eight
    - Reference to GRUZ–PREC1 in SUB-R18
    - INF-R21

2. Submissions

2. With regard to the **RURZ Overview**, Misato Nomura (S151.008) requested that some precincts be combined because there were too many precinct layers that made the plan hard to read, and it was not clear to the submitter that they all warranted separation.

3. With regard to the **GRUZ Overview**, there were no submissions that referenced precincts in the General Rural Zone, or the Community Living Precinct specifically.

4. With regard to **GRUZ-PREC1-P1**, there was a submission in support from Poutini Ngāi Tahu (S620.243) which emphasised that wastewater needs to be appropriately treated so that it does not result in adverse effects on water quality. Buller Conservation Group (S552.177) and Frida Inta (S553.177) requested an amendment from reference to "Grey District Council" to the "relevant district council". Other submitters supported the policy without providing a reason (e.g. Chris & Jan Coll (S558.488)).

5. With regard to **GRUZ-R3**, there were no submissions that specifically referenced the Community Living Precinct.

6. Te Mana Ora (S190.970) supported clauses (3) and (4) of the rule on the basis that the lot sizes should be adequate to support on site wastewater systems, supporting good public health outcomes. Grey District Council did not submit on the rule. Buller District Council (S538.499) made a number of recommendations on amendment to clause (3) of the rule, but did not request amendment to clause (3)(ii). Greg Maitland (S571.011) sought deletion of clause (3) because he considered the rule onerous and not reflective of topographical diversity. Submitters sought a variety of potential densities in relation to clause (3) of the rule (e.g.

Graeme Cavaney (S121.002), Elly Group Limited (S164.001) and Christopher and Donna Meates (S430.002)), that focussed on allowing use while maintaining rural character. A number of submitters sought for existing non-compliance to be recognised (e.g. Peter Langford (S615.179)).

7. With regard to **GRUZ-R8**, there were no submissions that specifically referenced the Community Living Precinct.

8. Te Mana Ora (S190.975) supported the rule on the basis that it provides for appropriate standards to support good public health outcomes. Grey District Council (S608.109) submitted on the rule only as it related to provision of letting records to the council. Westland District Council (S181.040) submitted on the rule, focussed on the requirement to have a permanent resident on site. Buller District Council (S538.503) supported the rule as a whole because it provides for residential visitor accommodation. Charles Elley (S251.001) sought deletion of the rule because he considered it should be a matter for landowners to determine use. A number of submitters sought for existing non-compliance to be recognised (e.g. William McLaughlin (S567.559)).

9. With regard to **GRUZ-R14**, Te Mana Ora (S190.981) supported the rule but did not provide a reason. Ministry of Education (S456.049) supported the rule because it manages the operation of educational facilities in the General Rural Zone. A number of submitters supported the rule amongst a suite of provisions (e.g. William McLaughlin (S567.569)) without providing a reason.

10. With regard to **GRUZ-R15**, Te Mana Ora supported the rule but did not provide a reason. A number of submitters supported the rule amongst a suite of rules (e.g. William McLaughlin (S567.570)) without providing a reason. Grey District Council (S608.751) supported the matters of control in the rule in relation to stormwater, wastewater, drinking water, parking and access.

11. With regard to **GRUZ-R19**, Te Mana Ora (S190.982) supported the rule but requested protection of water supply within a Drinking Water Protection Zone. Grey District Council (S608.754) supported the matters of control in the rule in relation to access, traffic, parking, effluent disposal, wastewater and stormwater treatment. A number of submitters supported the rule amongst a suite of rules (e.g. William McLaughlin (S567.574)) without providing a reason.

12. With regard to **Appendix Eight**, there were no submissions referencing this appendix, which did not contain a concept plan at the time of notification.

13. With regard to **SUB-R18**, there were no submissions that specifically referenced the Community Living Precinct.

14. Submitters either supported (e.g. Neil Mouat (S535.028)), sought amendment to clause (2) (e.g. Chris & Jan Coll (S558.247)), or sought to correct an error in the rule (e.g. Westpower (S547.387)).

15. With regard to **INF-R21**, Te Mana Ora (S190.982) supported the rule but did not provide a reason. Grey District Council (S608.521) supported the rule, while also requesting an amendment to the definition of wastewater. Toka Tū Ake EQC (S612.015) supported the rule on the basis that it supports consideration of natural hazards. Poutini Ngāi Tahu (S620.095) supported the rule on the basis that it supports land based effluent disposal. Forest & Bird (S560.162) sought a new matter of discretion for consideration of natural values.

3. Evidence

3.1 Section 32 Report

16. The Section 32 Report for the Rural Zones contained analysis of the Community Living Precinct. In particular, a memorandum from principal planner Lois Easton to the TTPP Committee dated October 2021 provided an analysis of the draft policies and rules for the Community Living Precinct within the Grey District. The precinct is described as intending to cover areas currently used by Gloriavale, and proposed for future use, as living and community space, including provision for on-site wastewater, water supply, energy generation, schooling and rural industries. The precinct is noted as providing for a light level of regulation, linked to the development of a concept plan for two Gloriavale sites, one existing site and one site yet to be developed. The memorandum identifies limited impact on neighbours because of the distance from the sites to neighbouring properties.

17. Ms Easton identified in the memorandum that the Gloriavale community: has been established by resource consent under the Grey District Plan; is home to more than 600 residents; has on-site servicing, schooling and two large farms; and is considering expansion to other locations. She assessed that the Planning Standards threshold for a special purpose zone could not be met, and that the nature of the activities at the community did not readily fit within the Settlement Zone, so a bespoke precinct was proposed. The precinct is identified as being limited to the main Gloriavale complex and associated land, as well as developable land at Lake Brunner. The precinct is described as designed to be "*more like the approach of a special purpose zone*" (paragraph 6), incorporating the range of existing activities on site; and that it provides a mechanism to "*give some certainty on environmental effects, while recognising that the development should be allowed to proceed without unnecessary consenting requirements*" (paragraph 8).

18. Ms Easton identifies that within the precinct land there are significant natural environment values and the Alpine Fault runs through the properties.

19. The October 2021 memorandum does not contain an analysis of higher order instruments.

20. The October 2021 memorandum is the sole basis provided for introduction of the Community Living Precinct.

3.2 Reporting Officer Evidence

21. The s42A Report for the Rural Zones did not provide further analysis of the basis for the Community Living Precinct. Ms Easton's advice responded to relevant submissions on specific provisions in the General Rural Zone.

22. With regard to **GRUZ-PREC1-P1**, the s42A Report made no amendment to the policy, based on Grey District Council being the only relevant council, and support from submitters.

23. With regard to **GRUZ-R3**, the s42A Report did not explore relevance to the Community Living Precinct when responding to submission points.

24. With regard to **GRUZ-R8**, the s42A Report did not explore relevance to the Community Living Precinct when responding to submission points.

25. With regard to **GRUZ-R14**, the s42A Report made no amendment to the rule, based on support from submitters.

26. With regard to **GRUZ-R15**, the s42A Report made no amendment to the rule, based on support from submitters.

27. With regard to **GRUZ-R19**, the s42A Report rejected the submission from Te Mana Ora on the basis that there were no identified Drinking Water Protection Zones and it was a matter for regional council. Submissions seeking accommodation of non-compliance were also rejected, based on existing use rights for lawfully established activities and reliance on a resource consent process to address any non-compliance.

28. With regard to **Appendix Eight**, the s42A Report did not discuss the appendix, or the implications of the lack of a concept plan at the time of notification of the Plan.

29. Ms Easton responded at the Rural hearing to questions asked about the relationship of notified Plan provisions with the findings of the Royal Commission of Inquiry into Abuse in Care. She advised that the scope of submissions did not provide for a response to the findings of the Inquiry. She explained that the concept plan, once developed and included in Appendix Eight, was envisaged as the means of ensuring oversight of facilities and services at the community, particularly wastewater. Her right of reply did not provide any additional comment.

30. With regard to **SUB-R18**, the s42A Report recommended deletion of this rule and replacing it with two non-complying activity rules, with proposed SUB-R27C applying to the Community Living Precinct when minimum lot sizes for the General Rural Zone are not met.

31. With regard to **INF-R21**, the s42A Report recommended retaining the rule as notified, on the basis of support from submitters.

3.3 Submitter Evidence

32. No evidence on the Community Living Precinct was provided at the hearing from Grey District Council or representatives of Gloriavale.

33. With regard to **GRUZ-PREC1-P1**, Frida Inta, in response to questions at the hearing, indicated that she had not been sure that the policy only applied to Gloriavale at the time of her submission.

34. With regard to **SUB-R18**, Martin Kennedy on behalf of Westpower recorded acceptance of the s42A Report position.

35. With regard to **INF-R21**, Rachel Pull on behalf of Poutini Ngāi Tahu advised support for the matter of discretion relating to effects on Poutini Ngāi Tahu values, and acceptance of the s42A Report position.

4. Analysis

4.1 Lack of evidence in support of precinct and provisions

36. The Grey District Plan did not specifically provide for community living at Gloriavale, therefore the notified TTPP introduces bespoke zoning for Gloriavale for the first time since the community established within the district, and specifically provides for its expansion.

37. No analysis has been provided to the Panel explaining the need for zoning of new land for an expanded community, or how this meets the purpose and principles of the Act. Neither has any evidence been provided to the Panel to advise why the community cannot simply rely on its existing consents for the current community footprint. If existing facilities and on-site services are sub-standard or require upgrading, this would ordinarily be a matter for compliance or consenting.

38. Analysis by Ms Easton identified that conditions for a special purpose zone could not be met, presumably because existing zoning could manage the activities at Gloriavale.

39. Overall, there was a low level of engagement with the Community Living Precinct amongst submitters, and a paucity of supporting evidence from any party.

40. Poutini Ngāi Tahu, in relation to GRUZ-PREC1-P1 and INF-R21, emphasised wastewater and discharge to land. Te Mana Ora, generally in relation to GRUZ-R3, also emphasised the importance of sufficient land for on-site wastewater systems. The General Rural Zone rule framework already requires on-site provision of services where there is no reticulated system available, as does the Settlement Zone. Issues with on-site wastewater systems, if currently occurring, do not provide a compelling argument for establishing a bespoke precinct and bespoke provisions.

41. Ministry of Education support for GRUZ-R14 is not convincing in the absence of a concept plan, because without it there is no “management of educational facilities within the General Rural Zone”. Unlike Kaiata Park, for instance, where the Panel received detailed plans for the development and was able to consider a range of matters, no such evidence was provided in relation to Gloriavale, either in terms of the existing settlement or the planned development at the new site. There are no other conditions governing community facilities or educational facilities, or the development of a concept plan, under GRUZ-R14 or Appendix Eight. The Panel has no basis on which to conclude that either the existing community facilities and educational facilities, or those proposed at the new development, will meet standards expected of other community facilities or educational facilities in the district or region.

42. Grey District Council supported the matters of control in GRUZ-R15. The Panel received no evidence to support controlled activity status, as opposed to restricted discretionary for

example. The Panel do not know why the council and TTPP Committee decided that community facilities and educational facilities at Gloriavale, whether at the existing site or the new site proposed for development, should always be granted; nor why they should be subject to different standards than community facilities or educational facilities elsewhere in the district.

43. Similarly, Grey District Council supported the matters of control in GRUZ-R19. The Panel have no evidence to explain why the council and TTPP Committee decided that intensive indoor primary production at Gloriavale, whether at the existing site or the new site proposed for development, should always be granted; nor why they should be subject to different standards than intensive indoor primary production elsewhere in the district.

4.2 Inquiry findings and Part 2 of the RMA

44. There is scope in submissions to delete the precinct (e.g. Misato Nomura (S151.008)). The Plan would be simplified, as the submitter sought, and the sites would revert to existing rural zoning options. This would seem particularly appropriate in relation to GRUZ-R19.

45. In light of the Royal Commission of Inquiry – Abuse in Care (the Inquiry) findings and recommendations, deletion of the precinct and associated provisions is warranted, and would be consistent with upholding the purpose and principles of the RMA. The Inquiry findings and recommendations were not available at the time of notification of the TTPP, but were available at the time of the Rural Zones hearing.

46. Key findings of the Inquiry, informed by 41 Glorivale abuse survivors, included that:

- in relation to the nature and extent of abuse in care, abuse and neglect were particularly prevalent in faith settings (particularly Catholic, Anglican and Gloriavale)[167];
- in relation to the findings of fault of abuse in care, relevant Ministers, Secretaries and Chief Executives of Education were at fault for (amongst other failings): having less oversight of private schools compared to State or State-integrated schools, potentially increasing opportunities for abuse and neglect; and failing to keep children safe during the school day; and
- in relation to the findings of fault of abuse in care, from the time of inception of the Gloriavale community in 1969, senior leadership were at fault for: allowing physical and sexual abuse to happen in the community; perpetuating cycles of harm; failing to recognise harm, or the scale and extent of abuse; failing to protect survivors of abuse; requiring forgiveness from the victim; allowing perpetrators to continue in the community and to continue abusing; failing to engage with NZ Police or other official organisations; and creating a culture that allowed abuse to occur.[168]

47. Recommendations of the Inquiry included that:

[167] Whanaketia – Through pain and trauma, from darkness to light (June 2024), Preliminaries, p51
[168] *Ibid.*, p71 and 79

- the government should prioritise and accelerate current work to close care and protection residences, which perpetuate the institutional environments and practices that led to historic abuse and neglect in care (Recommendation 70);
- all State and faith-based entities providing direct or indirect care to children, young people and adults should review physical building and design features to identify and address elements that may place children, young people and adults in care at risk of abuse and neglect, including:

  a. consideration of how best to use technology such as CCTV cameras and body cameras without unduly infringing personal privacy, including taking into account any applicable guidance documents and the legal requirements for the collection of personal information under the Privacy Act 2020;
  b. reviewing any policies or processes that place children, young people, or adults in care with others who may put them at risk (for example, children and young people in care and protection being placed together with children, young people, or adults in the justice system);
  c. if care settings include physically isolated spaces, for example private offices or a confessional box, ensuring there are tailored measures in place to address the risks arising, including the risk of undetected abuse and neglect; and
  d. if care is to be delivered in a geographically isolated or remote area, ensuring there are tailored measures in place to address the risks arising from the geographical setting, including the risk of undetected abuse and neglect (Recommendation 75); and
- the government should take all practicable steps to ensure the ongoing safety of children, young people, and adults in care at Gloriavale (Recommendation 88)[169]

48. Findings specific to Glorivale included:

- widespread use of solitary confinement;
- practices ruled as forced labour by the Employment Court;
- recognition by the community of intergenerational sexual abuse and physical abuse of children;
- abuse experienced was strongly shaped by the community's social and physical environments, their interpretation of religious teachings, authoritarian control and separation from the rest of the world;
- survivors saw separation from mainstream society as a form of abuse, a contributing factor to further abuse and something that triggered abusive actions by leadership;
- the exclusive nature of Gloriavale led to economic abuse, medical neglect and educational neglect;
- women received less education than men;
- Māori community members experienced discrimination;
- having a disability led to physical and psychological abuse and educational neglect;
- sexual and physical abuse was normalised in teaching[170]; and
- the community had no redress process or relevant policies in place in June 2024[171].

[169] *Ibid.*, p137, 138 and 146
[170] Whanaketia – Part 4 - Nature and Extent - Māngai nuitia te kupu pono (June 2024), p81, p84, p86, p167, p203-209
[171] Whanaketia – Part 8 – Puretumu Torowhānui, Holistic Redress - Tiritiri ki toi whenua (June 2024), p65

49. Inquiry recommendations for the future of Gloriavale included that it be a "regulated population" within a new national care safety regulatory system, under a "Care Safety Act"[172]. Survivor Rosanna Overcomer called for lasting change to provide a safe environment for community members:

> "*We can hope and heal and work for a better life. But we want lasting change for our families still inside. We want a safe place for our nieces and nephews to grow up in. We want them to have the same liberties, opportunities, education and care any New Zealander deserves. We need to know there will be significant changes to the systems and leadership that brought us here today*."[173]

50. The Inquiry findings as a whole indicate the need for greater regulation of the community, rather than light-handed regulation, as outlined in the Section 32. Particularly relevant to the TTPP are the findings that geographical isolation and separation from mainstream society are conditions that increase risk of abuse. Zoning the isolated community, and its expansion to another isolated location, deliberately separate from other settlements and communities within the Grey District and the wider region, exacerbates this identified risk to the health and safety and well-being of community members, including children born and raised in the community who have no access to the outside world. Submissions from Te Mana Ora supporting the precinct and provisions on the basis of good public health outcomes do not stand up to scrutiny in light of these Inquiry findings. Providing for education facilities as a permitted activity with no guidance as to how they should be designed to protect the safety of children fails to heed Recommendation 75 of the Inquiry and its warning regarding the tailored measures required for schools in geographically isolated settings. The Inquiry found Māori members of the community to have diminished standing, contrary to the principles of Te Tiriti o Waitangi and Section 8 of the RMA. Submission from the Ministry of Education does not stand up to scrutiny in light of these Inquiry findings. Neither do the submissions of Grey District Council in support of the precinct and provisions, and the position of the TTPP Committee supporting expansion of the community under a controlled activity status, with no ability to decline applications and no publicly available concept plan to interrogate.

51. No evidence has been presented to the Panel that zoning of the Community Living Precinct, including its expansion, will provide for the health and safety, and social, cultural and economic well-being of Gloriavale community members, the Grey District or the West Coast region. The Inquiry findings provide evidence that there are risks to the health and safety, social, cultural and economic well-being of Gloriavale community members, including children and vulnerable community members, from geographical isolation and conditions at the school within that isolated setting.

52. The RPS does not mention Gloriavale or specifically provide for commune style living in the region. Chapter 5, Objective 1 recognises the role of resource use and development and its contribution to enabling people and communities to provide for their social, cultural and economic well-being, which associated Policy 1 then enables.

[172] Whanaketia – Part 9 – The Future – Hei ara mōu kei taku pōkai kotuku, p146-147
[173] Ibid., p244

53. The TTPP must be prepared in accordance with the provisions of Part 2, and must have particular regard to an evaluation report prepared in accordance with section 32, under s73 of the RMA. The Section 32 report was deficient with regard to assessment under Part 2 of the Act. Deletion of the Community Living Precinct would better give effect to Part 2 of the Act, whilst still providing for consenting of a variety of Gloriavale activities in accordance with relevant provisions of the rural zones and districtwide subdivision and infrastructure provisions. The benefit of this approach will be: reduced plan complexity and improved plan effectiveness; potential for improved and consistent outcomes for Gloriavale community members, the Grey District and the region through increased scrutiny and transparency of activities (at the existing site and any additional site); and greater ability to incorporate response to the findings of the Inquiry into implementation of plan provisions. Increased consenting costs will likely be incurred by the Gloriavale community, but are expected to be outweighed by the benefits to that community, and the wider community.

TE TAI O POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai o Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Historic Heritage – Ngā Tuku Ihotanga

Hearing Date: 7 December 2023

HEARING PANEL

Paul Rogers (Chair)

Anton Becker

Maria Bartlett

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APPENDICES

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the proposed Te Tai o Poutini Plan ('**pTTPP**' or '**the Plan'**) are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to Part 2 – Historical and Cultural Values of the PTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Historic Heritage – Ngā Tuku Ihotanga chapter and Schedule One.

3. The Section 32 Report[1] provided an evaluation of the options for management of historic heritage in the Plan, including the regulatory framework, key resource management issues, the evidence base and evaluation of options. The Section 32 Report distinguishes historic heritage and archaeological sites from sites and areas of significance to Māori (SASM), which are separately addressed in the Plan in accordance with the National Planning Standards 2019[2] ('**Planning Standards'**), and subject to a separate Recommendation Report. The Hearing Panel ('**the Panel'**) recognise a close relationship between the Historic Heritage and SASM chapters because sites and areas of significance to Māori are part of the RMA definition of '*historic heritage*', and there are some items, areas and archaeological sites overlapping between Schedule One and Schedule Three of the Plan. The Historic Heritage Chapter therefore recognises and provides for matters of national importance under section s6(f) and section 6(e) of the RMA.

4. The S42A Officer's Report Historic Heritage ('**s42A Report**') was authored by Ms Lois Easton, an independent planner with Kererū Consultants who worked with the TTPP Committee during development of the draft plan. The s42A report was circulated prior to the hearing, responding to submissions and further submissions and making recommendations for consideration by the Panel. The s42A report and Appendices 1 – 3 were provided on 25 October 2023 in accordance with Minute 2. These appendices included recommended amendments to plan text, recommendations on individual submission points, and a statement of advice from heritage professional Dr Ann McEwan. Additional appendices to the s42A were provided at the hearing.

5. The advice of Dr McEwan contained in Appendix 3 to the s42A Report specifically responded to nine submissions requesting additions to Schedule 1A: Schedule of Historic Heritage Items and Areas. These included submissions from Ailsa Hart, Barbara King, Brendon McMahon, Glenn Johnston, Greymouth Heritage Trust, Heritage New Zealand Pouhere Taonga ('**HNZPT**'), Kate Kennedy, Laura Mills, Frida Inta and Paul Thomas.

6. Ms Easton provided her right of reply on 12 January 2024 in accordance with the direction of the hearing Panel. This provided for the statutory shutdown period of 20 December to 10 January, meaning that her reply was received within 10 working days of the hearing, in accordance with Minute 2. Appendices to her rights of reply included advice from Dr McEwan

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Four Historical and Cultural Values – Ngā Uara ā-Ahurea, ā-Hītori Hoki - Historic Heritage Ngā Tuku Ihotanga - Notable Trees Ngā Rākau Whakamaumahara – Sites and Areas of Significance to Māori Ngā Wāhi Tāpua ki te Māori

[2] National Planning Standards, November 2019, Section 7 District-wide Matters Standard, 15 and 17

and archaeologist T J O'Connell in response to the submissions of Laura Mills and Frida Inta regarding potential additions to Schedule 1A. Ms Easton also responded to specific questions raised by the Panel during the hearing.

7. The s42A Report, appendices and right of reply addressed 223 submission points and 36 further submission points from 42 submitters, including residents, community groups, property owners, statutory agencies and businesses with an interest in the management of historic heritage. A number of core matters were raised by submitters for consideration by the Panel:

    - the West Coast historic heritage context;
    - the process of identifying historic heritage items, sites and areas;
    - the need to protect against loss of remaining historic heritage;
    - the ongoing and future use of historic heritage items, sites and areas;
    - the process for demolition and destruction of historic heritage items; and
    - Māori heritage relationships.

8. The matters raised by submitters are discussed as they arise within the following sequence of sections in this report:

    a. Definitions
    b. General/Whole Chapter;
    c. Overview;
    d. Objective;
    e. Policies;
    f. Rules;
    g. Methods; and
    h. Schedules

9. This Recommendation Report largely follows the same structure as the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and statements, and the Reporting Officer's reply evidence, before providing the Panel evaluation and recommendation.

10. This Recommendation Report should be read in conjunction with the s42A Report and Addendum Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the recommendations and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan in Appendix 1 must prevail.

11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

12. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum Report to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

13. Where there is a recommended change to a notified provision of the TTPP, it is because:

    (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Reports or Addendum to change the provision to that recommended in the original s42A Report; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

    (d) A consequential change has been necessary following on from a recommendation in either (a), (b) or (c).

14. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e. the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

16. If any changes are recommended to the provisions (since the Section 32 Report was completed) a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

17. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report

and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

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

ADP	Accidental Discovery Protocol
Bathurst	Bathurst Resources Limited and BT Mining Limited
BDC	Buller District Council
Chorus	Chorus New Zealand Limited
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
Federated Farmers	Federated Farmers of New Zealand
GDC	Grey District Council
Heritage List	New Zealand Heritage List/Rārangi Kōrero
HNZPT	Heritage New Zealand Pouhere Taonga
Kiwirail	Kiwirail Holding Limited
Manawa	Manawa Energy Limited
The Heritage List	New Zealand Heritage List/Rārangi Kōrero
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSUD	National Policy Statement on Urban Development 2020
One NZ	One New Zealand Group Limited (formerly Vodafone)
Planning Standards	National Planning Standards 2019
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan

REG	Renewable Electricity Generation
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RSI	Regionally Significant Infrastructure
SASM	Sites and Areas of Significance to Māori
Spark	Spark New Zealand Trading Limited (formerly Telecom)
Te Mana Ora	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora
Telecommunications companies	Spark Trading New Zealand Limited, Chorus New Zealand Limited, One NZ Group Limited (formerly Vodafone New Zealand Limited) and FortySouth
Transpower	Transpower New Zealand Limited
TTPP Committee	Te Tai o Poutini Plan Committee
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited

1.3. Procedural Steps and Issues

19. Procedural matters arose in relation to the decision-making process for the Historic Heritage Chapter of the Plan, including:

- pre-hearing meeting;
- online hearing;
- additions to the s42A Report; and
- Manawa evidence.

20. A pre-hearing meeting was held on 25 September 2023 focussed on the submission points of HNZPT. The meeting was attended by representatives of HNZPT (Arlene Baird, Robyn Burgess and Christine Whybrew) and West Coast Regional Council ('**WCRC**') (Ben Douglas), as well as planning and heritage consultants for the TTPP Committee (Lois Easton and Dr Ann McEwan).

21. The Panel issued Minute 11 on 30 November 2023 advising that the Historic Heritage hearing would be conducted entirely online.

22. Additional appendices 4A – 4F to the s42A report were provided at the hearing. These appendices comprised of site records describing the values and extent of six historic heritage items and areas in the Westland and Grey districts recommended by Ms Easton for inclusion in Schedule 1A of the proposed plan, on the basis of Dr McEwan's advice. These appendices were provided to the Panel for completeness, as contextual information and examples of the kind of detailed assessments intended to be undertaken for all sites in Schedule 1A and made available to plan users by 2026. The absence of the information in these appendices at the time of releasing the s42A report is not considered by the Panel to have disadvantaged any party to the process. The information pertained specifically to the submissions of Laura Mills and Brendon McMahon who requested that these historic heritage items and areas be included in Schedule 1A, which the s42A report and appendices support.

23. Notes from the pre-hearing meeting were available at the hearing but were not available at the time of writing the s42A report. Ms Easton advised the Panel that outcomes from the pre-hearing were incorporated into her report, such that the late release of pre-hearing notes to accompany the s42A report was not prejudicial to the process. The Panel agreed, upon review of the notes and finding reference to the corresponding pre-hearing meeting discussions in the s42A report analysis and recommendations[3]. HNZPT were able to provide additional insight on matters discussed in pre-hearing through their written and oral evidence.

24. Expert evidence of submitters was provided twenty working days in advance of the hearing, in accordance with Minute 2, including tabled evidence; however, due to an administrative error, the tabled evidence of Manawa Energy Limited ('**Manawa**') was not loaded on to the pTTPP website, meaning that there was a delay in access for other participants in the process. The s42A officer identified one further submitter on the original Manawa submission (S438.063), Birchfield Coal Mines Ltd (FS232.017), which was in support of the Manawa submission. As such, Ms Easton noted during the hearing that no parties had been prejudiced by this error.

25. Consideration of Manawa evidence by the Panel was not impacted by the error as the Panel had received a copy of the evidence at the time it was lodged. The substance of Manawa evidence was fully canvassed through the hearing process; consequently, the Panel are satisfied that the administrative error did not materially affect the process or outcome.

1.4. Hearing Arrangements

26. A hearing into the submissions received on the Historic Heritage Chapter was held on the 7th of December 2023.

27. All participants in the hearing joined via audio visual link. The hearing was concluded in one day. A video recording of the hearing was made available on the pTTPP website.

1.5. Appearances

28. The following participants appeared at the hearing:

[3] See paragraphs 28, 95, 124, 155, 172, 173 and 201 of the s42A report

Ms Laura Mills (S240) for herself

Poutini Ngāi Tahu (S620)

- Ms Susan Aitken, planner

Chorus, Spark, One NZ & FortySouth (S663)

- Mr Graeme McCarrison, on behalf of Spark NZ Trading Limited

- Mr Andrew Kantor, on behalf of Chorus NZ Limited

- Mr Chris Horne, planner

Westpower Limited (S547)

- Mr Rodger Griffiths, on behalf of the company

- Mr Martin Kennedy, planner

The O'Conor Institute Trust Board (S466)

- Mr Mark Lile, planner

Heritage New Zealand Pouhere Taonga (S140)

- Ms Arlene Baird, acting area manager Canterbury/West Coast

Bathurst Resources Ltd and BT Mining Ltd (S491)

- Mr Campbell Robertson, environmental manager

Ms Frida Inta (S553) on behalf herself and Buller Conservation Group (S552)

1.6. Overview of submitter evidence received

29. For those appearing at the hearing, legal submissions were received from Mr Joshua Leckie and Ms Christina Sheard for Bathurst (dated 23 November 2023).

30. For those appearing at the hearing the following evidence and/or statements were received:

(a) Laura Mills, hearing statement (undated);

(b) Ms Susan Aitken, planner for Poutini Ngāi Tahu (evidence dated 9 November 2023 and statement dated 7 December 2023);

(c) Mr Graeme McCarrison for Spark NZ Trading Ltd, Mr Andrew Kantor for Chorus NZ Ltd and Mr Colin Clune for One NZ Group Ltd and FortySouth (formerly Vodafone NZ Ltd) (joint evidence dated 8 November 2023)

(d) Mr Martin Kennedy, planner for Westpower Limited (evidence dated 6 November 2023);

(e) Mr Mark Lile, planner for The O'Conor Institute Trust Board (evidence dated 9 November 2023);

(f) Ms Arlene Baird for Heritage New Zealand Pouhere Taonga (evidence dated 8 November 2023 and hearing statement, undated);

(g) Campbell Robertson for Bathurst Resources Limited and BT Mining Limited (evidence dated 9 November 2023)

(h) Ms Frida Inta and Buller Conservation Group (hearing statement dated 7 December 2023)

31. Following the receipt of the s42A Report:

(a) Amy Young tabled evidence on behalf of the Director General, dated 9 November 2023, acknowledging that the reporting officer had accepted the Director General's submission points, and that she supported the solutions identified in the s42A Report.

(b) Stephanie Styles tabled evidence on behalf of Manawa, dated 7 November 2023, that indicated outstanding matters to be resolved in relation to renewable electricity generation ('**REG**') in order to give effect to higher order instruments. She outlined that the Kumara hydro-electric power scheme and the Kaniere McKays hydro-electric power scheme both incorporate elements of historic heritage as part of their operation. She noted that the historic elements of these assets were not currently listed as historic heritage, but a further review may result in their inclusion, so the intent of the submission was to future-proof the Plan provisions.

1.7. Right of Reply

32. Ms Easton provided her right of reply on 12 January 2024, which included an updated Appendix 1 showing tracked changes to the notified provisions, as well as two archaeological appraisals from archaeologist T J O'Connell, and two further appraisals from Dr Ann McEwan. These appraisals responded to the matters raised at the hearing by Frida Inta in relation to the Mōkihinui Midden site (NZAA Site Number L28/1) and the Mōkihinui-Seddonville railway line site (NZAA Site Number L28/36); as well as the matters raised by Laura Mills in relation to the Hannan and Seddon building in Werita Street, Greymouth and the Mt Griffin serpentine quarry remnants.

1.8. Site Visits

33. The Panel undertook site visits from Karamea to Jackson Bay, including observations of historic heritage sites in Reefton, Stockton, Millerton and Denniston, Blackball, central Greymouth and Kumara.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

34. This section of the report considers the requirements for preparation of a district plan, as relevant to the SASM Chapter, particularly section 73, section 74 and section 75 of the RMA, with reference to the Memorandum of Counsel from Ms de Latour dated 13 October 2024.

35. The Panel have considered the role of the Historic Heritage Chapter in assisting Buller District Council, Grey District Council and Westland District Council ('**the Councils**') to carry out their functions under section 31 of the Act, including integrated management.

36. The Panel relies on the Section 32 Report[4] assessment of relevant statutory requirements and direction contained in higher order instruments.

37. For completeness, the Panel have considered the definition of historic heritage in Section 2 of the RMA which describes the scope of matters for consideration in this chapter, as follows:

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

(i) archaeological:

(ii) architectural:

(iii) cultural:

(iv) historic:

(v) scientific:

(vi) technological; and

(b) includes—

(i) historic sites, structures, places, and areas; and

(ii) archaeological sites; and

(iii) sites of significance to Māori, including wāhi tapu; and

(iv) surroundings associated with the natural and physical resources

38. While there is a separate report dedicated to the Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori ('**SASM**') chapter, archaeological sites are addressed in this report and may include verified and as yet undiscovered sites of significance to Māori, such as individual midden finds not otherwise within an area identified in Schedule 3 – Sites and Areas of Significance to Māori and corresponding maps. Unverified archaeological sites are also a matter for this Recommendation Report.

39. A number of unverified archaeological sites of Māori origin are identified in Appendix Ten to the Plan. The notified version of the Plan contained no policies, rules or methods that specifically referenced Appendix Ten in order to understand how to apply plan provisions in the Historic Heritage – Ngā Tuku Ihotanga chapter and/or the Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori chapter in relation to this appendix. The Panel addresses this issue in response to evidence received through the hearings in the Recommendation Report for the SASM Chapter, and other chapters of the Plan where the matter arises.

40. With reference to section 74 of the RMA, the Panel have made recommendations in accordance with territorial authority functions as they pertain to historic heritage (section 31), the purpose of sustainable management (Part 2), Planning Standards, the NZ Coastal Policy

[4] Section 11.2.7, p57

Statement ('**NZCPS**') and relevant national policy statements. The Panel have also had regard to the provisions of adjacent territorial authorities, and relevant entries on the New Zealand Heritage List/Rārangi Kōrero ('**Heritage List**'), as well as strategies and plans prepared under other Acts, where relevant.

41. As a matter of national importance, the Panel recommendations recognise and provide for the "*protection of historic heritage from inappropriate subdivision, use and development*". The Panel has turned its mind to understanding what may be appropriate and inappropriate subdivision, use and development in the context of Te Tai o Poutini/West Coast region as a whole and within the three districts covered by the Plan. The Panel also acknowledge that there is historic heritage in Schedule One that relates to section 6(e), section 7(a) and section 8 of the RMA.

42. Efficient use and development of historic heritage, where appropriate, (section 7(b)) is a matter addressed by recommended provisions seeking to enable repurposing of historic heritage items and areas. Maintenance and enhancement of amenity values associated with historic heritage items and areas, and archaeological sites (section 7(c)), and the maintenance and enhancement of their quality (section 7(f)) is addressed by recommended provisions allowing for repurposing as well as those focussed on ways to improve upon past management of historic heritage within the region.

43. The finite characteristics of historic heritage items and areas and archaeological sites (section 7(g)) and the effects of climate change on them (section 7(i)) are particularly relevant to recommended provisions managing potential for demolition and potential for relocation of heritage items. The latter issue is related to management of significant risks from natural hazards, another matter of national importance that is addressed in the Natural Hazards – Ngā Mōreareatanga Aotūroa chapter and associated Recommendation Report. Providing for potential relocation of heritage items through the recommended provisions of the Historic Heritage – Ngā Tuku Ihotanga chapter contributes to meeting objectives for natural hazard risk management, assisting integrated management of natural and physical resources.

44. The Planning Standards in Standard 15 and Standard 17 set requirements for plans that address Historic Heritage and Sites and Areas of Significance to Māori respectively. The Panel recommendations have been made on the understanding that the SASM Chapter must contribute to achievement of objectives in the Historic Heritage Chapter, which is further discussed in the Recommendation Report for the SASM Chapter and discussed in relation to relevant objectives in this report. Standard 15, referenced in relation to this report, requires provisions to be located in the Historic Heritage Chapter where they pertain to identification of historic heritage, protection and management of historic heritage, heritage orders, and schedules of identified historic heritage and heritage orders, which may be in appendices. This standard is followed in the Plan.

45. The NZCPS, Objective 6, recognises that historic heritage in the coastal environment is extensive, but not fully known, and is vulnerable to loss or damage from inappropriate subdivision, use and development. The Coastal Environment – Te Taiao o te Takutai chapter of the PTTPP, CE-P1, addresses historic heritage values in the coastal environment, as discussed in the Recommendation Report for the Coastal Environment Chapter. Policy 2 and Policy 6 of the NZCPS are relevant to Panel recommendations regarding management of unverified NZAA archaeological sites, including those that are located within the coastal environment, guided by NZCPS direction to incorporate buffers.

46. Panel responses to the evidence of Manawa Energy Limited ('Manawa') ensure the provisions in the Historic Heritage Chapter appropriately give effect to the National Policy Statement for Renewable Electricity Generation ('**NPSREG**').

47. The West Coast Regional Policy Statement ('**RPS**') Chapter 4, Objective 4 seeks that "*the significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural well-being of the West Coast*". The Panel understand this objective in the context of Part 2 of the RMA, particularly section 6(f), interpreting the term "*significant*" to mean historic heritage is significantly valued as a matter of national importance. The Panel consider that in order to "*appropriately manage*" historic heritage it must be protected from inappropriate subdivision, use and development. Such management is then able to contribute to the economic, social and cultural well-being of the West Coast, as the Panel reads that objective. The Panel accepts that there may be degrees of value that influence how individual historic heritage items and areas and archaeological sites are protected, and therefore appropriately managed.

48. Policy 5 of Chapter 4 supports Objective 4, promoting the sustainable management of historic heritage through: "*identifying significant values associated with historic heritage*"; ensuring that subdivision, use and development does not detract from those values once identified; and encouragement of adaptive reuse of historic heritage where appropriate and practicable. The Panel again reads this policy in the context of section 6(f), meaning that historic heritage is presumed to have significant values associated with it as a matter of national importance and that identifying historic heritage means also identifying its values, such that there is no doubt regarding the significance of historic heritage, and that it is valued. The Panel interprets the need to not detract from identified historic heritage and its values as meaning that historic heritage is to be protected from inappropriate subdivision, use and development. The Panel acknowledge the efforts of the TTPP Committee, contributors from the community, submitters and owners of historic heritage to support adaptive reuse on the West Coast, including through the Plan provisions, as a means of giving effect to this policy. The Panel have given consideration to the economic implications, as signalled in the policy explanation, and the social and cultural implications of recommendations. The Panel has referenced the section 32 and 32AA analyses and further considers the costs and benefits of any recommended changes from the notified version of the PTTPP as necessary. The Panel recommendations give effect to the RPS as it relates to historic heritage.

49. The Panel received evidence that all items on the Heritage List within the West Coast region have been added to Schedule 1A: Schedule of Historic Heritage Items and Areas. HNZPT advised that listed items are not protected by virtue of being on the list, hence the need for scheduling and provisions in the Plan, and for schedules to be "*comprehensive and defensible*", as described in the evidence of Ms Baird. The Panel acknowledge that this requires the preparation of assessments and site records for the benefit of heritage owners and planners to understand values requiring protection. HNZPT emphasised to the Panel that all pre-1900 sites are archaeological sites by definition under the HNZPT Act, whether or not they are scheduled in the district plan. The Panel recognise the need to protect archaeological sites, both known and unknown or unverified.

50. The Panel recognise the relationship between the Plan and Department of Conservation ('**DOC**') polices and strategies, and management plans guiding DOC responsibilities towards historic heritage on public conservation land. The reporting officer, Lois Easton, advised the Panel in her right of reply that the preservation and protection of natural and historic resources are matters for conservation under the Conservation Act 1987, and that DOC manages the largest heritage portfolio in the country. The Panel note that some historic

heritage items and areas included in Schedule 1A of the Plan, including Big River Quartz Mine, Denniston Historic Area, Waiuta Historic Area, Brunner Mines Historic Area and Ross Historic Area, have a relationship with historic places actively managed on public conservation land[5]. Application of section 4(3) of the RMA determines that historic heritage on public conservation land is outside the jurisdiction of the Plan.

51. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. HISTORIC HERITAGE - NGĀ TUKU IHOTANGA

52. Historic heritage is variously described through the s42A report, submissions and evidence presented to the hearing as "*items*", "*buildings*", "*structures*", "*sites*", "*areas*" and "*landscapes*". The phrase "*items and areas*" is used throughout this report and as part of Panel recommendations. "*Items*" is considered by the Panel to include buildings, structures and materials. "*Areas*" includes the location of historic heritage items, landscape settings and delineated or mapped historic heritage places. '*Archaeological sites*' are separately referenced. Where other terms are used, such as "*buildings*", "*structures*" or "*materials*", these are used specific to the context of analysis and recommendations.

53. The Panel received evidence from the reporting officer and submitters on the historic heritage context of the region.

54. **Ms Easton** described Te Tai o Poutini as "exceedingly rich" in historic heritage resources. She advised that all three operative district plans pre-date the introduction to the RMA in 2003 of protection for historic heritage from inappropriate subdivision, use and development as a matter of national importance, and therefore also the Heritage New Zealand Pouhere Taonga Act 2014 ('**HNZPT Act**') that established the functions and powers of HNZPT[6]. She noted that this has meant inconsistent and ad hoc outcomes for historic heritage in the region. She emphasised financial implications of maintaining heritage buildings, in particular due to earthquake strengthening requirements, and that "demolition by neglect" has been a significant problem in parts of the region. She outlined the challenges in Greymouth due to the prevalence of heritage buildings situated on leasehold land within the town, further affecting investment in maintenance, repairs and upgrade of these buildings. She stated that over the life of the Grey District Plan many heritage buildings have fallen in to disrepair, with examples of demolition, notably Remingtons Hotel and Waitaki House. She described the Plan process as an opportunity to reduce barriers to undertaking necessary works on such buildings, whilst being sensitive to their heritage values.

55. Significantly, Ms Easton identified that there is currently no historic heritage professional capability on the West Coast, either within councils or locally based consultants, despite the abundance of historic heritage, and therefore heavy reliance is placed on assistance from HNZPT, as well as contracted expertise from outside the region, particularly in relation to assessment of historic heritage items and areas, and archaeological site assessments. This context has been recognised by the Panel in the approach taken to identifying expertise

[5] P106, Table 2 of the West Coast Conservation Management Strategy
[6] The Buller District Plan was amended three times between 2004 and 2011, and the Grey District Plan was amended in 2014, however these amendments did not fully align the plans with statutory changes

suitable for undertaking assessments, including the definition of '*suitably qualified or experienced heritage professional*'.

56. In her right of reply, Ms Easton acknowledged a connection between protection of historic heritage and tourism opportunities. She noted that each of the district councils have cultural heritage tourism projects (e.g. Westland Cultural Heritage Tourism project) and locations (e.g. Ross goldfield, Shantytown, Reefton, Denniston Plateau), and that the Pounamu Pathway project recently received significant support from Development West Coast. Overall, she described historic heritage tourism as a small but growing part of West Coast tourism offerings and that she considered it a priority to support that growth. The Panel, therefore, recognise the relationship between the Historic Heritage Chapter provisions and Tourism Strategic Objective TRM-O1 in the Plan.

57. Arlene Baird of **HNZPT** advised that the West Coast has already lost "*an absolutely massive amount*" of heritage, and that the region is "*incredibly unique*" with heritage that is not found anywhere else in the country. Ms Baird followed that there is a need to strive to protect as much historic heritage as possible.

58. **Laura Mills**, a journalist with a passion for documenting history and a weekly heritage feature in the Greymouth Star, described a limited network of organisations and community members working to preserve West Coast heritage, with ad hoc funding. She noted that there is no business driving heritage preservation, and that investigation is dependent upon volunteer effort. Ms Mills expressed concern about previous demolition and potential further demolition of heritage listed buildings in Greymouth, and noted the vulnerability of heritage buildings in small towns. She considered that heritage tourism was taking a back seat to nature based and adventure tourism, although there was visitor interest in West Coast heritage.

59. Susan Aitken, planner for **Poutini Ngāi Tahu**, indicated that historic heritage of significance to Poutini Ngāi Tahu was included in both Schedule One and Schedule Three of the plan, so the provisions of the Historic Heritage Chapter and the SASM Chapter together support historic heritage values of cultural importance, along with unverified archaeological sites in Appendix Ten.

60. Ms Easton confirmed that all objectives in the Historic Heritage Chapter are applicable to sites and areas of significance to Māori, and that policies HH-P1, HH-P2, HH-P3 and HH-P9 are suitable policies to apply in relationship with the policies in the SASM Chapter.

2.1. Definitions

Submissions and Further Submissions

61. The s42A Report, on pages 12-14, summarises submissions and further submissions on definitions.

62. HNZPT (S140.002, S140.003, S140.006 and S140.007) was the sole submitter on the definitions for '*archaeological site*', '*heritage fabric*', '*relocation*' and '*repositioning*'.

63. Poutini Ngāi Tahu (S602.031 and S620.032) was the sole submitter on the definitions for '*heritage resource*' and '*historic heritage*'.

64. HNZPT (S140.004) and Federated Farmers (S524.009) submitted on the definition of '*heritage professional*', in support of retaining as notified and requesting deletion respectively. Federated Farmers (S524.137, S524.046 and S524.138) sought an alternative definition for

'*suitably qualified heritage professional*'. The Federated Farmers submission points were opposed, variously in full or in part, by HNZPT (FS111.004, FS111.006, FS111.008) and BDC (FS149.049).

65. BDC (S538.168) sought clarification on what was meant by '*ADP commitment*' in relation to HH-R3, which is also discussed in relation to that rule.

Section 42A Report Analysis and Recommendations

66. Ms Easton supported the request of HNZPT to introduce a definition of '*archaeological site*', differentiated from '*site*', which is defined in the Plan. She recommended no amendments to the definitions of '*relocation*' and '*repositioning*', which HNZPT sought to be retained as notified. She also recommended amending the definition of '*historic heritage*' to match section 2 of the RMA in response to the Poutini Ngāi Tahu submission point, and recommended no amendments to the definition of '*heritage resource*', which Poutini Ngāi Tahu sought to be retained as notified.

67. Ms Easton did not support the submission points of Federated Farmers regarding the definition of of '*heritage professional*'. She acknowledged limited availability of heritage professionals in the region, but noted that relocation and modification of heritage items without input from appropriate expertise was an issue that had previously resulted in damage to important heritage resources. She emphasised that the definition supports rules that allow for repair, maintenance and earthquake strengthening of historic heritage buildings. She acknowledged the further submission of BDC that sought to delete reference to a minimum of 5 years of experience because the council did not wish to ascertain the work experience of every professional. She considered that any heritage professional providing advice to the Councils would provide information about their expertise.

68. Ms Easton responded to the BDC submission point by recommending a definition of '*Accidental Discovery Protocol Commitment*' to support implementation of HH-R3.

Hearing and Submitter Evidence/Statements

69. Arlene Baird on behalf of HNZPT advised that having the right expertise assessing historic heritage was particularly important and she believed that the qualifications covered by the proposed definition of '*heritage professional*' were potentially broad enough to cover a range of expertise, including architectural expertise. She acknowledged that there are occasions where an architect can have worked on heritage projects for ten years without having a particular heritage related qualification and have the right expertise, which has been overcome by councils consulting with HNZPT. She said that HNZPT takes a peer review role and assists councils. She gave the example of Christchurch City Council having a list of approved heritage professionals. She agreed that the expertise needed may differ depending on the project, and supported the use of an advice note that HNZPT may be consulted in each case, along with the use of the proposed definition. The proposed definition is used in other plans and is therefore supported by HNZPT, but Ms Baird indicated that it may benefit from an '*or*' that refers to an approved council list. She was comfortable with the term '*suitably qualified heritage professional*'.

70. Mark Lile, planner representing The O'Conor Institute Trust Board, raised the issue of capacity constraints on the West Coast, as well as nationally. He emphasised the scope of expertise that needs to be covered, particularly architectural qualifications and experience, in the definition of '*heritage professional*'. Mr Lile emphasised the importance of ensuring flexibility in the wording of the definition and/or the associated rules, potentially dropping the word

'*heritage*' from the term or otherwise addressing what is captured by the definition to reflect the reality of practice in the region.

71. Susan Aitken, planner representing Poutini Ngāi Tahu, sought clarification for plan users regarding what constitutes a '*suitably qualified heritage professional*' in order to support proposed method HH-M2. She noted that an advice note would not carry any weight. She sought that the definition be expanded to Poutini Ngāi Tahu cultural heritage expertise, determined by the relevant Rūnanga.

Reporting Officer Reply Evidence

72. There was no further evidence from Ms Easton in her right of reply on the matter of definitions.

Hearing Panel's Evaluation

73. The Panel accepts the advice of the reporting officer, with the exception of the definition of '*heritage professional*'. The Panel also note that HNZPT sought that the reference to '*site*' in the '*heritage fabric*' definition should not link to the Plan definition for '*site*'. Evidence from Arlene Baird did not further explore this point. The Panel can see the issue raised by HNZPT and consider that removal of the term '*site*' is an available course of action, as alternative relief. The word '*place*' is already part of the definition and therefore the matter of location is covered, without introducing complications that might arise from use of the term '*site*' as defined in the Plan. The Panel also understand that all uses of the term '*site*' will incorporate a hyperlink to the interpretation of the term, so the alternative relief is necessary to address the issue raised in submission. The same is true in relation to the term '*archaeological site*' which is referenced in the Overview of the Plan but is not included as a definition in the Interpretation section. The Panel consider that including a definition in the Plan would provide additional relief on this submission point and should mean the same as the HNZPT Act 2014.

74. The Panel have identified the need for a consequential amendment to the definition of '*heritage fabric*' in light of the submissions from The O'Conor Institute Trust Board (S466.013) and Frank and Jo Dooley (S478.056), as discussed in the Rules section of this Recommendation Report. Interior heritage fabric is only relevant to those heritage items in Schedule One that incorporate the phrase "*fixtures and fittings*" in their description of "*Extent*", which the Panel considers is helpful to clarify in the definition of '*heritage fabric*' in addition to amendments in the rules.

75. The Panel has considered concerns expressed by submitters regarding the potential limitations of the notified definition of '*heritage professional*', which during the course of the hearing was often referred to as '*suitably qualified heritage professional*'. The Panel accepts the view of Ms Baird that it is necessary to emphasise heritage expertise in the definition. The Panel also accepts the concerns of Mr Lile regarding clarity around the definition capturing related fields, such as architects. The Panel has further considered the evidence of Ms Baird regarding the peer support and peer review role that HNZPT offers to councils and to practitioners in the heritage field. Ms Baird stated that HNZPT does recognise some experts whose experience may not otherwise be captured in the notified definition of '*heritage professional*', particularly those with many years of experience (e.g. ten years) who may lack a relevant qualification. She also acknowledged during questioning that different types of expertise may be required depending on the circumstances of each case, so that '*suitably qualified*' may differ between proposals.

76. In the Christchurch City Council example cited by Ms Baird, involving a council approved list, HNZPT had not compiled the council list of suitably qualified heritage professionals, but Ms Baird said that HNZPT would support those on the list as having appropriate expertise to undertake heritage assessments. The Panel expressed concerns during the hearing about relying on a list approved by council, which may give rise to legal issues.

77. The Panel is of the view that a definition of '*suitably qualified heritage professional*', as requested in the Federated Farmers submission points, needs to rely on objective criteria to determine what '*suitably qualified*' means in relation to a heritage professional. In this respect, HNZPT are the statutory body with a primary function nationally to assess and protect historic places, historic areas, wāhi tupuna and and wāhi tapu, and provide support for persons with a legal or equitable interest in such places and areas[7]. The Panel considers that the act of peer review and recognition by HNZPT of heritage expertise is a means of support that HNZPT can, and currently does, provide to the district councils. The Panel also considers that the act of peer review and recognition by HNZPT, and evidence of such, is a legitimate objective means of establishing whether a person can be considered a '*suitably qualified heritage professional*', on the evidence given by HNZPT to the hearing. While the Panel can see that an advice note is helpful for plan users, this cannot overcome any limitations of the definition itself because the advice note has no statutory weight, as noted by Ms Aitken.

78. In response to submissions and evidence of submitters concerning the definition of '*heritage professional*', the Panel has determined the need to recommend an additional pathway for someone to be considered suitable, reliant on HNZPT advice, and also note that the term should be '*suitably qualified or experienced heritage professional*' to reflect the different pathways provided for in the definition. The Panel consider that the definition should be accompanied by an advice note, and consequential amendments made to the rules to incorporate the expanded term. The Panel note that Poutini Ngāi Tahu did not submit on the definition, however the evidence provided has guided drafting of the advice note to accompany the definition, and ensures consistency with the approach taken in the SASM Chapter.

79. The Panel recommend adopting the definition of '*Accidental Discovery Protocol Commitment*' to support implementation of HH-R3, but consider that the second sentence in the wording recommended by the reporting officer is better suited to an advice note accompanying the definition.

Hearing Panel's Recommendation

80. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Definitions** section of the Plan:

Accidental Discovery Protocol Commitment means a written commitment to adhere to the accidental discovery protocol as contained in Appendix Four.

Advice note: This does not replace any archaeological authority required by HNZPT.[8]

[7] Heritage New Zealand Pouhere Taonga Act 2014, s13(1)(a)
[8] Buller District Council S538.168

Archaeological site has the same meaning as in the Heritage New Zealand Pouhere Taonga Act 2014 (as set out below).[9]

Means, subject to section 42 (3) of the Heritage New Zealand Pouhere Taonga Act 2014, –

a) **Any place in New Zealand, including any building or structure (or part of a building or structure), that-**

i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

b) **Includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.**

Heritage fabric means any physical element, feature, material or finish which contributes to the heritage values, in whole or in part, of a structure, place, object **or** feature ~~or site~~.[10] **Heritage fabric only includes any interior element, feature, material or finish where specifically identified in Schedule One Historic Heritage Items and Areas that reference fixtures and fittings**.[11]

Historic heritage ~~means sites, buildings and areas identified in Schedule One Historic Heritage Items and Areas and Archaeological Sites~~ **has the same meaning as in section 2 of the RMA (as set out below) –**

a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

i. archaeological;

ii. architectural;

iii. cultural;

iv. historic;

v. scientific;

vi. technological; and

b) includes –

[9] Heritage New Zealand Pouhere Taonga S140.002
[10] Heritage New Zealand Pouhere Taonga S140.003
[11] The O'Conor Institute Trust Board S466.013, Frank and Jo Dooley S478.056

i. historic sites, structures, places, and areas; and

ii. archaeological sites; and

iii. sites and areas of significance to Māori, including wāhi tapu; and

iv. surroundings associated with the natural and physical resources

Suitably Qualified or Experienced Heritage Professional means a person with a degree or recognised post-graduate qualification in a field related to heritage conservation or management**, which may include architecture,** and at least five years of experience in a heritage conservation or management role; **or otherwise, a person peer reviewed and recognised by Heritage New Zealand Pouhere Taonga as having experience in heritage conservation or management relevant to undertaking the required role**.

Advice Note: Relevant experience in heritage conservation or management includes cultural expertise held by members of Poutini Ngāi Tahu, and consultation with Poutini Ngāi Tahu is needed to identify expertise relevant to undertaking the required role. [12]

2.2. Historic Heritage General/Whole Chapter

Submissions and Further Submissions

81. The s42A Report, on pages 8-10, summarises submissions and further submissions on the Historic Heritage Chapter as a whole. There were two submitters in support, one supporting in part and seven seeking amendments.

82. The Greymouth Heritage Trust (S104.007) sought that the Plan outline how and when heritage sites and buildings can be added to the Plan, and what would be required to be included. Rocky Mining Limited (S474.033 and S474.036)) and Papahaua Resources Limited (S500.022 and S500.025) sought recognition of the functional need and operational need of mineral extraction activities, and that use of the terms '*avoid*', '*protect*', '*prevent*' or '*minimise*' are limited to situations where they are warranted.

Section 42A Report Analysis and Recommendations

83. Ms Easton responded to the submission of Greymouth Heritage Trust by noting that a plan change would be required to add historic heritage items and areas and archaeological sites to the Plan schedules. She acknowledged that there are likely to be important heritage items and areas and archaeological sites valued by the community that are not included in the schedules because the list is largely made up of historic heritage items and areas and archaeological sites listed by HNZPT. She recommends a new method HH-M2 is added to the Plan to address this matter, which is further discussed in the Methods section of this report.

[12] Federated Farmers of New Zealand S524.009, S524.137, S524.046 and S524.138

84. Ms Easton responded to the points of the mining companies by citing Part 2 of the RMA and noting that there is no direction in higher order instruments that would give mineral extraction priority over matters of national importance. She considered that use of the terms that were causing concern for the mining companies are appropriate in the context of providing protection for historic heritage, in accordance with section 6(f) of the RMA.

Hearing and Submitter Evidence/Statements

85. The submitters did not provide evidence in support of their positions, but the Panel did receive evidence on the new proposed method HH-M2, which is discussed in the Methods section of this Report.

Reporting Officer Reply Evidence

86. There was no further evidence from Ms Easton in her right of reply on the general matters raised, aside from new Method HH-M2 which is discussed in the Methods section of this report.

Hearing Panel's Evaluation

87. The Panel accepts the advice of the reporting officer on the general matters raised.

Hearing Panel's Recommendation

88. No amendments are recommended to the Plan in relation to the general matters raised, with the exception of new Method HH-M2, which is discussed in the Methods section of this report.

2.3. Historic Heritage Overview

Submissions and Further Submissions

89. The s42A Report, on pages 10-12, summarises submissions and further submissions on the Overview of the Historic Heritage Chapter. There was one submission point opposing in part and seven submission points seeking amendments, from HNZPT, Poutini Ngāi Tahu and GDC, with further submissions from Westpower and Poutini Ngāi Tahu.

Section 42A Report Analysis and Recommendations

90. Ms Easton generally supported submissions seeking changes to the Overview, with the exception that she considered it necessary to be clear that Appendix Ten archaeological sites are not currently mapped and would need to be introduced by way of plan change. She did not support the request of GDC (S608.010) to remove all references to sites and areas of significance to Māori, consistent with other recommendations.

Hearing and Submitter Evidence/Statements

91. Arlene Baird on behalf of HNZPT acknowledged the acceptance of their submission points on the Overview that made obligations to archaeological sites clearer for Plan users.

92. Susan Aitken on behalf of Poutini Ngāi Tahu accepted the alternative wording provided in the s42A Report regarding Appendix Ten. She recorded her agreement with the reporting officer that all of the objectives are relevant to SASM, as well as Notable Trees, and that policies HH-P1, HH-P2, HH-P3 and HH-P9 are the relevant policies for SASM. She supported the remainder

of the recommendations on Poutini Ngāi Tahu submission points, whilst also noting some additional typos that were not picked up in Appendix 1 to the s42A Report.

93. Martin Kennedy, on behalf of Westpower, provided further evidence on further submission FS222.0161 in light of the s42A Report rejecting the point in favour of the HNZPT submission point S140.015. He recommended some wording that would satisfy the intent of the submission and further submission, adding "*including archaeological sites*".

Reporting Officer Reply Evidence

94. Ms Easton, in response to a question from the Panel, considered that there may be value in referencing heritage tourism in the Overview, which would provide a link to the Strategic Direction for Tourism in the Plan. She did not provide any recommended wording.

Hearing Panel's Evaluation

95. The Panel generally accepts the advice of the reporting officer on the Overview. The Panel also agree with Mr Kennedy that the additional wording he recommends would assist, which is further discussed in relation to the method in the Methods section of this report. The Panel have considered any need for additional reference to heritage tourism but find that reference is already present in paragraph three of the Overview, which is considered to be sufficient and provides a link to the Strategic Direction for Tourism in the Plan.

96. The Panel also recommend amending the Overview to avoid use of the term '*sites*' that may be problematic, preferring the overarching terms '*items*' and '*areas*', and separate reference to '*archaeological sites*', which mirrors the headings in the notified versions of Schedule 1A and Schedule 1B.

97. With regard to Appendix Ten, the Panel do not consider that an alert layer for information purposes is a matter for a plan change. The Panel consider that addition of these sites to Schedule One would warrant a plan change, so the Overview is amended on the basis of this understanding.

Hearing Panel's Recommendation

98. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Overview**:

Overview

~~Sites~~ **Items**[13], areas, memorials and buildings may have historic heritage values if they are places or objects ~~which~~ **that**[14] people associate with their identity, history, and events or cultural traditions.

Historic heritage values are important because they provide a tangible insight into our past and can be an important source of knowledge**,**[15] and a social and cultural link to the past that is important

[13] Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003
[14] RMA First Schedule, Clause 16
[15] RMA First Schedule, Clause 16

to the community. The destruction or damage of heritage values can cause the loss of this knowledge**,**[16] as well as a social/cultural link to the past.

As well as meeting the specific duties under section 6 of the Resource Management Act 1991, protecting historic heritage values can help teach people about their past, foster a sense of identity and community**,**[17] and provide economic opportunities in heritage, tourism, recreation, restoration and marketing.

Te Tai o Poutini Plan manages different types of historic heritage.

Historic Heritage items are listed in Schedule One**, Schedule Two and Schedule Three. Schedule One predominantly covers the built and colonial heritage and also** ~~The schedule also~~[18] identifies if there are any interior elements of a heritage building that are also protected. **Schedule Two covers notable and heritage trees that are important to the community and Schedule Three reflects Poutini Ngāi Tahu historic heritage areas**.[19]

Historic areas are also listed in Schedule One. There are eight historic areas – Denniston Historic Area, Reefton Historic Area, Waiuta Historic Area, Greymouth Railway Station Historic Area, Moana Railway Station Historic Area, Brunner Mines Historic Area, Jack's Mill School Historic Area and Ross Historic Area.

Under the Heritage New Zealand Pouhere Taonga Act 2014, ~~A~~**a**rchaeological[20] sites are any place in Aotearoa New Zealand (including buildings and structures) that are associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. There are a large number of archaeological sites identified in the West Coast/Te Tai o Poutini. While all archaeological sites are protected under **the**[21] Heritage New Zealand Pouhere Taonga Act 2014, archaeological sites **predominantly related to European colonial history**[22] of particular significance to the community on the West Coast/Te Tai o Poutini are included in Schedule One and the Historic Heritage rules also apply to these archaeological sites. **This schedule can also contain post-1900 items and areas**.[23] **The archaeological sites listed in Schedule One, while an important part of the West Coast/Te Tai o Poutini, are not the full list**.[24] Alongside this, the New Zealand Archaeological Association has identified a list of archaeological sites of Māori origin. **Further investigation is required to ensure the exact spatial location and extent of these archaeological sites, therefore** ~~T~~**t**hese[25] are included in Appendix Ten for information. **This appendix raises awareness for plan users, particularly resource consent applicants, of the increased likelihood of discovering archaeological material of Māori origin in the vicinity of these areas. Appendix Ten will be mapped and included as an "Alert Layer" on the e-plan maps. The Councils will continue to work with both Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu over the next ten years to ensure that the archaeological sites of Māori origin are accurately mapped before being considered for inclusion in Schedule One via a plan change**.[26]

[16] RMA First Schedule, Clause 16
[17] RMA First Schedule, Clause 16
[18] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.151
[19] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.151
[20] Heritage New Zealand Pouhere Taonga S140.015
[21] RMA First Schedule, Clause 16
[22] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100
[23] Heritage New Zealand Pouhere Taonga S140.015
[24] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100
[25] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100
[26] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100

Historic heritage and archaeological sites are also important to Poutini Ngāi Tahu **for values other than historic heritage**.[27] Some of these sites and areas are identified, with other Sites **and Areas**[28] of Significance to Māori, in Schedule Three. Notable trees of value to Poutini Ngāi Tahu are identified in Schedule Two. Where a site is scheduled in multiple locations, the provisions of all chapters must be considered. **Some objectives and policies of this chapter also apply to sites listed only in Schedule Two or Schedule Three**.[29]

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant to historic heritage, including:

• **Sites and Areas of Significance to Māori** – the Sites and Areas of Significance to Māori Chapter contains the provisions in relation to the sites and areas identified in Schedule Three.

• **Notable Trees** – the Notable Trees Chapter contains the provisions in relation to trees identified in [30]Schedule Two.

• **Subdivision** – the Subdivision Chapter contains provisions which relate~~d~~ to the subdivision of land with historic heritage ~~sites~~ **items**[31] and areas – in particular Rules SUB – R10 and SUB – R17.

• **Financial Contributions** – the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where **historic** heritage[32] ~~sites and~~ items **and areas**[33] are protected.

• **Signs** – the Signs Chapter contains provisions ~~which~~ **that** relate to signs that are placed on and around historic heritage ~~sites~~ **items**[34] and areas – in particular Rule SUB – R7.

• **The Zone Chapters** – ~~T~~**t**[35]he Zone chapters contain some provisions which exempt historic heritage buildings from complying with performance standards, for example visitor accommodation requirements in the Town Centre Zone.

• **Appendix Ten** – ~~T~~**t**[36]his appendix contains NZAA listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in this appendix for information purposes **and are a matter for consideration where resource consent is required for an activity that may impact an archaeological site. Appendix Ten will be mapped and included as an "Alert Layer" in the e-planning maps**.[37] Like all archaeological sites, these **archaeological sites**[38] are protected under the Heritage New Zealand Pouhere Taonga Act 2014.

Other relevant Statutory Provisions

[27] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100
[28] RMA First Schedule, Clause 16
[29] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.392, S620.151
[30] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.392, S620.153
[31] Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003
[32] RMA First Schedule, Clause 16
[33] Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003
[34] Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003
[35] RMA First Schedule, Clause 16
[36] RMA First Schedule, Clause 16
[37] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.101, S620.353
[38] RMA First Schedule, Clause 16

Aside from Te Tai o Poutini Plan, there are other key Acts and regulations seeking to protect and conserve historic heritage.

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) – under this act it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is scheduled in Te Tai o Poutini Plan or not) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) before work starts. An archaeological authority is required in addition to any resource consent required by the Council. If you discover a previously unknown archaeological site (for example, when you are undertaking ~~earth~~works[39]) you must stop any work that could affect the **archaeological[40]** site and contact HNZPT for advice on how to proceed. If there are human remains**/kōiwi or taonga**[41] revealed, then the Accidental Discovery Protocol in Appendix ~~Five~~ **Four[42]** must be followed and if any artefacts are found they must be handed over to the Ministry for Culture and Heritage.

The Building Act 2004 – this Act and associated regulations manage earthquake-prone buildings. Earthquake strengthening to scheduled **historic[43]** heritage buildings and items is a permitted activity so long as the strengthening work does not compromise the historic heritage building or item**'**s[44] heritage values.

2.4. Historic Heritage Objectives

Submissions and Further Submissions

99. The s42A Report, on pages 17-20, summarises submissions and further submissions on the Objectives of the Historic Heritage Chapter.

100. There were six submissions in support of the objectives as a whole.

101. With regard to **HH-O1**, there were two submissions in support seeking that the objective be retained as notified.

102. With regard to **HH-O2**, there were two submissions in support seeking that the objective be retained as notified, and one seeking amendment. Westpower (S547.170) sought additional wording to say "*from inappropriate subdivision, use and development*".

103. With regard to **HH-O3**, there were two submissions in support seeking that the objective be retained as notified, and one seeking amendment. Westpower (S547.171) sought additional wording to say "*from inappropriate subdivision, use and development*".

104. With regard to **HH-O4**, there were two submissions in support seeking that the objective be retained as notified, and two seeking amendment. Westpower (S547.172) sought additional wording to say "*from inappropriate subdivision, use and development*", replacement of the word "*restricting*" with "*managing*", and the addition of "*where sustainable alternatives*

[39] Heritage New Zealand Pouhere Taonga S140.017
[40] Heritage New Zealand Pouhere Taonga S140.017
[41] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.102, S620.154
[42] RMA First Schedule, Clause 16
[43] RMA First Schedule, Clause 16
[44] RMA First Schedule, Clause 16

exist". Kiwirail (S442.047) sought the addition of "*while recognising the functional or operational need of infrastructure*".

Section 42A Report Analysis and Recommendations

105. Ms Easton supported use of the phrase "*inappropriate subdivision, use and development*" being added to HH-O2, HH-O3 and HH-O4, to align with section 6(f) of the RMA. She did not support the additional Westpower amendments to HH-O4 because she considered that they would undermine the purpose of the objective. She also did not support the Kiwirail submission point seeking reference to '*functional need*' and '*operational need*' because HH-O4 is addressing a matter of national importance and it would not be appropriate at the objective level.

Hearing and Submitter Evidence/Statements

106. Susan Aitken, on behalf of Poutini Ngāi Tahu, accepted the recommended amendments to the objectives in the s42A Report, although the Poutini Ngāi Tahu submission points had supported retaining the objectives as notified.

107. Martin Kennedy, on behalf of Westpower, reiterated his position that the additional requested amendments to HH-O4 would be consistent with s6(f) of the RMA and also reflect the reality of heritage management, particularly as experienced by communities with limited resources.

108. Stephanie Styles, in the tabled evidence from Manawa, acknowledged the partial acceptance of their submission point on HH-O2, which sought to retain the objective as notified.

Reporting Officer Reply Evidence

109. In her right of reply Ms Easton did not recommend any additional amendments to the objectives.

Hearing Panel's Evaluation

110. The Panel accepts the addition of the phrase "*inappropriate subdivision, use and development*" in HH-O3 and HH-O4 for the reasons identified by the reporting officer and submitters. However, the Panel does not recommend including it in HH-O2 because the objective is already describing sensitive development, which is appropriate development, while protecting values of historic heritage items and areas.

111. The Panel consider that the term "*managing*", rather than "*restricting*", better describes the process involved in any relocation, repositioning, internal and external alterations and additions to heritage items. The policy and rule framework describes the way in which this is done to protect historic heritage values, and supports these activities to occur in an appropriate manner. The Panel therefore agree with Westpower on this matter. However, the phrase "*where sustainable alternatives exist*" is problematic because alternatives may differ over time depending on a range of factors, including technological and financial. The Panel consider that the policy framework does allow for demolition and destruction to occur in limited circumstances, and that therefore the objective as notified is misaligned with policy. The Panel consider the policy to be important, allowing for demolition and destruction when particular conditions are met. While the Panel understand submitter concerns that recognising this at the objective level introduces risk of more demolition and destruction occurring, it is part of the policy design of the notified Plan. Recommendations to the Panel

are to modify the associated policy, rather than to delete it from the Plan, and therefore the objective needs to reflect this. The Panel therefore offer alternative relief on the Westpower submission point.

Hearing Panel's Recommendation

112. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Objectives**:

HH-O1

Recognise, protect and celebrate the benefits of historic heritage of the West Coast/Te Tai o Poutini and its contribution to wellbeing through supporting a sense of place, community identity, culture and economic opportunities.

HH-O2

Provide for development opportunities that are sensitive to the identified values of scheduled historic heritage items and areas while providing for the protection of these values.

HH-O3

Identify, assess and recognise historic heritage places and features that are valued locally, regionally and nationally to ensure their protection **from inappropriate subdivision, use and development**[45] for future generations.

HH-O4

Protect historic heritage **from inappropriate subdivision, use and development** by ~~restricting~~ managing relocation, repositioning, internal and external alterations and additions to heritage items and ~~not~~ **only** allowing demolition and destruction **in limited circumstances**. [46]

2.5. Historic Heritage Policies

Submissions and Further Submissions

113. The s42A Report, on pages 21-25, summarises submissions and further submissions on the Policies of the Historic Heritage Chapter.

114. There was one submission in support of the policies as a whole from BDC.

115. With regard to **HH-P1**, there was one submission in support from Te Mana Ora.

116. With regard to **HH-P2**, there were two submissions in support from Te Mana Ora and Poutini Ngāi Tahu.

117. With regard to **HH-P3**, there were two submissions in support from Te Mana Ora and HNZPT.

[45] Westpower S547.171
[46] Westpower S547.172

118. With regard to **HH-P4**, there were two submissions from Te Mana Ora and HNZPT, and one supporting in part. Manawa (S438.063) sought addition of the phrase "*where practicable*".

119. With regard to **HH-P5**, there were two submissions in support from Te Mana Ora and Northern Buller Communities Society Incorporated, one supporting in part and two seeking amendments.

120. HNZPT (S140.021) sought to delete the word "*or*". Westpower (S547.173) sought addition of the phrase "*or the supply and use of energy*". Manawa (S438.064) sought addition of two clauses that allow for alterations required to enable continued use of the item, or for maintenance or repair purposes.

121. With regard to **HH-P6**, there was one submission in support from Te Mana Ora and three seeking amendments.

122. HNZPT (S140.022) sought addition of the phrase "*assessed by a suitably qualified heritage professional*". Poutini Ngāi Tahu (S620.107) sought an additional clause that referenced impacts on Poutini Ngāi Tahu values associated with any item or site or area of significance to Māori. Westpower (S547.174) sought an additional phrase that referenced technical, locational, functional or operational constraints or requirements of energy activities.

123. With regard to **HH-P7**, there were two submissions in support from Te Mana Ora and Northern Buller Communities Society Incorporated, one supporting in part and two seeking amendments.

124. Westpower (S547.175) sought an additional phrase that referenced technical, locational, functional or operational constraints or requirements of energy activities. Bathurst (S491.011) sought additional wording to indicate that a suitably qualified heritage professional may be required to undertake an assessment, having regard to the nature of the protected heritage item. Manawa (S438.065) sought additional wording to reference significant risk to public safety, or adverse effects on the efficient functioning or operation of regionally significant infrastructure.

125. With regard to **HH-P8**, there were two submissions in support from Te Mana Ora and Northern Buller Communities Society Incorporated, and one seeking amendment.

126. Westpower (S547.176) sought an additional phrase "*or the supply and use of energy*".

127. With regard to **HH-P9**, there were two submissions in support from Te Mana Ora and Poutini Ngāi Tahu, and one supporting in part.

128. HNZPT (140.023) sought amendments to include the phrase "*prioritising sites of Māori origin*".

129. Kiwirail (S442.048) sought a new policy to read as follows:

> **HH-PXX**
>
> Only allow new infrastructure on or within heritage items, heritage settings and historic heritage sites, identified in Schedule One where it can be demonstrated that: there is an operational need or functional need that means the infrastructure's location cannot be avoided; and the new infrastructure will protect and maintain the particular heritage and/or cultural values of that building, site, area, item and/or feature.

130. Greymouth Heritage Trust (S104.009) sought a new policy to read as follows:

> **HH-PXX**
>
> That the Plan promotes the identification of human activity in the now that will become heritage assets in the future.

Section 42A Report Analysis and Recommendations

131. With regard to **HH-P2**, Ms Easton provided evidence at the outset of the hearing process on a whole of Plan submission from David Ellerm (S581.005) that sought the phrase "*including landowners*" be included to accompany reference to "*stakeholders*", supporting the addition of this phrase to HH-P2.

132. With regard to **HH-P4**, Ms Easton did not support the addition of "*where practicable*" because she considered this would inappropriately allow for degradation of heritage values.

133. With regard to **HH-P5**, Ms Easton supported the submission point of HNZPT to remove "*or*" because the policy links to HH-R2 and both limbs need to be satisfied. She also supported the Westpower submission point to include supply and use of energy as a consideration because it also links to HH-R2, and upgrading electricity supply can be an important aspect of enabling use of historic heritage.

134. Ms Easton did not support the Manawa submission point seeking consideration of continued use or maintenance and repair. She considered clause a) to be the primary direction of the policy, and that the additions from Manawa would allow for a wide range of activities that could substantially degrade heritage values. She also did not consider repairs and maintenance to be within the realm of '*additions and alterations*', which are defined.

135. With regard to **HH-P6**, Ms Easton supported the submission point of HNZPT to specify assessment by a suitably qualified heritage professional because it recognises the importance of professional oversight when relocating a historic heritage item. She supported the submission point of Poutini Ngāi Tahu seeking reference to impacts on Poutini Ngāi Tahu values and sites and areas of significance to Māori because a range of heritage items are within SASM sites and areas.

136. Ms Easton did not support the Westpower submission point seeking reference to constraints or requirements of energy activities because she did not consider it to be a relevant matter when assessing whether or not to reposition or relocate a heritage item. She considered the focus of the assessment to be heritage values and the impact of moving the item on those values.

137. With regard to **HH-P7**, Ms Easton did not support the Westpower submission point seeking reference to constraints or requirements of energy activities because she did not consider it to be a relevant matter when assessing whether or not to allow the demolition or destruction of a heritage item. She also did not support the submission point of Bathurst seeking that an assessment may not always be necessary, on the basis that the heritage item has already been identified as having value and its protection as a matter of national importance. She considered it appropriate that a suitably qualified heritage professional provide an assessment to guide decision-making.

138. Ms Easton supported the request of Manawa for an additional matter to be included with regard to risk to public safety, however she did not consider adverse effects on regionally

significant infrastructure to be sufficient reason to justify demolition or destruction of a heritage item.

139. With regard to **HH-P8**, Ms Easton did not support the Westpower submission point seeking an additional matter of consideration around supply and use of energy. She considered that clause c), d) and e) of the policy already provide for a range of circumstances that could accommodate supply and use of energy.

140. With regard to **HH-P9**, Ms Easton did not support the amendment sought by HNZPT to include all NZAA archaeological sites and prioritise sites of Māori origin, because resources on the West Coast are severely constrained, with over 1000 NZAA archaeological sites and over 200 of Māori origin. She considered that recommended Method HH-M2 would assist.

141. With regard to the additional policy proposed by Kiwirail, Ms Easton supported this as part of the policy suite because she considered there was a gap, such that there was not recognition in the notified policies of circumstances where there may be a functional need or operational need for critical infrastructure to locate on or within a heritage item. She recommended adoption of the wording proposed by Kiwirail.

142. With regard to the additional policy proposed by the Greymouth Heritage Trust, Ms Easton explained that the matter had been considered during drafting of the Plan, but there is no clear mechanism to protect items or areas that may have historic heritage value in the future. Examples discussed during plan development included the site of the Holcim Cement Works, and she considered that such examples belonged in the category of "sense of place" or "amenity values" rather than historic heritage. She therefore recommended no amendments based on the submission point.

Hearing and Submitter Evidence/Statements

143. With regard to **HH-P4**, Stephanie Styles, on behalf of Manawa, tabled evidence indicating disagreement with the conclusion of the s42A Report regarding the effect of adding "*where practicable*" to the policy. She cited the NPSREG, which requires decision-makers to have particular regard to logistical or technical practicalities, and gave the example of Manawa adaptive re-use of historic heritage items in their schemes, which means some change to those items. Rather than allowing for significant degradation of heritage values, she considered that the recommended amendment from Manawa would take into account the reality of the operational requirements of owners of heritage items. She also noted that the policy would not negate the need for a resource consent, but would allow assessment in decision-making that allows for practicalities.

144. With regard to **HH-P5**, Stephanie Styles, in her tabled statement considered the reasoning of the s42A Report in rejecting reference to alterations required to enable the continued use of the item, which she did not agree with. She offered alternative wording to support the intent of the submission, as follows:

> c. the alterations are necessary to enable the continued adaptive reuse of the heritage item while maintaining heritage values to the fullest extent possible.

145. Ms Styles also considered rejection of reference to alterations required for maintenance or repair, and emphasised that the point of including the matter was to illustrate that repair and maintenance may be the purpose of the alterations. She maintained that maintenance and repair are legitimate considerations, and she was guided by Manawa experience with the schemes that incorporate heritage items.

146. With regard to **HH-P6**, Susan Aitken, on behalf of Poutini Ngāi Tahu, acknowledged the reporting officer's acceptance of wording proposed in their submission and agreed with the reasoning provided in the s42A Report.

147. Martin Kennedy, on behalf of Westpower, did not agree with the reasoning in the s42A Report for rejecting their submission point. He considered RSI related issues to be relevant if they are the reason for any proposed relocation or repositioning, and continued to seek inclusion of the matter in this policy.

148. With regard to **HH-P7**, legal submissions from Joshua Leckie and Christina Sheard for Bathurst outlined the statutory framework governing historic heritage items and areas, emphasising that protection and regulation of Heritage List items is achieved through the objectives, policies and rules of District Plans, and that archaeological sites are those that pre-date 1900, so they cannot be modified or destroyed without authority from HNZPT. The legal submissions argued for a heritage assessment to be a discretionary requirement, that could be considered during the resource consent process, on the basis that there will be situations where the conditions of the building determine that demolition or destruction is appropriate, where the structure is not safe or reasonably able to be repaired.

149. Campbell Robertson, on behalf of Bathurst, identified that a building they own on Section 2 SO Plan 14868 NL10A/582 within the Denniston Historic Area may pre-date 1900, and that this area is identified in Schedule One of the Plan, as well as the Heritage List as a Category 1 Historic Place. He outlined that the building was damaged and over-all in a state of disrepair, as a result of vandalism and potentially also extreme weather events. Mr Robertson supported addition of consideration of risks to public safety in the policy. He considered that images of the building provided in his evidence demonstrated that the building is not safe, or reasonably able to be repaired, such that the additional burden of obtaining a report was unnecessary and the matter could be determined by a council planner.

150. Arlene Baird, on behalf of HNZPT, supported the strong language of this policy that states demolition and destruction "*will not be allowed*", reflecting the importance of providing protection for historic heritage, although there are some scenarios where demolition or destruction may be provided through a consenting route.

151. Martin Kennedy, on behalf of Westpower, did not agree with the reasoning in the s42A Report for rejecting their submission point. He considered RSI related issues to be relevant when considering proposals to demolish or destroy historic heritage items. He argued that the matter assists in guiding decision-making where potential conflicts arise, and continued to seek inclusion of the matter in this policy.

152. Stephanie Styles, on behalf of Manawa, in her tabled statement assessed the s42A Report response to their submissions point that sought the matter of public safety to be incorporated and agreed with the alternative relief proposed, with the exception that she considered the word "*viable*" should be replaced with the word "*practicable*", to better align with the NPS-REG. However, she disagreed with the conclusion reached regarding the matter of efficient functioning or operation of RSI, and considered that the NPS-REG provided weight to the matter. She expressed concern regarding acceptance of the proposed policy from Kiwirail on the basis that it is about new infrastructure and could have unforeseen consequences, inconsistent with the approach recommended by Manawa in their submission points.

153. With regard to **HH-P8**, Martin Kennedy, on behalf of Westpower, did not agree with the reasoning in the s42A Report for rejecting their submission point. He emphasised that the

intent was to ensure the viability of use of heritage items, similar to HH-P5, and he considered that undertaking alterations for the use and supply of renewable energy would support that outcome. He therefore continued to seek inclusion of the matter.

154. With regard to **HH-P9**, Arlene Baird, on behalf of HNZPT, explained that their submission point sought a commitment to undertake a programme to accurately map all NZAA sites, rather than just those of Māori origin. She acknowledged, having considered points raised in the pre-hearing meeting, that the resources of the Councils are severely constrained. She supported the recommended Method HH-M2, which would provide a clear pathway for additional sites to be included in the Plan.

155. Susan Aitken, on behalf of Poutini Ngāi Tahu, accepted the reasoning for rejection of their submission point and considered that recommended Method HH-M2 provides for a process to add archaeological sites to Schedule One of the Plan. She considered that although Appendix Ten archaeological sites are not yet mapped, their historic heritage status is still recognised and provided for in the Plan as a matter for discretionary and non-complying resource consent processes, and that NZAA sites of Māori origin are protected under the HNZPT Act.

156. With regard to the additional policy proposed by Kiwirail, Martin Kennedy, on behalf of Westpower, did not support the wording of the policy, although he supported the intent. He considered that the intent of the policy could be achieved by accepting other Westpower submission points, and he expressed concern that policy wording would mean historic heritage would always prevail over RSI, with no assessment of the impact of that policy outcome.

Reporting Officer Reply Evidence

157. With regard to **HH-P5**, Ms Easton agreed with the amendment recommended by Stephanie Styles to allow alterations necessary to enable adaptive reuse of heritage items while maintaining heritage values. She also agreed that upgrading of energy supplies should be to the historic item, not supplying the wider network, and therefore recommended corresponding amendments.

158. With regard to **HH-P6**, Ms Easton responded to a query from the Panel asking if the policy could be re-worded more clearly to address the intention of managing heritage items on leased land in Greymouth. She considered that there may be scope in submissions where submitters had asked for the Plan to be written in "plain English" and recommended amended wording for clause g).

159. With regard to **HH-P7**, Ms Easton agreed with the amendment recommended by Stephanie Styles to exchange the word "*viable*" with the word "*practicable*" in the requested clause to address matters of public safety. She considered questions raised by the Panel including regarding how "*unreasonable*" would be assessed, and whether guidance could be provided by way of an advice note. She agreed that an advice note could be helpful, but that assessment would be on a case by case basis. She referred to section 85(b) of the RMA which references an "*unfair or unreasonable*" burden without further clarification, and she could not find case law to assist the question. Ms Easton also responded regarding any available mechanism to make people maintain heritage items, indicating that there was only section 131 of the Building Act regarding the need for policy around dangerous and unsanitary buildings, as applicable to heritage buildings. She considered the question of whether criteria were needed to guide assessment of practicable alternatives, and reiterated that it would be done on a case

by case basis. She advised that "*practicable*" might differ based on a number of factors, including the degree of deterioration of the building, potential uses in its location, or characteristics of the building or item that make it more or less suitable for adaptive reuse.

160. Ms Easton also confirmed for the Panel, in response to questions at the hearing, that the Bathurst property that was the subject of their submission is situated within the Denniston Historic Area.

161. With regard to **HH-P9**, Ms Easton responded to a question from the Panel by indicating that she considered prioritisation could be a useful addition to the policy. She did not identify scope for the addition, but did recommend a list of priorities similar to recommended Method HH-M4. She also advised that the 90 heritage items referenced by HNZPT at the hearing were sites that people sought to be included in the Heritage List, and resulted in Waiuta Historic Area being included in Schedule One of the Plan. She noted that the HNZPT information on these sites is available to support further assessment for inclusion in Schedule One. She reiterated that HNZPT can only apply general pre-1900 archaeological sites provisions from the HNZPT Act in the absence of scheduling in the Plan.

162. In response to Panel questions about steps to prepare a variation to the Plan in relation to the historic heritage schedule, Ms Easton noted that over the next two years detailed site records would be produced for each of the items in Schedule One. Following that, a variation would be prepared to update the schedule listings, which could be as early as 2026. However, she noted that there was no budget to assess the 90 additional sites referenced by HNZPT or any programme in place to do so. She noted that items in Appendix Ten would be reviewed once the site records for schedule items were complete.

Hearing Panel's Evaluation

163. With regard to **HH-P1**, the Panel do not recommend any amendments in response to submissions and evidence.

164. With regard to **HH-P2,** the Panel agree with the recommendation of Ms Easton to incorporate the phrase "*including landowners*" in this policy in response to the whole of Plan submission point of David Ellerm.

165. With Regard to **HH-P3**, the Panel do not recommend any amendments in response to submissions and evidence.

166. With regard to **HH-P4**, the Panel agree with the reporting officer's recommendation, and note that addition of the new policy for RSI may address the matter raised by Manawa regarding compatibility with the NPS-REG.

167. With regard to **HH-P5**, the Panel agree with the recommendation in the reporting officer's right of reply, and with the evidence of Manawa on this policy. The Panel agree that alterations may be required during repair and maintenance, as highlighted by Manawa, but consider that the addition of c) covers a wide range of circumstances where alterations may be required to enable continued adaptive reuse, including repair and maintenance, so are satisfied that no further addition to the policy is required.

168. With regard to **HH-P6**, the Panel agree with the recommendation in the reporting officer's right of reply, and have further considered the evidence of Westpower and Manawa in relation to RSI and the new policy proposed by Kiwirail. The Panel accept that there may be occasion for relocation or repositioning due to relationship with RSI, and therefore

recommend amendment to the policy, incorporating additional matters for consistency with the new policy proposed by Kiwirail.

169. With regard to **HH-P7**, the Panel have considered the request of Bathurst for a discretionary consideration regarding the need for a professional assessment and agree with the reporting officer that council planning officers should have appropriate technical advice to inform decision-making. The Panel have also considered the submission points of Westpower and Manawa regarding impacts on RSI as a reason for destruction or demolition. The Panel consider that section 6(f) requires protection from inappropriate subdivision, use and development, and that it is not appropriate to prioritise RSI over a heritage item when it comes to permanent demolition or destruction. The Panel consider that the notified conditions of the policy need to be satisfied, while supporting the point that public safety is a suitable matter to add to the policy, including in response to the Building Act 2004. Only where these conditions are satisfied should there be a pathway, including in circumstances where owners of RSI seek demolition or destruction of a heritage item.

170. With regard to **HH-P8**, the Panel agree with the recommendation and reasoning of the reporting officer, and note that the new policy also addresses the matter raised by Westpower.

171. With regard to **HH-P9**, the Panel have reviewed scope in relation to the policy and find that the matter of prioritisation is limited to sites of Māori origin, as referenced in the HNZPT submission point. The Panel recommend adopting the requested amendment to wording of the policy. The Panel also note that recommended method HH-M4, on the evidence received, is focussed on assessments of historic heritage items and areas included in Schedule 1A, and listed archaeological sites in Schedule 1B, within the two year period, but will not involve archaeological sites of Māori origin in Appendix Ten or NZAA sites more broadly. The Panel consider that an information only alert layer is an available option for the Councils, utilising a standard buffer around the recorded location of the archaeological site (e.g. 100m), with an explanation that the location of the archaeological sites is unverified and the buffer area is therefore an alert that archaeological material may be encountered during works. This would provide for an interim step while policy HH-P9 is implemented. The Panel understand that information layers are not part of the Plan, and are therefore not subject to Plan Change requirements, but can assist Plan users applying the Plan framework.

172. With regard to the new policy proposed by Kiwirail, the Panel recommend including an amended version of the policy specific to RSI, having listened to the concerns raised by Westpower and Manawa. The Panel consider that the version recommended by Ms Easton is too broad, encompassing all infrastructure, and that given Kiwirail assets are RSI, it is appropriate to restrict the new policy to RSI.

173. The Panel agree with the reporting officer recommendation regarding the new policy proposed by Greymouth Heritage Trust. The Historic Heritage Chapter is not the right location for preservation of modern items that may be of future historic heritage value. The Panel have not identified an alternative location in the Plan for the proposed amendment and consider that mechanisms outside the Plan will be required to assist the aim of the submitter.

Hearing Panel's Recommendation

174. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Policies**:

HH-P1

Recognise that historic heritage items **and areas**[47] may be valued on a national, regional or local scale.

HH-P2

Identify, assess and map heritage buildings, features, places ~~and sites~~[48] and archaeological sites, in partnership with Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu and in consultation with the community and key stakeholders**, including landowners**.[49]

HH-P3

Assess the values of historic items and areas using the criteria set out in Method 3 of Chapter 4 in the West Coast Regional Council Policy Statement:

a. Historic;

b. Cultural;

c. Architectural;

d. Archaeological;

e. Technological;

f. Scientific;

g. Social;

h. Spiritual;

i. Traditional;

j. Contextual; and

k. Aesthetic.

HH-P4

Enable the use, including adaptive reuse**,**[50] of historic heritage items identified in Schedule One, while ensuring that their identified values are maintained.

HH-P5

When considering the proposals for external alteration of historic heritage items identified in Schedule One, the following matters should be considered:

[47] RMA First Schedule, Clause 16, for internal consistency with Schedule One
[48] Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003
[49] David Ellerm S581.005
[50] RMA First Schedule, Clause 16

a. Any external alteration will not significantly detract from an item of historic heritage value; ~~or~~[51]

b. The alterations are for the primary purpose of improving structural performance, fire safety, **upgrading energy supply** or physical access **to the heritage item;**[52]

c. The alternations are necessary to enable the continued adaptive reuse of the heritage item while maintaining heritage values to the fullest extent possible. [53]

HH-P6

When considering proposals for relocation or repositioning of historic heritage items identified in Schedule One, the following matters shall be considered:

a. The impact on the physical integrity of the item and practical considerations associated with relocating or repositioning;

b. Whether the item can be accommodated without having a significant adverse effect on the structure and heritage values of the item;

c. Whether the item is at immediate risk from natural hazards identified in the Natural Hazard Chapter of this plan;

d. Whether the relocation is to return an item to its original location;

e. The impact of the movement of the item on public access to the item;

f. The importance of the heritage item's setting to its heritage significance and the impact of relocation or repositioning on that significance; ~~and~~

g. The historic heritage item and land it is sited on are in different ownership and ~~following investigation and assessment into~~ **there is no** practical option~~s~~ for the ~~retention of the historic heritage~~ item **to remain** in its current location~~, it is unreasonable for the item to remain.~~**; and**[54]

h. **Functional need and operational need of regionally significant infrastructure, where there is no practicable alternative location and heritage values of the item are maintained**.[55]

HH-P7

Demolition and destruction of **a** historic heritage item~~s~~[56] identified in Schedule One will not be allowed unless it can be demonstrated, through investigation and assessment by a suitably qualified **or experienced**[57] heritage professional that:

a. The extent of the work required to retain the heritage item~~s~~[58] is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;

[51] Heritage New Zealand Pouhere Taonga S140.021
[52] Westpower Limited S547.173
[53] Manawa Energy Limited S438.064
[54] Gina Hogarth S304.003
[55] Westpower Limited S547.174, and consequential to acceptance of Kiwirail Holdings Limited S442.048
[56] RMA First Schedule, Clause 16
[57] Consequential amendment arising from decision on the definition of '*heritage professional*'
[58] RMA First Schedule, Clause 16

b. **The item poses a significant risk to public safety and there is no practicable alternative to make the item safe;**[59]

c. The costs to retain or repair the heritage item would be unreasonable;

d. All other viable alternatives, including relocation and repositioning,[60] have been fully considered.

HH-P8

Internal alteration of historic heritage buildings identified in Schedule One assessed as having significant internal values will not be allowed unless it can be demonstrated that:

a. The alterations are for the primary purpose of improving structural performance, fire safety or physical access; or

b. It is in a serious state of disrepair, and cost to remedy is prohibitive; or

c. Any alteration will not detract from its heritage value; or

d. It is of a temporary or easily reversible manner and will support its ongoing use; or

e. It can be altered in part without significant adverse effects on the heritage values for which the item is listed in Schedule One.

HH-P9

The Councils will work with Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu to create a yearly work programme ~~which~~ **that**[61] will enable all NZAA sites ~~of Māori origin~~[62] ~~o~~**i**n[63] Te Tai o Poutini to be accurately mapped within the next ten years, **prioritising sites of Māori origin**.[64] These will be included in the planning maps as a Plan Change.

HH-P10

Only allow regionally significant infrastructure on or within historic heritage items or areas identified in Schedule One where it can be demonstrated that:

a. functional need or operational need of the infrastructure means that there is no practicable alternative to its location; and

b. The infrastructure will protect and maintain the heritage values of the item or area.[65]

[59] Manawa Energy Limited S438.065
[60] RMA First Schedule, Clause 16
[61] RMA First Schedule, Clause 16
[62] Heritage New Zealand Pouhere Taonga S140.023
[63] RMA First Schedule, Clause 16
[64] Heritage New Zealand Pouhere Taonga S140.023
[65] Kiwirail Holdings Limited S442.048

2.6. Historic Heritage Rules

Submissions and Further Submissions

175. The s42A Report, on pages 28-31, 36-37 and 40-46, summarises submissions and further submissions on the Rules of the Historic Heritage Chapter.

176. There was one submission on the rules as a whole. Brian Anderson (S576.002) sought that historic values should be assessed as mining proposals arise.

177. With regard to **HH-R1**, repairs and maintenance, there were two submissions in support from Te Mana Ora and BDC, one opposing in part and two seeking amendment.

178. HNZPT (S140.024) sought an additional clause requesting that repair and maintenance work be date stamped where it was indistinguishable from the original.

179. The O'Conor Institute Trust Board (S466.013) and Frank and Jo Dooley (S478.056) sought that the rule make it clear that internal alterations not affecting the external appearance of the building were permitted.

180. With regard to **HH-R2**, earthquake strengthening, fire protection and accessibility, there were four submissions in support from Te Mana Ora and BDC, one opposed and four seeking amendment.

181. The O'Conor Institute Trust Board (S466.014) and Frank and Jo Dooley (S478.057) sought reference to '*suitably qualified and experienced architects*', while Federated Farmers (S524.009) sought reference to '*suitably qualified heritage professional*'. Westpower (S547.177) sought to include reference to the supply of energy.

182. With regard to **HH-R3**, there were two submissions in support from Te Mana Ora and Westpower, one supporting in part, one opposed, one opposing in part and three seeking amendment.

183. HNZPT (S140.025) sought reference to "*archaeological site*". Westpower (S457.178 and S547.179) sought addition of the word "*or*", and sought to include reference to energy, overhead lines and fence post holes. Federated Farmers (S524.045) sought new wording for clause d). BDC (S538.168 and S538.170) sought clarification regarding what was meant by an Accidental Discovery Protocol ('**ADP**') commitment, and deletion of rule HH-R5 in order to rely on HH-R3 with amendment to refer to new infrastructure connections to heritage buildings. The Director General (S602.052) sought that clause a) reference rules in the Earthworks Chapter, including rules EW-R1 – EW-R6. Manawa (S438.066) sought an additional clause referring to maintenance and repair of RSI within the existing footprint of the infrastructure. The telecommunication companies (S663.036) sought additional reference to maintaining underground telecommunication assets and installation of new connections in circumstances where the item is not an archaeological site.

184. With regard to **HH-R4**, there was one submission in support from Te Mana Ora, one opposed, one opposing in part and one seeking amendment.

185. HNZPT sought (140.026) sought that repositioning of a historic heritage item on the same site is classified as a discretionary activity and relocating to a new site is classified as a non-

complying activity. BDC (S538.169) sought deletion of the note that repositioning and relocation proposals will always be publicly notified, deletion of the word "*sustained*" and amendment so that it was a hazard professional rather than a heritage professional that would be required. The Director General (S602.053) sought reference to an archaeological authority issued by HNZPT or written approval by HNZPT.

186. With regard to **HH-R5**, there were two submissions in support from Te Mana Ora and the telecommunications companies, one opposed and three seeking amendments.

187. Federated Farmers (S524.137) supported use of the term "*suitably qualified heritage professional*". Westpower (S547.181) sought addition of reference to energy in the title of the rule and in clause 1) of the rule. The Director General (S602.054) sought reference to an archaeological authority issued by HNZPT or written approval by HNZPT. BDC (S538.170) sought deletion of the rule because the Council considered the controlled activity rule to be onerous for necessary connections to services, and that the ADP could be relied upon to address matters associated with potentially unearthing archaeological material.

188. With regard to **HH-R6**, there were four submissions in support from Te Mana Ora, BDC, Manawa and Federated Farmers, and five seeking amendments.

189. Federated Farmers (S524.138) supported use of the term "*suitably qualified heritage professional*". HNZPT (S140.027 and S140.028) sought that "*repairs and maintenance, earthquake strengthening, fire protection and accessibility upgrades*" should be a separate rule from "*additions and alterations and associated earthworks*" for ease of plan use, and sought changes to clauses a) and c) of the rule. The TTPP Committee (S171.015) sought that the rule be restricted discretionary with no conditions, and that status when compliance is not achieved should be "*N/A*". Westpower (S547.182 and S547.183) sought reference to supply of energy in the title of the rule and reference to technical, locational, functional or operational constraints or requirements of energy activities.

190. With regard to **HH-R7**, there was one submission in support from Te Mana Ora, one opposed, one opposing in part and three seeking amendments.

191. HNZPT (S140.029) sought discretionary status for repositioning and non-complying status for relocation. BDC (S538.172) sought deletion of reference to all repositioning and relocation proposals being publicly notified. Westpower (S547.184) sought an additional clause that referenced technical, locational, functional or operational constraints or requirements of energy activities. The Director General (S602.055) sought reference to an archaeological authority issued by HNZPT or written approval by HNZPT. Poutini Ngāi Tahu (S620.108) sought an additional clause referencing impacts on cultural values on sites and areas of significance to Māori and implementation of advice from Poutini Ngāi Tahu.

192. With regard to **HH-R8**, there were three submissions in support from Te Mana Ora, HNZPT and Manawa seeking that the rule be retained as notified.

193. With regard to **HH-R9**, there was one submission in support from Te Mana Ora and one opposed.

194. HNZPT (S140.031) sought that demolition and destruction of a historic heritage item or area is classified as a non-complying activity because of the irreversibility of the action and the resulting loss of connection with history.

195. With regard to **HH-R10**, there was one submission in support from Te Mana Ora, two opposed and one seeking amendment.

196. Manawa (S438.069) sought that the rule be deleted because it is unreasonably restrictive of nationally significant activities, and that a restricted discretionary activity status would be appropriate with a single matter of discretion referencing the impact on the heritage item. BDC (S538.173) also sought deletion of the rule because it was considered too onerous. Westpower (S547.185) sought that the rule be replaced with a restricted discretionary activity status for new energy activities.

197. With regard to **HH-R11**, there was two submissions in support from Te Mana Ora and BDC seeking that the rule be retained as notified.

Section 42A Report Analysis and Recommendations

198. In relation to the submission of Brian Anderson, Ms Easton considered that there were existing mechanisms in the HNZPT Act requiring archaeological authority to be obtained. She noted that many of the sites Mr Anderson raised concerns about would meet the definition of an archaeological site and would therefore be covered by the HNZPT Act.

199. With regard to **HH-R1**, Ms Easton did not support the request of HNZPT for date stamping of repair and maintenance work because she considered it to be an unreasonable burden, not standard practice, and difficult to monitor or enforce. Ms Easton explained, in relation to alterations to interiors, only those items in Schedule One that incorporate the phrase "*fixtures and fittings*" are restricted in relation to interior alterations. She saw opportunity to provide this clarity to plan users in response to the submissions of The O'Conor Institute Trust Board and Frank and Jo Dooley by adding an advice note to the rule.

200. With regard to **HH-R2**, Ms Easton supported the submissions seeking a clear reference to the expertise required to apply the rule and recommended use of the defined term '*heritage professional*' from the notified Plan. She also supported the Westpower submission point seeking reference to supply of energy, but did not support replacing "*and*" with "*or*" because she considered that both clauses of the rule needed to be satisfied to ensure activities did not detract from heritage values.

201. With regard to **HH-R3**, Ms Easton supported reference to "*archaeological site*". She did not support addition of "*fence*" because this was not the intent of the rule. She noted that network utility poles could disturb archaeological sites, and for similar reasons she rejected the Federated Farmers submission point. She supported BDC seeking guidance on the Accidental Discovery Protocol commitment and recommended a definition be included in the Plan to provide that guidance.

202. Ms Easton supported reference to "*overhead line*" because she considered its absence to be a drafting error, but she did not consider reference to "*energy*" as necessary because electricity lines are already incorporated as network utilities. She supported the request of Manawa for maintenance and repair of existing RSI to also be permitted, and the request of the telecommunications companies in relation to existing underground assets. However, she did not support permitted status for new underground connections, which she considered should be assessed as part of a resource consent process, and for similar reasons did not support the BDC request to delete HH-R5. She accepted the submission point of the Director General in part, as it relates to EW-R1 because she considered it appropriate that these general standards for earthworks apply.

203. With regard to **HH-R4**, Ms Easton responded to the request of HNZPT for a discretionary rule for repositioning and a non-complying rule for relocating a heritage item. She noted that she had discussed the matter with Dr Ann McEwan and on that basis recommended that the rule should be restricted discretionary, rather than controlled.

204. Ms Easton supported the BDC request to remove the word "*sustained*" on the basis that the rule is managing imminent threat. She emphasised the importance of use of a heritage professional to inform relocation and repositioning decisions in order to appropriately protect heritage values. In response to the matter of notification, Ms Easton noted that the matter of public input was of importance to the community, as evidenced during the consultation process for development of the plan. She therefore did not recommend deleting the reference to public notification, but accepted the issue of timeliness raised by BDC and so recommended amendment to the notification clause.

205. Ms Easton did not propose any wording changes in response to the submission point of Federated Farmers. In response to the Director General's submission point she considered an advice note to be most appropriate, given that the matter of an archaeological authority is not within RMA jurisdiction.

206. With regard to **HH-R5**, Ms Easton did not support deletion of the rule, as sought by BDC, and considered a controlled activity status to be appropriate to allow for conditions to manage adverse effects in particular circumstances. She agreed with Westpower that energy connections should be referenced and considered their absence to be a drafting error. She considered an advice note to be the appropriate response to the Director General's submission, but agreed that approval from HNZPT would be important given that the rule does not require an assessment from a heritage professional.

207. With regard to **HH-R6**, Ms Easton did not consider it necessary to split the rule in two, as requested by HNZPT due to the efficiency of retaining all these matters in the one rule. She supported the amendments requested by HNZPT to clause a) and clause c). She supported the submission of the TTPP Committee that the rule should be restricted discretionary with no conditions and non-compliance should not result in another activity status. She also supported the Westpower submission point requesting reference to supply of energy, but did not support the additional matter of discretion associated with functional need and operational need.

208. With regard to **HH-R7**, Ms Easton responded to the request of HNZPT for a discretionary rule for repositioning and a non-complying rule for relocating a heritage item. She noted that she had discussed the matter with Dr Ann McEwan and on that basis recommended that the rule should be discretionary, rather than restricted discretionary. She therefore considered that full discretionary status would allow for the matter of HNZPT interests to be considered as raised by the Director General, consideration of Poutini Ngāi Tahu values as raised by Poutini Ngāi Tahu, and functional need or operation need of RSI as raised by Westpower. In response to BDC, as with HH-R4, Ms Easton recommended an amended notification clause.

209. With regard to **HH-R8**, similar to other requests of the Director General, Ms Easton favoured an advice note in relation to archaeological authority requirements, and agreed that approval from HNZPT would be important given that the rule does not require an assessment from a heritage professional.

210. With regard to **HH-R9**, Ms Easton discussed the matter of activity status with Dr Ann McEwan; and reconsidered her position based on what she understood of the West Coast historic

heritage context, community views during plan development, the activity status in existing district plans in the region, and the plans of other territorial authorities. Her conclusion, on balance, was that discretionary status was not sufficiently protective and that non-complying status, as requested by HNZPT, would be more appropriate.

211. With regard to **HH-R10**, Ms Easton reconsidered the rule status in light of the submissions of BDC, Westpower and Manawa and agreed that the notified rule was too onerous, so she recommended restricted discretionary status instead, with similar matters of discretion as Rule HH-R8.

212. With regard to **HH-R11**, Ms Easton noted support for the rule.

213. With regard to the submissions of Rocky Mining Limited (S474.006) and Papahaua Resources Limited (S500.027) seeking a new restricted discretionary activity for mineral extraction, Ms Easton did not support these submissions. She noted that protection of historic heritage from inappropriate subdivision, use and development was a matter of national importance, whereas mineral extraction, while an important economic activity in the region, is not recognised as requiring additional weight or consideration and is not an activity expected to occur in historic heritage areas.

Hearing and Submitter Evidence/Statements

214. With regard to **HH-R1**, Mark Lile on behalf of The O'Conor Institute Trust Board provided evidence that the Institute building is Category 2 on the Heritage List and is identified in Schedule One as HH19, but is not shown as having internal "*fixtures and fittings*" of heritage value. Mr Lile indicated support for the advice note recommended by the reporting officer in response to the issue raised in submission.

215. Arlene Baird, on behalf of HNZPT, in her evidence dated 8 November 2023 responded to the s42A Report rejection of date stamping work, describing the act of date stamping as a simple and effective measure that does not place a burden on owners and is consistent with the ICOMOS NZ Charter. However, she accepted the position of the reporting officer and noted that, where necessary, HNZPT can advocate for date stamping through consultation on individual cases. Following discussion at the hearing, outlining the simple acts required to date stamp activity, she provided wording for a date stamping condition, with accompanying advice note, as follows:

> **x. New materials, works or reconstructed elements shall be date stamped to indicate the time of their installation.**
>
> ***Advice note: Date stamping is a term used in heritage conservation to mean marking with a date, not necessarily a stamp, and is important to clearly distinguish replicated or introduced features and new areas of fabric from heritage fabric so changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builders pencil be used with regard to masonry or timber, or small steel plate can be used on timber. A permanent marker pen may be used on steel elements. Marking should be in unobtrusive locations. Not all new fabric requires dating, where there are areas of new or introduced material, it can be done on examples of this, rather than on every piece. It should be noted that some treated t imber and plasterboard is already dated.***

216. With regard to **HH-R2**, Mark Lile on behalf of The O'Conor Institute Trust Board indicated support for use of the term '*suitably qualified and experienced heritage professional*' in the rule, provided that it appropriately covers architectural expertise.

217. With regard to **HH-R3**, Susan Aitken, on behalf of Poutini Ngāi Tahu, outlined the purpose of their further submissions on this rule, which was to emphasise that heritage is more than just archaeology and includes sites and areas of significance to Māori. She supported the s42A Report recommendation for the rule.

218. Martin Kennedy, on behalf of Westpower, retained his position that addition of "*or*" to the rule would be appropriate, although he did not provide reasons in his written evidence. Mr Kennedy advised that consultation with company representatives indicated that it would not be possible to replace an overhead line without digging a new hole. He considered that the rule was intended to capture fence posts and not posts or poles for network utilities, and that the rule would be unduly restrictive on Westpower activities if the recommendations of the reporting officer were accepted.

219. Stephanie Styles, on behalf of Manawa, in her tabled statement acknowledges the reporting officer's acceptance of their submission point.

220. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer's recommendation.

221. Chris Horne, on behalf of the telecommunications companies, advised that the trenching of service connection requires a minimum of 200mm and a "spade width", with subsequent reinstatement of disturbed land. He considered that the level of excavation would be similar for maintaining existing assets as installing new ones.

222. With regard to **HH-R4**, Arlene Baird, on behalf of HNZPT, reiterated that she considered that repositioning and relocation are quite different activities with varying levels of potential impact on heritage values. She noted that repositioning maintains connection to the setting of the heritage item, which is lost when the item is relocated. She advised that Dr Ann McEwan in the pre-hearing meeting had suggested a cascade of activity status, based on the level of adverse effect, from non-complying for demolition to discretionary for relocation and restricted discretionary for repositioning. Ms Baird noted her agreement to the approach recommended by Dr McEwan, which she considered would appropriately give effect to the objectives and policies of the chapter.

223. Martin Kennedy, on behalf of Westpower, considered that if the activity status were to migrate to discretionary, then policy HH-P6 should incorporate the additional matter of discretion requested by Westpower.

224. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer recommendation. She also supported the change in activity status to restricted discretionary, and the additional matters of discretion, including in relation to impact on Poutini Ngāi Tahu cultural values.

225. With regard to **HH-R5**, Amy Young, on behalf of the Director General, in her tabled statement expressed support for the reporting officer recommendations in response to their submission.

226. Graeme McCarrison, Andrew Kantor and Colin Clune, representing the telecommunications companies, indicated that a best practice guide for installing ultra-fast broadband into

heritage buildings developed by heritage specialists in consultation with HNZPT was a good example of how to manage potential adverse effects of RSI on heritage items. They considered this type of document to provide for a more efficient resource consent process, while appropriately managing effects on heritage values.

227. Chris Horne, on behalf of the telecommunications companies, queried whether compliance with a rule could be determined by a third party, and therefore whether the amendment recommended by the reporting officer regarding approval from HNZPT would be *ultra vires*. He recommended alternative wording that would allow for consultation with HNZPT.

228. With regard to **HH-R6**, Arlene Baird, on behalf of HNZPT, reluctantly accepted the reasoning and recommendation of the reporting officer in relation to splitting this rule. She noted that combining the activities in the rule was not standard practice or user friendly, but she did not consider that it would have a direct impact on heritage outcomes and accepted the position on that basis.

229. Martin Kennedy, on behalf of Westpower, noted support for the reporting officer recommendation to accept their submission point referencing energy and sought that the change be reflected in decision, but maintained that the rejected submission point seeking an additional matter of discretion should be accepted to ensure the matter is appropriately recognised and provided for in decision.

230. Stephanie Styles, on behalf of Manawa, in her tabled statement acknowledged the reporting officer's acceptance of their submission point.

231. With regard to **HH-R7**, the evidence of Arlene Baird, on behalf of HNZPT, as described in relation to HH-R4 is also relevant to this rule.

232. Susan Aitken, on behalf of Poutini Ngāi Tahu, noted agreement with the s42A recommendation for this rule, which would allow for consideration of Poutini Ngāi Tahu values, and increase historic heritage protection.

233. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer recommendation.

234. With regard to **HH-R8**, Stephanie Styles, on behalf of Manawa, in her tabled statement acknowledged the reporting officer's acceptance of their submission point.

235. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer recommendation.

236. With regard to **HH-R9**, Arlene Baird, on behalf of HNZPT, reiterated the reasons for requiring non-complying activity status and her strong agreement with the recommendation in the s42A Report to amend the activity status for demolition and destruction of a heritage item from discretionary to non-complying. She also supported the language in policy HH-P7 that made it clear that the activity "*will not be allowed*", except in the circumstances expressed in the policy.

237. Martin Kennedy, on behalf of Westpower, outlined the case for retaining discretionary activity status, rather than migrating to non-complying as requested by HNZPT. He noted there were no changes to objectives or policies to support the change, and that a blanket approach did not consider different circumstances, whether it be Building Act requirements or funding opportunities. He was concerned about the lack of additional methods to assist owners to

retain and maintain heritage items. He considered that the outcome needed to be sustainable for the community. He reiterated that it was the strong view of the TTPP Committee that discretionary status was the appropriate classification. He considered that the change in activity status warranted further analysis, including in relation to objectives and policies.

238. With regard to **HH-R10**, Susan Aitken, on behalf of Poutini Ngāi Tahu, expressed concern with the recommended restricted discretionary rule, as requested by Westpower and Manawa. She referenced discretionary rules INF-R24 – INF-R27, which were not specific to activities located within or affecting historic heritage items and areas, inferring that discretionary status was not too onerous. She noted that new network utility structures within SASM sites and areas are discretionary under SASM-R13. She identified that more work would be required to determine what types of activities could occur, and additional matters of discretion included. In her hearing statement she noted that a solar panel installation is only one example and that there are no parameters guiding the scale of activities that may adversely affect heritage values.

239. Martin Kennedy, on behalf of Westpower, considered that migration of the rule to restricted discretionary status means that an additional matter of discretion is needed that references the functional need and operational need of energy activities.

240. Stephanie Styles, on behalf of Manawa, in her tabled statement reiterated that discretionary activity status was too restrictive and did not give effect to the NPS-REG. She agreed with the amendment of activity status to restricted discretionary, but noted that then HH-R8 and HH-R10 would have the same activity status, so she recommended deleting HH-R10 as requested in the Manawa submission. She supported utilising the matters of discretion from HH-R8, but noted that the s42A Report recommendation for HH-R10 used almost entirely different matters of discretion. She recommended amalgamating the matters restricted for discretion in HH-R8, to cover new buildings, structures and associated earthworks within a historic heritage site or area, and deleting HH-R10.

241. With regard to the requested rule for mineral extraction, Susan Aitken, on behalf of Poutini Ngāi Tahu, noted support for the recommendation of the reporting officer, recognising the variety of mining activities in terms of scale, duration and impact.

Reporting Officer Reply Evidence

242. With regard to **HH-R3**, Ms Easton advised the Panel, in response to questions, that it would be possible to treat historic heritage areas differently than historic heritage items, and differently than archaeological sites, when considering the effects of network utilities. However, she considered that scope was limited to the Westpower submission point S547.179 and the telecommunications companies' submission point S663.036 in relation to this rule.

243. Ms Easton noted that she supported the Westpower submission point S547.148 requesting to add the word "*or*" at the end of clause 1(a) because she considered that it corrected a drafting error. In response to questions from the Panel she confirmed that a power pole replaced in the same location would be permitted under this rule, but would otherwise be restricted discretionary under the new recommended Rule HH-XX, and she considered this to be appropriate.

244. With regard to **HH-R4**, Ms Easton advised the Panel, in response to questions, that the reference to natural hazards in the rule was necessary because emergency powers under s330 of the RMA only apply to certain authorised persons. She advised that the heritage item may

not be owned by the local authority and the local authority may not consider it appropriate to use emergency powers to relocate a historic heritage item owned by another party.

245. With regard to **HH-R9**, Ms Easton provided a section 32AA assessment to accompany her recommendation to change the status of demolition and destruction of a heritage item from discretionary to non-complying. She also responded to a question from the Panel asking if the Plan should require records and photographic recording of heritage items before and during their demolition. She noted that as the activity would be non-complying, this matter could be brought in to a resource consent process. She suggested that an advice note could be an option, which she advised would not have any statutory weight, but would be appropriate given that there are no submission points specific to the matter.

246. With regard to **HH-R10**, Ms Easton advised the Panel that there may be scope in the Westpower submission point S547.185 and the Manawa submission point S438.069 to differentiate historic heritage items, historic heritage areas and archaeological sites when considering the effects of network utilities.

247. Ms Easton responded to questions from the Panel, and the evidence of Susan Aitken, agreeing that there should be a threshold at which RSI activities become discretionary. She provided recommended wording for a new restricted discretionary rule to provide those thresholds, with reference to permitted activity rules in other chapters of the Plan, as follows:

> **Rule HH -RXXX**
>
> **Energy Activities and Infrastructure Activities and associated Earthworks within a Historic Heritage Site or Area identified in Schedule One not meeting Permitted or Controlled Activity Standards**
>
> **Activity Status Restricted Discretionary**
>
> **Where:**
>
> **1. These are Permitted Energy Activities provided for in Rules ENG – R1 – ENG – R5; or**
>
> **2. These are Permitted Infrastructure Activities provided for in Rules INF – R1 – INF – R12; or**
>
> **3. These are Permitted Transport Activities provided for in Rules TRN – R1 – TRN – R6.**
>
> **Matters of Discretion**
>
> **a. The location of the energy or infrastructure activity within the heritage site or area;**
>
> **b. The impacts on the historic heritage values of the site or area;**
>
> **c. Any alternative locations or designs;**
>
> **d. Impacts on amenity, identity and character;**

> **e. Compliance with a conservation plan or report that has been proposed by a suitably qualified heritage professional;**
>
> **f. Relationship with adjoining sites of historic heritage value;**
>
> **g. How effects will be minimised through construction and maintenance; and**
>
> **h. Implementation of any advice received from the relevant Poutini Ngāi Tahu Rūnanga on ways to manage the effects of the activity on cultural values.**
>
> ***Advice Note: Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) is required before any work starts.***

248. In conjunction with introduction of the new restricted discretionary rule, Ms Easton also recommended amendment to the title of HH-R10 to read as follows:

> **~~New~~ Energy Activities and ~~New~~ Infrastructure Activities within a Historic Heritage Site or Area identified in Schedule One not provided for in another rule.**

Hearing Panel's Evaluation

249. With regard to **HH-R1**, the Panel had identified some minor amendments that are recommended to be made using the RMA First Schedule, Clause 16 for the purposes of consistency and clarity. The Panel agree with the recommendation of the reporting officer to add an advice note in response to the submission points of The O'Conor Institute Trust Board and Frank and Jo Dooley regarding management of the interior of heritage buildings. The Panel support the evidence of HNZPT that explained the matter of date stamping, and wording for an additional clause to the rule that improved on the submission wording, with an accompanying advice note. While the Panel accept that date stamping may be difficult to monitor and enforce, it is useful guidance that has regard to the HNZPT Act and responsibilities of HNZPT, in accordance with section 74(2)(b)(iia) of the RMA.

250. With regard to **HH-R2**, the Panel agrees with the recommendation of the reporting officer to accept the Westpower submission point that amends the title of the rule to accommodate energy supply, however the Panel considers that recommendations on Policy HH-P5 provide for ongoing adaptive reuse, which is likely to be reliant upon more than just energy supply upgrades. While the telecommunications companies did not submit on HH-R1, the Panel received evidence from their representatives that highlighted similar issues to those of Westpower with regard to enabling connections to heritage buildings to enable their ongoing use. The Panel therefore prefer the term "*service connection*" which allows for these types of connections that enable adaptive reuse of heritage buildings. The Panel also amend the rule to incorporate recommendation on the definition of '*heritage professional*' so that it reads '*suitably qualified or experienced heritage professional*'. The Panel has made some minor amendments to the rule.

251. With regard to **HH-R3**, the Panel has identified some minor amendments that are recommended to be made using the RMA First Schedule, Clause 16 for the purposes of consistency and clarity. The Panel generally agrees with the recommendations of the reporting officer, including the use of an ADP commitment process to implement the rule, with associated definition, because it provides an opportunity for the council and resource users to be reminded of the contents of the ADP. The Panel has considered whether network

utilities should be treated differently depending on the nature of the historic heritage affected, but find this to be unnecessary. The Panel consider that the addition of clause 3) requiring adherence to the standards in EW-R1 provides for the situations raised by Westpower and the telecommunications companies regarding ability to undertake earthworks in order to connect services to heritage items and enable adaptive reuse. The parameters in EW-R1 would allow for installation of new services, not just maintenance of existing services, and would allow for replacement of electricity poles. Provided clause 1) is adhered to and the ADP is followed, the Panel consider that this should be sufficient to address the matter without requiring resource consent for these types of activities.

252. With regard to **HH-R4**, the Panel accepts the advice of HNZPT and Dr Ann McEwan that repositioning should be restricted discretionary and relocation should be discretionary based on the differing scale and significance of adverse effects on historic heritage. The Panel generally supports the recommendations of the reporting officer, with the exception that the new clause e) has been reworded to provide for consideration of impacts on values of a SASM and advice received from Poutini Ngāi Tahu on how to manage identified impacts. The Panel agrees with BDC that the notification clause should be deleted, and do not favour the recommended amendment put forward by Ms Easton. The Panel appreciates the concerns of the community regarding ability to input to resource consent processes, but relies on sections 95-95G of the RMA to guide Council decisions regarding notification rather than direction in the Plan. The Panel consider this appropriate in particular because relocation is no longer recommended to be part of the rule.

253. With regard to **HH-R5**, the Panel agree with the reporting officer's recommendation regarding addition of the advice note regarding archaeological authority from HNZPT, but prefer the wording provided by Chris Horne for the telecommunications companies in relation to consultation with HNZPT. The Panel agree with Mr Horne that the alternative wording recommended by Ms Easton would constitute third party approval, which is a matter that has been thoroughly canvassed in the SASM Recommendation Report. The Panel agree with the reporting officer that it would not be sufficient to rely on HH-R3, which only covers the earthworks component, in response to BDC. HH-R5 enables visual matters to be considered and factors associated with connection to the building, which the Panel consider are matters relevant to protecting heritage values. However, the Panel do not agree that reference to '*energy activities'* is necessary, given that '*infrastructure*' is a defined term that covers electricity connections.

254. With regard to **HH-R6**, the Panel agree with the reporting officer's recommendations, with the exception that the Panel prefer "*service connection*" to "*supply of energy*" in the title of the rule.

255. With regard to **HH-R7**, the Panel agree with the reporting officer's recommendation that the rule should be discretionary, but consider that it should only apply to relocating heritage items, following the advice of Dr McEwan and HNZPT, in line with recommendation on HH-R4. The Panel also agree with BDC that the notification clause can be deleted, and therefore section 95-95G of the RMA will guide notification decisions. The Panel accept that there will be a high degree of public interest in the relocation of historic heritage items, and consider it appropriate that the Councils work with their communities when these matters arise, which may or may not involve public notification in every instance. The Panel considered the amended wording of the notification clause recommended by Ms Easton, but prefer that the full array of notification options provided by the Act are available to the Councils, to be considered in the circumstances of each case.

256. With regard to **HH-R8**, the Panel agree with Manawa that there is a discrepancy between the status of new buildings or structures within a historic heritage area and new infrastructure, including regionally significant infrastructure, when the considerations are similar. The Panel also agree that, given the reporting officer's stated intention to rely on the matters of discretion in HH-R8, it is sensible to include "*and infrastructure*" in the title of the rule, and incorporate other matters identified in relation to infrastructure and recommendations provided for amended HH-R10 by the reporting officer. The Panel prefer the blended recommendations of Stephanie Styles, rather than the new rule HH-RXX proposed by the reporting officer. The Panel consider that this is more efficient for the structure of the Plan. In making this recommendation, the Panel has considered the evidence of Susan Aitken on behalf of Poutini Ngāi Tahu and agree that where the activity takes place within a SASM site or area, the provisions of that chapter will classify the activity as discretionary, reflecting the additional values present. The Panel adopt the advice note because, although the Director General did not submit on this rule, the advice note has no weight in decision-making but is helpful to the Plan user and provides for consistency with other rules.

257. With regard to **HH-R9**, the Panel accept the advice of Dr McEwan and HNZPT regarding the appropriate classification of this activity as non-complying, to reflect the degree of difference in scale of effect between demolition and destruction of a historic heritage item or area, compared with relocation, and with repositioning of historic heritage items. The Panel have adopted activity classifications based on this differentiation in effect. The Panel are aware that the TTPP Committee were strongly in favour of a discretionary activity classification. Focus of the Panel has been on ensuring that the objectives and policies provide an appropriate pathway for demolition or destruction of a historic heritage item in particular circumstances. Policies HH-P1 and HH-P7 will be particularly relevant when applications are considered for demolition or destruction. The Panel have also had a focus on making the rule framework enabling of adaptive reuse of historic heritage items and areas. The Panel have been mindful of the challenges for owners of historic heritage, and have sought to strike a balance, whilst ensuring protection of historic heritage from inappropriate subdivision, use and development.

Hearing Panel's Recommendation

258. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Rules**:

Historic Heritage Rules
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.
Permitted Activities
HH - R1 Repairs and Maintenance of a Historic Heritage Item identified in Schedule One

Activity Status Permitted

Where:

1. There are no changes to the extent, floor levels, form, proportion and scale of the item;

2. There are no changes to the design, texture, or form of the fabric;

3. Use of materials ~~other than those that~~[66] are the same as the original, or the most significant fabric, or the closest equivalent; ~~or~~[67]

4. There[68] is no damage to the building or structure as a consequence of affixing scaffolding;

5. new materials, works or reconstructed elements are date stamped to indicate the time of their installation.[69]

Advice notes:

1. This rule applies only to the exterior of the heritage item, except where the 'Extent' in Schedule One includes 'fixtures and fittings'. The rule applies to 'fixtures and fittings' for those specific scheduled items, including interiors.[70]

2. Date stamping is a term used in heritage conservation to mean marking with a date, not necessarily a stamp, and is important to clearly distinguish replicated or introduced features and new areas of fabric from heritage fabric, so that changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builder's pencil is used with regard to masonry or timber, or small steel plate can be used on timber. A permanent marker pen may be used on steel elements. Marking should be in unobtrusive locations. Not all new fabric requires dating. Where there are areas of new or introduced material, it can be done on an example, rather than on every piece. It should be noted that some treated timber and plasterboard is already dated.[71]

Activity status where compliance not achieved:

Restricted Discretionary

HH - R2	**Earthquake Strengthening, Fire Protection, ~~and~~ Accessibility and Service Connection[72] Upgrades to a Historic Heritage Item Identified in Schedule One**

Activity Status Permitted

Where:

1. All performance standards for Rule HH – R1 are complied with; and

[66] RMA First Schedule, Clause 16
[67] Consequential to accepting Heritage New Zealand Pouhere Taonga S140.024
[68] RMA First Schedule, Clause 16
[69] Heritage New Zealand Pouhere Taonga S140.024
[70] The O'Conor Institute Trust Board (S466.013) and Frank and Jo Dooley (S478.056)
[71] Heritage New Zealand Pouhere Taonga S140.024
[72] Westpower Limited S547.177 and consequential to recommendation on HH-P5

2. An assessment from a **suitably qualified or experienced** ~~Hh~~**h**eritage ~~Architect~~ **professional**[73] is provided to the relevant council confirming the works are consistent with the values of the Historic Heritage item at least 10 working days prior to the commencement of the work**.**[74]

Activity Status where compliance not achieved:

Restricted Discretionary

HH – R3	**Minor earthworks in a Historic Heritage Item or[75] Area or Archaeological[76] Site identified in Schedule One**

Activity Status Permitted

Where:

1. These are earthworks that will not result in damage, demolition or destruction of heritage items and are associated with:

a. An activity permitted under Rule HH – R1 or Rule HH – R2; **or**[77]

b. Interments at existing cemetery or urupā; or

c. Archaeological survey by Heritage New Zealand - Pouhere Taonga or authorised representatives; or

d. Installing fence posts and the replacement of poles for overhead network utility lines**,**[78] provided the area of land disturbed is limited to what is necessary to maintain an existing fence or **overhead line**[79] along its existing alignment ~~and does not involve installation or digging of new post holes~~;[80] **or**[81]

e. Maintaining existing underground energy activity or **telecommunications**[82] assets **or installing new underground energy or telecommunications assets that enable ongoing use of the heritage item or area**;[83] **or**[84]

f. Maintaining and repairing regionally significant infrastructure within the existing footprint of that infrastructure; or[85]

~~f~~**g**. Maint~~enance~~**aining** and repair**ing** ~~of~~[86] existing drains within the existing footprint of the drain; or

~~g~~**h**. Maintaining roads, tracks, carparks, accessways or paved areas within the footprint or modified ground compromised by the existing road, track, carpark, accessway or paved area; and

[73] Federated Farmers S524.009
[74] RMA First Schedule, Clause 16
[75] RMA First Schedule, Clause 16, consistent with the title of Schedule One
[76] Heritage New Zealand Pouhere Taonga S140.025
[77] RMA First Schedule, Clause 16
[78] RMA First Schedule, Clause 16
[79] Westpower Limited S547.179
[80] Additional relief in response to Westpower Limited S547.179, and as a consequence of the addition of clause 3 to the rule.
[81] RMA First Schedule, Clause 16
[82] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.036
[83] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.036
[84] RMA First Schedule, Clause 16
[85] Manawa Energy Limited S438.066
[86] RMA First Schedule, Clause 16

2. ~~An Archaeological Authority has been issued by Heritage New Zealand – Pouhere Taonga, or~~[87] an Accidental Discovery Protocol commitment has been completed and submitted to the relevant ~~District~~[88] Council at least 10 working days prior to the commencement of any earthworks**; and**

3. All standards of Rule EW – R1 are complied with. [89]

Advice Note:

1. Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.[90]

Activity Status where compliance not achieved:

Discretionary where these are not associated with another activity specifically provided for in a Controlled or Restricted Discretionary Activity Rule.

Controlled Activities

HH – R~~5~~4 New infrastructure Connections to a Historic Heritage Item identified in Schedule One

Activity Status Controlled

Where:

1. The new infrastructure connection is to a historic heritage building listed in Schedule One; **and**

2. **The application is accompanied by evidence of the outcome of consultation with Heritage New Zealand – Pouhere Taonga (HNZPT) or demonstration of how the connection is in accordance with any guideline developed by the infrastructure provider in consultation with HNZPT**.[91]

Matters of control are:

a. The location of the customer's connection to the heritage building;

b. The physical impact/damage to the heritage building; and

c. Visual impact and how the visual impact might affect heritage value.

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological

[87] Federated Farmers of New Zealand S524.045
[88] RMA First Schedule, Clause 16
[89] Director General of Conservation S602.052
[90] Federated Farmers of New Zealand S524.045, reasons for submission point
[91] Director General of Conservation S602.054

authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.[92]

Activity Status where compliance not achieved:

Discretionary

Restricted Discretionary Activities

HH – R45 **~~Relocation or~~[93] Repositioning of a Historic Heritage item identified in Schedule One and associated earthworks**

Activity Status ~~Controlled~~ Restricted Discretionary[94]

Where:

1. All performance standards for Rule HH – R1 are complied with; and
2. The item is being ~~relocated or~~[95] repositioned:

a. To its original location~~s~~;[96] or

b. Due to an immediate threat from damage ~~sustained~~[97] by a ~~N~~natural ~~H~~hazard[98] identified:

i. In this plan; or

ii. By a suitably qualified **or experienced**[99] heritage professional.

~~Matters of control are~~ Discretion is restricted to:[100]

a. The capacity of the item to endure ~~relocation and~~[101] repositioning;

b. The capacity of the site or area to accommodate the item;

c. The impact on public access to the item; ~~and~~

d. The reduction in risk from natural hazards from the ~~relocation or~~[102] repositioning**; and**

e. **Impacts of the activity on the cultural values of any site or area of significance to Māori, and advice received from Poutini Ngāi Tahu on managing identified impacts on cultural values.**[103]

~~**Notification:** Proposals to relocate or reposition public monuments will always be publicly notified.~~[104]

Advice Note:

[92] Director General of Conservation S602.054
[93] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[94] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[95] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[96] RMA First Schedule, Clause 16
[97] Buller District Council S538.169
[98] RMA First Schedule, Clause 16
[99] Federated Farmers of New Zealand S524.009
[100] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[101] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[102] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[103] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.108
[104] Buller District Council S538.169

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.[105]

Activity Status where compliance not achieved:

~~Restricted~~ Discretionary

HH – R6	**Repairs and Maintenance, Earthquake Strengthening, Fire Protection, Service Connection[106] and Accessibility Upgrades where Permitted Activity standards are not met, or Additions and Alterations to Historic Heritage Items identified in Schedule One**

Activity Status Restricted Discretionary

~~Where:~~

~~1. This includes necessary earthworks associated with the activity.~~[107]

Discretion is restricted to:

a. ~~Compatibility of t~~**T**he form~~,~~ **and** materials ~~and setting with~~ **in relation to** the ~~H~~**h**istoric ~~H~~**h**eritage[108] item **and its setting**;[109]

b. Methods to minimise the loss or destruction of the values which contribute to the item's ~~H~~**h**istoric ~~H~~**h**eritage[110] values as assessed by a suitably qualified **or experienced**[111] heritage professional;

c. ~~Compatibility of t~~**T**he[112] treatment of the exterior, including the façade;

d. The ongoing maintenance and enhancement of the ~~H~~**h**istoric ~~H~~**h**eritage[113] values of the item;

e. The long-term viability, retention or ongoing functional use of the item;

f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified **or experienced**[114] heritage professional;

g. If the ~~H~~**h**istoric ~~H~~**h**eritage[115] item is located within a ~~H~~**h**istoric ~~H~~**h**eritage[116] area, that the works do not compromise the ability to interpret the ~~H~~**h**istoric ~~H~~**h**eritage[117] area; and

[105] Director General of Conservation S602.053
[106] Westpower Limited S547.182 and consequential to recommendation on HH-P5
[107] Te Tai o Poutini Plan Committee S171.015
[108] RMA First Schedule, Clause 16
[109] Heritage New Zealand Pouhere Taonga S140.028
[110] RMA First Schedule, Clause 16
[111] Federated Farmers of New Zealand S524.009
[112] Heritage New Zealand Pouhere Taonga S140.028
[113] RMA First Schedule, Clause 16
[114] Federated Farmers of New Zealand S524.009
[115] RMA First Schedule, Clause 16
[116] RMA First Schedule, Clause 16
[117] RMA First Schedule, Clause 16

h. Whether the works complement the form, fabric and setting of the ~~H~~**h**istoric ~~H~~**h**eritage[118] area ~~which the item contributes to~~.[119]

Activity Status where compliance not achieved:

~~Discretionary~~ **N/A**[120]

HH – R~~8~~7	**New Buildings or Structures or Infrastructure[121] and associated earthworks within a Historic Heritage[122] Area identified in Schedule One**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the **form, fabric or setting of the historic heritage[123]** area from the scale, location, design including materials, duration and extent of the proposal, the construction methodology and associated site works;

b. The effects of the inter-relationship between buildings, structures and features within that place;

c. Impact on the ability to view or interpret the historic heritage area;[124]

~~c~~**d**.[125] The purpose and necessity of the works and any alternatives considered;

~~d~~**e**. The provisions of a conservation plan where one has been prepared for the schedule**d** ~~H~~**h**istoric **heritage** ~~A~~**a**rea;[126] ~~and~~[127]

~~e~~**f**.[128] Whether the building or structure is for a Poutini Ngāi Tahu cultural purpose**;**

g. Feedback from any consultation undertaken with Heritage New Zealand – Pouhere Taonga and Poutini Ngāi Tahu; and

h. Whether the works proposed enable development of regionally significant infrastructure.[129]

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.[130]

Activity Status where compliance not achieved:

[118] RMA First Schedule, Clause 16
[119] RMA First Schedule, Clause 16
[120] Te Tai o Poutini Plan Committee S171.015
[121] Manawa Energy Limited S438.069
[122] RMA First Schedule, Clause 16
[123] Manawa Energy Limited S438.069
[124] Manawa Energy Limited S438.069
[125] RMA First Schedule, Clause 16
[126] RMA First Schedule, Clause 16
[127] Manawa Energy Limited S438.069
[128] RMA First Schedule, Clause 16
[129] Manawa Energy Limited S438.069
[130] Consequential amendment arising from recommendations on Director General of Conservation S602.055, for consistency

N/A

Discretionary Activities

HH – R~~7~~8 Relocation ~~or Repositioning~~ of a Historic Heritage item identified in Schedule One and associated earthworks ~~where compliance with HH - R4 is not achieved~~[131]

Activity Status ~~Restricted~~[132] Discretionary

~~Where:~~

~~1. This includes necessary earthworks associated with the activity.~~[133]

~~Discretion is restricted to:~~

~~a. Compatibility of the form materials and setting with in relation to the Historic Heritage item;~~

~~b. Methods to minimise the loss or destruction of the values which contribute to the item's Historic Heritage values as assessed by a suitably qualified heritage professional;~~

~~c. Compatibility of the treatment of the exterior, including the façade;~~

~~d. The ongoing maintenance and enhancement of the Historic Heritage values of the item;~~

~~e. The long-term viability, retention or ongoing functional use of the item;~~

~~f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified heritage professional;~~

~~g. If the Historic Heritage item is located within a Historic Heritage area, that the works do not compromise the ability to interpret the Historic Heritage area; and~~

~~h. Whether the works complement the form, fabric and setting of the Historic Heritage area which the item contributes to~~.[134]

~~**Notification:** Proposals to relocate or reposition public monuments will always be publicly notified.~~[135]

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.[136]

Activity Status where compliance not achieved:

N/A

[131] Consequential amendment associated with recommendation on HH-R4
[132] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[133] Consequential amendment associated with recommendation for a fully discretionary rule in response to Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[134] Heritage New Zealand Pouhere Taonga S140.026 and S140.029
[135] Buller District Council S538.172
[136] Director General of Conservation S602.055

~~**HH –R10**~~	~~**New Energy Activities and New Infrastructure Activities and associated Earthworks within a Historic Heritage Site or Area identified in Schedule One**~~

~~**Activity Status Discretionary**~~

~~**Activity Status where compliance not achieved:** N/A~~

HH - R~~11~~9	**Earthworks within a Historic Heritage Area or that affect a Historic Heritage Item identified in Schedule One not provided for in another Rule.**

Activity Status Discretionary

Activity Status where compliance not achieved:

N/A

Non-complying Activities

HH – R~~9~~10	**Demolition and Destruction of a Historic Heritage Item or Area identified in Schedule One**

Activity Status ~~Discretionary~~ Non-complying[137]

Notification: Activities to demolish or destroy a **historic** ~~H~~**h**eritage ~~i~~**i**tem or ~~A~~**a**rea[138] will always be limited notified to Heritage New Zealand – Pouhere Taonga.

Activity Status where compliance not achieved:

N/A

2.7. Historic Heritage Methods

Submissions and Further Submissions

259. The s42A Report, on page 49, summarises submissions and further submissions on the Methods of the Historic Heritage Chapter.

260. There were four submissions on the methods of the chapter as a whole. Greymouth Heritage Trust (S104.008) requested that there be a method for the Plan to require councils to provide for a Heritage Protection Fund and a Long-Term Heritage Assets Maintenance plan so that identified heritage assets are not left to "demolition by neglect". Lucina Brady (S322.002) identified that the Old Courthouse in Greymouth should be purchased and retained so that "History House" can be housed there. Heritage West Coast (S426.001) sought that Heritage

[137] Heritage New Zealand Pouhere Taonga S140.031
[138] RMA First Schedule, Clause 16

West Coast is recognised within the methods of the Plan. Laura Mills (S309.004) asked that heritage resources on the West Coast be reviewed to include additional sites in Schedule One.

261. With regard to **HH-M1**, there were two submissions in support from Te Mana Ora and HNZPT seeking that the method be retained as notified.

Section 42A Report Analysis and Recommendations

262. With regard to the submissions of Greymouth Heritage Trust and Lucina Brady, Ms Easton recognised the importance of funding heritage protection and maintenance, but did not consider it to be a matter for the district plan, and was rather a matter for the Council's long-term plans.

263. With regard to the submission from Heritage West Coast, Ms Easton noted that the group are one of many local heritage groups in the region. However, she acknowledged that it is appropriate to recognise local heritage groups within the methods of the Plan and recommends a new method for the councils to recognise these groups and the role they play in advocating for and maintaining historic heritage on the West Coast. Her recommended method is as follows:

HH – M3

Recognise the West Coast heritage groups, including Heritage West Coast, as significant stakeholders in relation to historic heritage matters and that they play an important role in advocating for and maintaining historic heritage values on the West Coast.

264. With regard to **HH-M1**, Ms Easton did not recommend any amendment to the method.

265. Ms Easton, in response to general submission points on the chapter as a whole from David Marshall (S347.004) and Greymouth Heritage Trust (S104.007), recommended a method to ensure that the process to add items or areas to Schedule One was clear for users of the Plan. The recommendation of Ms Easton for the new method reads as follows:

HH – M2

The TTPP Committee will consider the merits of inclusion of additional heritage items in the Plan as part of their regular monitoring of Plan implementation. People seeking additional items to be scheduled will need to provide an assessment by a suitably qualified heritage professional that identifies the merits of the item proposed to be scheduled against the criteria in Policy HH – P2. The owner of the item should also be willing for it to be scheduled in the Plan. Where such as assessment and confirmation of agreement to scheduling is provided to the TTPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so schedule the item via a Committee-initiated Plan change.

266. Ms Easton, in response to a general submission point on Schedule One from HNZPT (S140.044), recommended a method to ensure that more detailed information would be made available for Plan users in relation to all items in Schedule 1A. This is further discussed in the section of this Recommendation Report that addresses the Schedules. The recommendation of Ms Easton for the new method reads as follows:

HH – M4

Detailed documentation of the historic heritage and/or archaeological values of the Schedule 1A and Schedule 1B historic heritage items will be undertaken by the end of 2026. This will be prioritised for development as follows:

1. Those items and areas which are on private land or are privately owned,

2. Items and areas on Crown land outside of the public conservation estate,

3. Items and areas on district or regional council lands,

4. Items and areas on public conservation land.

Hearing and Submitter Evidence/Statements

267. With regard to recommended method **HH-M2**, Arlene Baird, on behalf of HNZPT, recorded support for the method because it provides a clear pathway for the addition of items and areas, and archaeological sites, to Schedule One of the Plan.

268. Susan Aitken, on behalf of Poutini Ngāi Tahu, supported the addition of this method because it provides clarity for Plan users, including in relation to the process for archaeological sites to be added to Schedule One, and is consistent with policy HH-P9. She made the connection between this method and sites in Appendix Ten.

269. Martin Kennedy, on behalf of Westpower, supported the addition of the method but recommended an amendment that makes it clear that the process also applies to archaeological sites. He expressed concern in his evidence, and at the hearing, that there were no new methods proposed to support non-complying activity status for demolition or destruction of heritage items or areas. He considered that there needed to be support for owners to assist them to retain and maintain sites, or recognition by the Panel that there is currently no support.

270. Frida Inta, on behalf of herself and Buller Conservation Group, raised the point in her hearing statement that recommended HH-M2 should refer to HH-P3, not HH-P2.

271. With regard to recommended method **HH-M4**, Arlene Baird, on behalf of HNZPT, recorded support for the method in response to the HNZPT submission point, which will ensure that individual assessments are undertaken for scheduled items and areas in Schedule 1A. She further emphasised in her hearing statement that this was a compromise on the part of HNZPT and that reliance was placed on the Councils ensuring that resources were made available to undertake the assessments in the earliest timeframe possible.

272. Frida Inta, on behalf of herself and Buller Conservation Group, queried what would happen to the detailed documentation produced and sought further explanation in the method to make that clear.

Reporting Officer Reply Evidence

273. With regard to recommended method **HH-M2**, Ms Easton responded to a question from the Panel regarding whether there was a need to signal priorities in the method. She reiterated the limited resources available in the region and noted that she did not consider prioritisation

to be necessary, but considered that the prioritisation included in recommended method HH-M4 could be used.

274. With regard to recommended method **HH-M4**, Ms Easton, in response to questions from the Panel, explained that resources had been set aside to accomplish the individual heritage assessments within two years. She agreed that the method should indicate how the public will be able to access these assessments and recommended a corresponding amendment to the wording. She included both Schedule 1A and Schedule 1B in the revised wording.

Hearing Panel's Evaluation

275. With regard to method **HH-M1**, the Panel recommended retaining the method as notified.

276. With regard to method **HH-M2**, the Panel adopt the recommended wording provided by the reporting officer, with the exception that the Panel agrees with Mr Kennedy that archaeological sites need to be referenced, in addition to historic heritage items and areas.

277. With regard to method **HH-M3**, the Panel adopt the recommended wording provided by the reporting officer.

278. With regard to method **HH-M4**, the Panel adopt the recommended wording provided by the reporting officer, with the exception that reference to "*Schedule One*" is preferred, and it is not necessary to include historic heritage on public conservation land because this is outside the jurisdiction of the plan.

279. Further to Panel analysis and recommendations on policy HH-P9, the Panel recommend a further method that will alert Plan users to the potential presence of archaeological material, either archaeological sites of Māori origin listed in Appendix Ten or NZAA sites more generally, until such time as these sites have been verified as to their location and values.

Hearing Panel's Recommendation

280. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Rules**:

HH-M1

Support owners of historic heritage items to maintain their assets through council appropriate resources, such as providing links to guidance documents on resource consent applications on council websites.

HH-M2

The TTPP Committee will consider the merits of inclusion of additional heritage items and areas, and archaeological sites in the Plan as part of their regular monitoring of Plan implementation. People seeking additional items to be scheduled will need to provide an assessment by a suitably qualified or experienced heritage professional that identifies the merits of the item proposed to be scheduled against the criteria in Policy HH – P3. The owner of the item should also be willing for it to be scheduled in the Plan. Where such an assessment and confirmation of agreement to scheduling is provided to the TTPP Committee, the Committee will assess whether there is

sufficient justification for scheduling, and if so, schedule the item via a Committee – initiated Plan Change.[139]

HH-M3

Recognise the West Coast heritage groups, including Heritage West Coast, as significant stakeholders in relation to historic heritage matters, and that they play an important role in advocating for and maintaining historic heritage values on the West Coast.[140]

HH-M4

Detailed documentation of historic heritage values of items, areas and archaeological sites listed in Schedule One will be undertaken by the end of 2026. The record of these assessments will be placed on the Te Tai o Poutini Plan website and directly linked to Schedule One. Priorities for assessment are as follows:

1. **Those items and areas which are on private land or are privately owned.**
2. **Items and areas on Crown land outside of the public conservation estate.**
3. **Items and areas on district or regional council lands.**[141]

HH-M5

A GIS alert layer will be created that can be accessed by users of the Plan to show the approximate location of unverified archaeological sites, including archaeological sites of Māori origin in Appendix Ten and other New Zealand Archaeological Association (NZAA) sites that are not listed in Schedule One. This layer will incorporate a 100 metre circular buffer area around the approximate location of the archaeological site to serve as an alert to users of the Plan that archaeological material may be uncovered during works in the area. The layer will be accompanied by an advisory note to that effect.

2.8. Historic Heritage Schedules

Submissions and Further Submissions

281. The s42A Report, on pages 50-52, summarises submissions and further submissions on Schedule One.

282. There were four submissions in support for the schedule in general from GDC and HNZPT, one opposed, one opposing in part and two seeking amendments.

283. Federated Farmers (S524.047) sought removal of this schedule on the basis that there were no rules associated with it.

[139] David Marshall S347.004 and Greymouth Heritage Trust S104.007
[140] Heritage West Coast S426.001
[141] Heritage New Zealand Pouhere Taonga S140.043, S140.044

284. HNZPT (S140.043) sought that an assessment of each item in Schedule 1A be provided. HNZPT (S140.044) sought clarification as to why some archaeological sites are included in Schedule 1B while others are not. HNZPT (S140.045) sought inclusion of definitions for the historic heritage values either within the policies or at the start of Schedule 1A, and provided those definitions.

285. HNZPT, in relation to specific scheduled items, sought addition of the phrase "*scheduled extent*" in relation to HH3, HH24, and HH88 (S140.067, S140.068 and S140.070). HNZPT sought removal of the sentence "*Refer to map in Appendix 1 of the registration report for further information*" from HH27, and removal of the sentence "*See extent map tabled at the Rārangi Kōrero Committee meeting on 30 April 2019*" from HH96 (S140.069 and S140.071). HNZPT sought addition of the phrase "*Historic Place Category 1*" in ARCH5, ARCH15 and ARCH16, and amendment of the Heritage List number for ARCH16 (S140.074, S140.075 and S140.076). HNZPT sought correction of references to Heritage List numbers and Historic Area references for ARCH27 and ARCH28 (S140.077 and S140.078).

286. HNZPT (S140.072) also sought that Seddon House be added to Schedule 1A and provided details to populate the schedule.

287. Laura Mills (S240.001 and S309.001) specifically supported the inclusion of Waiuta Historic Place, Waipuna Station Homestead, Blackwater School, Runanga Miners Hall, Remains of Taylorville Wallsend Swing Bridge, Heatherbell Hotel, Cobden Rail Bridge, Regent Theatre, St Patricks Presbytery and Dixon Park Band Rotunda. She also requested (S309.002) additions to the schedule for: the goldmining tunnels of the Woods Creek track at Rutherglen; Nelson Creek tunnels and swing bridge; the Greymouth Star on Werita Street; the old greenstone mine remains at Mt Griffin; the Hannan and Seddon law building on Werita Street; the fountain outside the Grey District Council; Londonderry rock at Kumara; WWII pill box at Blaketown tiphead; Taramakau rail bridge; Dillons Hut up the Taipo; payroll robbery memorial at Runanga; Cobden gun emplacement; hotpool remains near Gloriavale. She also requested (S240.003) that many of these be assessed by a trained historian, and including: heritage trees at Dixon Park; and trees off Kilgour Road in the Coronation Domain reserve.

288. A number of submitters[142], including Laura Mills and the Greymouth Heritage Trust, requested a Historic Heritage Area for the southern Paparoa area in recognition of the mining history of the Greymouth Coalfield. Paul Thomas (S134.001) referenced a GNS Science Report from November 2010 in support of the request. The Runanga Miners Hall Trust (S498.001) sought inclusion of the Brunner Mine Site (HH53–HH57), Blackball (HH48-HH52) and the Runanga Miners' Hall (HH47) up to the Strongman Mine memorial, and the towns of Dobson, Stillwater, Blackball, Taylorville, Runanga, Dunollie and Rapahoe, and the old town sites of Rewanui, Wallsend and Brunnerton.

289. The Greymouth Heritage Trust requested additions to the schedule, including: the Coal River Heritage Park (S104.002); Gows Creek 1.2km gold mining tunnel (S104.004); Woods Creek (S104.005); Greymouth Railways Signal Box Built 1904 (S104.006); and Nelson Creek Domain Gold Mining Area.

290. Frida Inta and Buller Conservation Group requested additions to the schedule, including: the midden site at Mokihinui (S552.054, S553.054); archaeological sites at Mokihinui and L28/36 at the Chasm Creek Walkway (S552.052, S552.204, S553.052, S553.204); the waka kereru site at Pages Stream (S552.212, S553.212). Additional requests included recording all known sites

[142] Kate Kennedy S3.001, Aisla Hart S7.001, Glen Johnston S74.001, S183.001, Paul Thomas S134.001, Runanga Miners Hall Trust S498.001, Greymouth Heritage Trust S104.001 and Laura Mills S17.001, S17.002

in Schedule One and Appendix Ten (S552.051, S553.051), including all historic buildings, structures and sites from the Buller District Plan (S552.205, S553.205), and amending the label for Mokihinui Cemetary on the planning maps so that it correctly says ARCH3, as in Schedule 1B (S552.053, S553.053).

291. Barbara King (S71.002, S71.003) sought a review of heritage features of Nelson Creek, mapping, and addition of Nelson Creek Community Church to the schedule.

292. Brendon McMahon (S306.001) sought a full assessment of the heritage and amenity values of Kumara township, and a heritage precinct overlay to ensure all future development is sensitive to the existing townscape and its heritage value.

293. Kathleen Maitland (S38.001) supported inclusion of the Ross Goldfields Historic Area, noting that the building is used by the Ross Goldfields Information & Heritage Centre rather than the Ross Community Society, and that it was in relationship with a significant kahikatea tree.

294. Northern Buller Communities Society Incorporated (S142.001) expressed concern that the Granity Mines Survey Office heritage item was wrongly sited on the map.

Section 42A Report Analysis and Recommendations

295. Ms Easton noted in response to the Federated Farmers submission point that they were mistaken in their assertion that the schedule is not referred to in any rules. She explained that these sites are protected under the HNZPT Act, and that there are over a thousand archaeological sites recorded in the region. She reiterated that many sites were previously identified in district plans, and that the schedule includes sites identified as important by local heritage groups during development of the Plan. She noted that all of the archaeological sites in Schedule 1B are on land in public ownership.

296. Ms Easton advised that the purpose of new method HH-M4 is to respond to the HNZPT submission point S140.043. She advised, in response to the HNZPT query regarding Schedule 1B, that the schedule contains cemeteries past and present, and historic heritage items and areas compiled from existing district plans and NZAA listings, as well as archaeological sites identified through the sites and area of significance to Māori identification process. She indicated that the result of the pre-hearing meeting with HNZPT was that Schedule 1B sites would also be subject to assessment indicated in recommended method HH-M4.

297. In relation to the submission points of HNZPT, Ms Easton recommended making the requested amendments to Schedule One, including adding explanatory text to Schedule One that incorporates definition of terms used to describe heritage values, and amendments to individual items, areas and archaeological sites. She recommended acceptance of the addition of Seddon House to Schedule 1B, on the basis of advice from Dr Ann McEwan that there was insufficient built heritage remaining to justify inclusion in Schedule 1A, but that it would be appropriate to record it as an archaeological site.

298. In response to the range of heritage items and areas requested for addition to the Plan by Laura Mills, these were assessed by Dr McEwan and attached as Appendix 3 to the s42A Report. A number of the heritage items and areas nominated by Laura Mills were recommended for inclusion in the Plan, including the Taramakau Rail Bridge, the Hall & Coulthard Memorial at Runanga, the former WWII Battery Observation Post on Cobden Hill, Dillon's Homestead Hut, and Kopara Hot Springs bathing pool. The reasons for other heritage items and areas not being recommended for scheduling included insufficient information, the

items being newer in origin, and trees and geological features not being a matter for Schedule One, or DOC management of items or areas.

299. Ms Easton advised that the matter of a Southern Paparoa Historic Area was considered by Dr McEwan and assessed as not meeting the criteria for scheduling in the Plan. She indicated, based on that advice, that the parties requesting this Historic Area should work with HNZPT on the proposal.

300. In response to the range of heritage items and areas requested for addition to the Plan by the Greymouth Heritage Trust, the advice of Dr McEwan included in Appendix 3 of the s24A Report did not support addition of any of the items or areas, either because there was insufficient information to support scheduling, or the items or areas did not meet the criteria for scheduling, or because public conservation land is outside the jurisdiction of the Plan. Dr McEwan noted that the Greymouth Railway Station signal box is already within scheduled area HH71, and also noted that she recognised the history and community importance of the items and areas identified.

301. Ms Easton noted that she could not act on the requests of Frida Inta and Buller Conservation Group because she did not have sufficient information. These items and areas were not included in the assessment of Dr McEwan in Appendix 3 to the s42A Report.

302. In response to the request of Barbara King for recognition of Nelson Creek township and community church, Ms Easton relied on the advice of Dr McEwan that the area is actively managed by DOC, and that the church is within a Historic Reserve, such that scheduling in the Plan was not warranted.

303. In response to the request of Brendon McMahon for a Kumara Historic Area, including the Theatre Royal Hotel, Empire Hotel, former BNZ and Seddon House site, Ms Easton relied on the advice of Dr McEwan that there was insufficient evidence to identify a clear extent for the proposed Historic Area. Dr McEwan noted that the Empire Hotel and Theatre Royal Hotel have been modified, the former BNZ is in partial reconstruction, and the Kumara Memorial Hall was built in 1950 to replace an earlier hall. She recognised the hall as a valued community asset, but did not recommend that these buildings or the area be added to the schedule. She did, however, support inclusion of St Patricks Catholic Church, Kumara on the schedule, in response to the submission.

304. Ms Easton supported amending the maps in response to the submission points of Northern Buller Communities Society Incorporated and Frida Inta that had identified errors. She did not note any further action in response to the submission of Kathleen Maitland, or others in support of the scheduled items and areas.

Hearing and Submitter Evidence/Statements

305. Arlene Baird, on behalf of HNZPT, supported the reporting officer's recommendation regarding the Seddon House site, in light of the assessment by Dr McEwan. She did not address the comments of Dr McEwan regarding the extent of HH24 and HH88.

306. Laura Mills presented evidence to the Panel focussed on the Hannan and Seddon building in Werita Street, Greymouth, and the Mt Griffin serpentine quarry remnants. She expressed a passion for local heritage, and outlined her research into both historic heritage items and areas for further consideration.

307. Frida Inta presented the Archsite records for the midden site in the areas of the Mokihinui estuary, with information about an adze find, and the Chasm Creek railway at Seddonville. She spoke to her request for the scheduled items and areas in the Buller District Plan to be carried over to the Plan, to ensure that the information and records in that prior district plan were not lost.

308. Susan Aitken, on behalf of Poutini Ngāi Tahu, noted that there are some sites listed in both Schedule One and Schedule Three, but otherwise Schedule One is predominantly colonial built heritage.

309. Martin Kennedy, on behalf of Westpower, acknowledged the reporting officer's acceptance of their submission points on Schedule One.

310. Stephanie Styles, on behalf of Manawa, reiterated that none of the historic heritage assets that form part of their operating hydroelectricity schemes are included in Schedule One.

Reporting Officer Reply Evidence

311. Ms Easton provided further assessments from Dr McEwan in response to the evidence received from Laura Mills and Frida Inta at the hearing. The outcome of those assessments was that only the Hannan and Seddon building in Werita Street, Greymouth was recommended for addition to the schedule, on the basis that it met the criteria for inclusion, and Dr McEwan indicated that a heritage record would be supplied for the building. For those that were not recommended for inclusion, Dr McEwan considered the archaeological sites would already be protected under the HNZPT Act, but they did not meet the criteria for inclusion on the schedule. She noted that the adze find at Mokihinui was not clearly connected to an archaeological site, inferring that it may have been transported to the river mouth area. She assessed the Chasm Creek railway site as having high amenity value, but could not determine that it was of sufficient archaeological significance to be included on the schedule.

312. Ms Easton provided a comprehensive assessment of the items and areas scheduled in the Buller District Plan, in response to the submissions of Frida Inta and Buller Conservation Group. She identified a significant number of items and areas that were included in Schedule One. She also identified a significant number of items and areas that were NZAA sites that did not appear to be of Māori origin, and therefore were not included in Appendix Ten, but neither did they contain accurate information regarding their location or values. She identified a midden site that is incorporated within a SASM in Schedule Three. She also identified a number of items and areas that were not historic sites, did not meet the criteria, or contained insufficient information for inclusion, and one that had been demolished.

Hearing Panel's Evaluation

313. The Panel agree with the reporting officer recommendations, for the reasons provided in evidence, including supporting evidence from Dr McEwan, with the exception that the entry for Seddon House, ARCH31, is recommended to not include the text related to "E*xtent*" because that is a matter for Schedule 1A rather than Schedule 1B, and is recommended to include its Category 1 Heritage List reference. The Panel also adopt the advice of Dr McEwan regarding the scheduled extent of HH24 and HH88, as alternative relief to the amendments sought by HNZPT. The Panel has otherwise relied on Appendix 1 in the right of reply of Ms Easton to populate the details in Schedule One for the newly added items, areas and archaeological sites, with the exception that there were no values provided for Dillons Homestead Hut. The Panel has relied on Appendix Four to the s42A Report that included the assessment of Dr McEwan, and the definitions provided by HNZPT to populate this aspect of

the schedule. Any values that may have been missed or recorded inaccurately will need to be amended by way of a plan change.

314. The Panel accept the advice of Dr McEwan, as did Ms Easton, regarding the request for a Southern Paparoa Mining Historic Area, on the basis that the parties are encouraged to approach HNZPT regarding identification of the area.

315. The Panel consider that recommended method HH-M5 will assist in responding to the concerns of Frida Inta regarding archaeological sites in the Buller District Plan that are not included in Schedule One of the TTPP.

Hearing Panel's Recommendation

316. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Schedule One: Historic Heritage Items and Areas and Archaeological Sites – Te Rārangai Tuatahi: Ngā Rawa me ngā Whenua Tuku Iho**.

317. The Panel recommend that corrections to the maps are made, as requested by Northern Buller Communities Society Incorporated and Frida Inta, and recommended by the reporting officer.

318. Overall, the Panel recommend that Schedule One, including Schedule 1A and Schedule 1B, are retained as notified, with the exception of changes shown in the boxes below.

Schedule One: Historic Heritage Items and Areas and Archaeological Sites[143]

Te Rārangai Tuatahi: Ngā Rawa me ngā Whenua Tuku Iho

Assessment of the scheduled Historic Heritage Items and Areas **and Archaeological Sites**[144] has been undertaken using the criteria set out in the West Coast Regional Policy Statement Chapter 4, Method 3:

a. Historic;

b. Cultural;

c. Architectural;

d. Archaeological;

e. Technological;

f. Scientific;

g. Social;

h. Spiritual;

[143] RMA First Schedule, Clause 16
[144] RMA First Schedule, Clause 16

i. Traditional;

j. Contextual; and

k. Aesthetic.

The historic heritage values of historic heritage items and areas and archaeological sites in the Schedule are identified in the tables. A description of these historic heritage values is provided below.

Historical and social significance value: Historical and social significance values that demonstrate or are associated with a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political, or other patterns.

Cultural and spiritual value: Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to Tangata Whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values.

Architectural and aesthetic value: Architectural and aesthetic values that demonstrate or are associated with a particular style, period or designer, design values, form, scale, colour, texture, and material of the place.

Technological and craftmanship value: Technological and craftmanship values that demonstrate or are associated with the nature and use of materials, finishes, and/or technological or construction methods that were innovative, or of notable quality for the period.

Contextual value: Contextual values that demonstrate or are associated with a relationship to the environment (constructed and natural); a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style, and/or detail; recognised landmarks and landscape that are recognised and contribute to the unique identity of the environment.

Archaeological and scientific significance value: Archaeological or scientific values that demonstrate or are associated with the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological, or other values of past events, activities, structures or people.[145]

[145] Heritage New Zealand Pouhere Taonga S140.045

SCHED1A – Schedule of Historic Heritage Items and Areas				
Unique Identifier	**Name, Physical Address, Legal Address**	**Historic Heritage Values**	**Extent**	**Heritage New Zealand Pouhere Taonga Listing Reference and Category**
HH3	War Memorial Torea St, Granity Buller Railway Land as shown on DP 15319 (NZ Gazette 1881, p 1127), Nelson Land District	Architectural, Contextual, Historic, Social, Technological	The extent includes part of the land described as Railway Land as shown on DP 15319 (NZ Gazette 1881, p.1127), Nelson Land District, and the structure known as War Memorial thereon. The concrete wall is included in, and marks the boundary of, the ~~registration~~ **scheduled extent.**[146]	5020 Historic Place Category 2
HH24	Utopia Lodge (Former) 72 Queen St, Westport, Buller Lot 4 DP 4199 (CT NL2C/331), Nelson Land District	Aesthetic, Contextual, Social	Extent includes the land described as Lot 4 DP 4199 (CT NL2C/331), Nelson Land District, and the building known as Utopia Lodge (Former) thereon. ~~The modern addition to the rear of Utopia Lodge (Former) is excluded from the registration~~[147]	5033 Historic Place Category 2
HH27	Big River Quartz Mine Victoria Conservation Park, Big River, Buller Secs 1-4, Blk X and Crown Land Blk X	Archaeological, Historic, Technological	Extent includes part of the land described as Secs 1-4, Blk X, and Crown Land Blk X (under action), Waitahu SD and Pt Crown Forest Land Block IV, Mawheraiti Survey District, (NZ Gazette 1981, p.1420	7762 Historic Place Category 1

[146] Heritage New Zealand Pouhere Taonga S140.067
[147] Heritage New Zealand Pouhere Taonga S140.068

	(under action), Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD, (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District.		and NZ Gazette 1958, p591), Nelson Land District and the Big River Quartz Mine and road thereon. This includes buildings and structures known as the poppet head, Mine Shafts, Mullock Heap, Cyanide Plant, Boilers, Winding Engines, Cable Trestles, Condenser Shell, Aerial Ropeway, Battery remains, Pelton Wheel remains, Smelter, Water Races, Miner's Cottage, Winding Engine House, and its fittings and fixtures, the following chattels: mine cages, pulley wheels, zinc boxes, tramway remnants, and the following class of chattels: all objects associated with the Big River Quartz Mine within the boundary. ~~(Refer to map in Appendix 1 of the registration report for further information)~~[148]	
HH88	National Bank (Former), Revell and Hamilton St, Hokitika, Westland Sec 6 Town of Hokitika (RT WS3A/128),	Architectural, Contextual, Historic and Technological	Extent includes part of the land described as Sec 6 Town of Hokitika (RT WS3A/128), Westland Land District and the building known as the National Bank (Former) thereon. ~~The timber cottage~~	5057 Historic Place Category 2

[148] Heritage New Zealand Pouhere Taonga S140.069

	Westland Land District		~~on the land parcel is not included in the extent of the List entry~~[149]	
HH96	Seddon Statue, 14 Sewell St, Hokitika, Westland Lot 1 DP 3239 (RT WS8B/652), Westland Land District. Located in front of Hokitika Government Buildings (otherwise known as Seddon House).	Cultural and Social	Extent includes part of the land described as Lot 1 DP 3239 (RT WS8B/652), Westland Land District and the structure known as Seddon Statue thereon. ~~See extent map tabled at the Rārangi Kōrero Committee meeting on 30 April 2019.~~[150]	4995 Historic Place Category 1
HH117[151]	**Taramakau Rail Bridge** **Rail corridor over the Taramakau River**	**Historical, Social, Cultural, Aesthetic, Technological, Contextual and Archaeological**	**The extent of setting is limited to the rail corridor in the immediate vicinity of the bridge.**	
HH118[152]	**Dillons Homestead Hut** **Part 39004-GRA Pt Bed Taipo River BLK XII XVI Turiwhate SD BLK IX Otira SD**	**Historical, Social, Cultural, Aesthetic, Architectural, Technological, Contextual, and Archaeological**	**The extent of setting is limited to the immediate surrounds of the hut, rather than the land parcel as a whole.**	
HH119[153]	**Hall & Coulthard Payroll Robbery Memorial, Runanga** **Parcel 3702214 [road reserve]**	**Historical, Social, Cultural, Aesthetic and Contextual**	**The extent of setting is limited to the immediate surroundings of the monument, rather than the subject road reserve as a whole.**	

[149] Heritage New Zealand Pouhere Taonga S140.070
[150] Heritage New Zealand Pouhere Taonga S140.071
[151] Laura Mills S309.002
[152] Laura Mills S309.002
[153] Laura Mills S309.002

HH120[154]	**Cobden Battery Observation Post, Cobden Hill** **Parcel 3702264**	**Historical, Social, Cultural, Aesthetic, Technological**	**The extent of setting is the land parcel on which the emplacement is located.**	
HH121[155]	**Kopara Hot Springs Bathing Pool** **Parcel 23676024, NZ Gazette 1940 p. 1785**	**Historical, Social, Cultural, Aesthetic and Contextual** **May have archaeological significance**	**The extent of setting is limited to the immediate surrounds of the pool, rather than the land parcel as a whole.** **[The bathing pool is located on the west side of the Haupiri River, immediately south of its confluence with Cone Creek; the site is part of a large block within the DoC estate.]**	
HH122[156]	**St Patricks Catholic Church, Kumara** **Lot 2 DP 3528 Town of Kumara**	**Historical, Social, Cultural, Spiritual, Architectural, Aesthetic, Technological and Contextual**	**Extent includes the building and the land parcel on which it sits described as Lot 2 DP 3528 Town of Kumara.**	
HH123[157]	**Hannan and Seddon Building, (Former WW Perkins Law Office), 4 Werita Street, Greymouth** **Section 91 Block 3 Greymouth**	**Historical, Social, Cultural, Spiritual, Archtectural, Aesthetic, Technological, Contextual, Archaeological and Scientific**	**Extent includes building and the land parcel on which it sits described as Section 91 Block 3 Greymouth.**	

[154] Laura Mills S309.002
[155] Laura Mills S309.002
[156] Brendon McMahon S306.001
[157] Laura Mills S309.002

SCHED1B – Schedule of Archaeological Sites			
Unique Identifier	**Site Identifier**	**Site Type and Values**	**Heritage New Zealand Listing Reference** **New Zealand Archaeological Association Reference**
ARCH5	Denniston Historic Area	Secs 1, 2, 5, 6, 8, 13, 21, 22, 27, 30, 32, 35, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 57, 58, 62, 64, 65, 72, 77, 79, 80, 83, 87, 94, 97, 100, 103, 104, 106, 107, 111, 115, 122, 123, 124, 142, 143 Town of Denniston (RTs NL13/97, NL14/43, NL6A/687, Identifier: 216495, NL14/44, NL1A/270, NL92/57, NL1B/842, NL42/36, NL13/232, NL13/235, NL10A/1277, NL13/236, NL13/237, NL8C/367, NL13/239, NL14/181, NL13/98, NL2B/78, NL9A/989, NZ Gazette 1964, p. 1594, NZ Gazette 1975, p. 189, NZ Gazette 1979, p. 700, NZ Gazette 1982, p. 3696), Pt Secs 26, 28, 36, 41, 44, 45, 50, 59, 60, 61, 66, 67, 68, 69, 73 & 74, 82, 87, 89, 90, 91, 96, 101, 102, 127, Town of Denniston (RTs NL13/210, NL8C/1350, NL39/191, NL33/90, NL7C/34 & NL45/56, NL125/14, NL22/60 & NL22/59, NL 84/72 & NL14/77 & NL84/73, NL35/260, NL11D/43, NL20/89, NL50/232, NL54/39, NL9A/746, NL14/51, NZ Gazette 1972, p. 500, NZ Gazette 1975, p. 189, NZ Gazette 1982, p. 3696, NZ Gazette 1987, p.1248), Sec 75, Blk V Kawatiri SD, (NZ Gazette 1976, p. 2287, NZ Gazette 1979, p. 700), Secs 7,	HNZPT 7049 **Historic Place Category 1**[158] NZAA K29/55

[158] Heritage New Zealand Pouhere Taonga S140.074

		11, 40, 44, 45, 47, 50 and Pt Sec 42, Blk VI Kawatiri SD, (RTs NL89/13, NL55/139, NL5C/6, NL11B/157), Lot 1 DP 542 (being Pt Sec 66 Town of Denniston) (RT NL39/95), Lots 1, 2 DP 61 (being Pt Sec 81 Town of Denniston) (RT NL16/70, NL16/69), Lot 2 DP 1987 (being Pt Sec 89 Town of Denniston) (RT NL68/279), Secs 1, 2, 3, 4, SO Plan 14864 (RTs NL10A/333, NL10A/582, NL10A/573, NL10A/574), Sec 1 SO Plan 14928 (RT 10A/1303), Sec 1 SO Plan 15088 (RT NL11A/1123), and all SO Plans 3524, 8550 and 10411 (NZ Gazette 1979, 700), all Kawatiri SD, Nelson Land District.	
ARCH15	Big River Quartz Mine	Secs 1-4, Blk X and Crown Land Blk X (under action). Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District	HNZPT 7762 **Historic Place Category 1**[159]
ARCH16	Waiuta Historic Area	Crown Land (under action) Town of Waiuta (RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42 Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Crown Land (under action) Town of Waiuta	HNZPT ~~9285~~ 9835 **Historic Place Category 1**[160]

[159] Heritage New Zealand Pouhere Taonga S140.075
[160] Heritage New Zealand Pouhere Taonga S140.076

		(RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42 Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Town of Waiuta, Sec 47 Town of Waiuta, Sec 48 Town of Waiuta (RT NL2D/809), Secs 49-51 Town of Waiuta (NZ Gazette 1984, p. 560), Lot 1 DP 18537 (RT NL73/88), Sec 5 Blk XIII Waitahu SD (NZ Gazette 1981, p. 1420) and Pt Crown Forest Land Blk IV Mawheraiti SD (NZ Gazette 2020, 4720), Sec 1 SO 14989 (NZ Gazette 2002, p. 602), Legal Road and Legal River, Nelson Land District	
ARCH27	Brunner Mines Historic Area, Taylorville	Pt Sec 2A Square 119 (NZ Gazette 1924, p2299); RS 6362, Blk X Arnold SD (NZ Gazette 1985, p534); Crown Land, Crown Land Survey Office Plan 4893 and Part Res 982 (Conservation purposes SO 11209 K31/43); Crown Land (Conservation purposes SO 11209 K31/44); Secs 1-2 SO 449212 (RT 581572, NZ Gazette 2012 p.1067); Sec 3 SO 309588 (RT 47501, NZ Gazette 2002 p 2090); Legal Road; Legal River; Railway Land (PROC 36, NZ Gazette 1896, p.1199), Westland Land District	**HNZPT** 7051 **Historic Area**[161]

[161] Heritage New Zealand Pouhere Taonga S140.077

ARCH28	Ross Historic Area, Ross	Lot 1 DP 2387 (RT WS58/1029), Lot 2 DP 2387 (RT WS5B/1030), Res 96A and Secs 34-39 Town of Ross, and Sec 1 SO 11511 (NZ Gazette 1989 p.5684), Pt Legal Road, Westland Land District.	HNZPT ~~7053~~ **7055**[162] **Historic Area**
ARCH31[163]	**Seddon House Site** **740-742 Otira Highway (State Highway 73), Kumara**	**Seddon House Historic Reserve (NZGZ 1981, p. 24; NZGZ 1988, p. 2396 and NZGZ 1989, p. 5301), Westland Land District**	**HNZPT 9864** **Historic Place Category 1**

2.9. Historic Heritage Appendices

319. The s42A Report for the Historic Heritage Chapter notes that submissions and evidence on Appendix Four and Appendix Ten, while relevant to the historic heritage topic as a whole, are addressed in the Sites and Areas of Significance to Māori s42A Report.

320. The Panel have adopted the same approach to these appendices and provide recommendations as part of the Sites and Areas of Significance to Māori Recommendation Report.



Paul Rogers

Hearings Panel – Chair



Anton Becker

Hearings Panel Member



Maria Bartlett

Hearings Panel Member

Date: 9 September 2025

[162] Heritage New Zealand Pouhere Taonga S140.078
[163] Heritage New Zealand Pouhere Taonga S140.072

APPENDIX 1 - RECOMMENDATIONS

Definitions

Accidental Discovery Protocol Commitment	**means a written commitment to adhere to the accidental discovery protocol as contained in Appendix Four.** **Advice note: This does not replace any archaeological authority required by HNZPT.**
Archaeological site	**has the same meaning as in the Heritage New Zealand Pouhere Taonga Act 2014 (as set out below).** Means, **subject to section 42 (3) –** a) Any place in New Zealand, including any building or structure (or part of a building or structure), that- i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and b) Includes a site for which a declaration is made under section 43 (1) ~~of the Heritage New Zealand Pouhere Taonga Act 2014~~
Heritage fabric	means any physical element, feature, material or finish which contributes to the heritage values, in whole or in part, of a structure, place, object **or** feature ~~or site~~
Historic heritage	~~means sites, buildings and areas identified in Schedule One Historic Heritage Items and Areas and Archaeological Sites~~ **has the same meaning as in section 2 of the RMA (as set out below) –** **a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:** **i. archaeological;** **ii. architectural;** **iii. cultural;** **iv. historic;** **v. scientific;** **vi. technological; and** **b) includes –** **i. historic sites, structures, places, and areas; and** **ii. archaeological sites; and** **iii. sites and areas of significance to Māori, including wāhi tapu; and** **iv. surroundings associated with the natural and physical resources**

Suitably Qualified or Experienced Heritage Professional	means a person with a degree or recognised post-graduate qualification in a field related to heritage conservation or management**, which may include architecture,** and at least five years of experience in a heritage conservation or management role; **or otherwise, a person peer reviewed and recognised by Heritage New Zealand Pouhere Taonga as having experience in heritage conservation or management relevant to undertaking the required role**. **Advice Note: Relevant experience in heritage conservation or management includes cultural expertise held by members of Poutini Ngāi Tahu, and consultation with Poutini Ngāi Tahu is needed to identify expertise relevant to undertaking the required role.**

Historic Heritage Chapter

Overview

~~Sites~~ **Items**, areas, memorials and buildings may have historic heritage values if they are places or objects ~~which~~ **that** people associate with their identity, history, and events or cultural traditions.

Historic heritage values are important because they provide a tangible insight into our past and can be an important source of knowledge**,** and a social and cultural link to the past that is important to the community. The destruction or damage of heritage values can cause the loss of this knowledge**,** as well as a social/cultural link to the past.

As well as meeting the specific duties under section 6 of the Resource Management Act 1991, protecting historic heritage values can help teach people about their past, foster a sense of identity and community**,** and provide economic opportunities in heritage, tourism, recreation, restoration and marketing.

Te Tai o Poutini Plan manages different types of historic heritage.

Historic Heritage items are listed in Schedule One**, Schedule Two and Schedule Three. Schedule One predominantly covers the built and colonial heritage and also** ~~The schedule also~~ identifies if there are any interior elements of a heritage building that are also protected. **Schedule Two covers notable and heritage trees that are important to the community and Schedule Three reflects Poutini Ngāi Tahu historic heritage areas**.

Historic areas are also listed in Schedule One. There are eight historic areas – Denniston Historic Area, Reefton Historic Area, Waiuta Historic Area, Greymouth Railway Station Historic Area, Moana Railway Station Historic Area, Brunner Mines Historic Area, Jack's Mill School Historic Area and Ross Historic Area.

Under the Heritage New Zealand Pouhere Taonga Act 2014, ~~A~~**a**rchaeological sites are any place in Aotearoa New Zealand (including buildings and structures) that are associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. There are a large number of archaeological sites identified in the West Coast/Te Tai o Poutini. While all archaeological sites are protected under **the** Heritage New Zealand Pouhere Taonga Act 2014, archaeological sites **predominantly related to European colonial history** of particular significance to the community on the West Coast/Te Tai o Poutini are included in Schedule One and the Historic Heritage rules also apply to these archaeological sites. **This schedule can also contain post-1900 items and areas**. **The archaeological sites listed in Schedule One, while an important part of the West Coast/Te Tai o Poutini, are not the full list**. Alongside this, the New Zealand Archaeological Association has identified a list of

archaeological sites of Māori origin. **Further investigation is required to ensure the exact spatial location and extent of these archaeological sites, therefore** ~~T~~**t**heseare included in Appendix Ten for information. **This appendix raises awareness for plan users, particularly resource consent applicants, of the increased likelihood of discovering archaeological material of Māori origin in the vicinity of these areas. Appendix Ten will be mapped and included as an "Alert Layer" on the e-plan maps. The Councils will continue to work with both Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu over the next ten years to ensure that the archaeological sites of Māori origin are accurately mapped before being considered for inclusion in Schedule One via a plan change**.

Historic heritage and archaeological sites are also important to Poutini Ngāi Tahu **for values other than historic heritage**. Some of these sites and areas are identified, with other Sites **and Areas** of Significance to Māori, in Schedule Three. Notable trees of value to Poutini Ngāi Tahu are identified in Schedule Two. Where a site is scheduled in multiple locations, the provisions of all chapters must be considered. **Some objectives and policies of this chapter also apply to sites listed only in Schedule Two or Schedule Three**.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant to historic heritage, including:

• **Sites and Areas of Significance to Māori** – the Sites and Areas of Significance to Māori Chapter contains the provisions in relation to the sites and areas identified in Schedule Three.

• **Notable Trees** – the Notable Trees Chapter contains the provisions in relation to trees identified in Schedule Two.

• **Subdivision** – the Subdivision Chapter contains provisions which relate~~d~~ to the subdivision of land with historic heritage ~~sites~~ **items** and areas – in particular Rules SUB – R10 and SUB – R17.

• **Financial Contributions** – the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where heritage **heritage** ~~sites and~~ items **and areas** are protected.

• **Signs** – The Signs Chapter contains provisions ~~which~~ **that** relate to signs that are placed on and around historic heritage ~~sites~~ **items** and areas – in particular Rule SUB – R7.

• **The Zone Chapters** – ~~T~~**t**he Zone chapters contain some provisions which exempt historic heritage buildings from complying with performance standards, for example visitor accommodation requirements in the Town Centre Zone.

• **Appendix Ten** – ~~T~~**t**his appendix contains NZAA listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in this appendix for information purposes **and are a matter for consideration where resource consent is required for an activity that may impact an archaeological site. Appendix Ten will be mapped and included as an "Alert Layer" in the e-planning maps**. Like all archaeological sites, these **archaeological sites** are protected under the Heritage New Zealand Pouhere Taonga Act 2014.

Other relevant Statutory Provisions

Aside from Te Tai o Poutini Plan, there are other key Acts and regulations seeking to protect and conserve historic heritage.

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) – under this act it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is scheduled in Te Tai o Poutini Plan or not) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) before work starts. An archaeological authority is required in addition to

any resource consent required by the Council. If you discover a previously unknown archaeological site (for example, when you are undertaking ~~earth~~works) you must stop any work that could affect the **archaeological** site and contact HNZPT for advice on how to proceed. If there are human remains**/kōiwi or taonga** revealed, then the Accidental Discovery Protocol in Appendix ~~Five~~ **Four** must be followed and if any artefacts are found they must be handed over to the Ministry for Culture and Heritage.

The Building Act 2004 – this Act and associated regulations manage earthquake-prone buildings. Earthquake strengthening to scheduled **historic** heritage buildings and items is a permitted activity so long as the strengthening work does not compromise the historic heritage building or item**'**s heritage values.

HH-O1

Recognise, protect and celebrate the benefits of historic heritage of the West Coast/Te Tai o Poutini and its contribution to wellbeing through supporting a sense of place, community identity, culture and economic opportunities.

HH-O2

Provide for development opportunities that are sensitive to the identified values of scheduled historic heritage items and areas while providing for the protection of these values.

HH-O3

Identify, assess and recognise historic heritage places and features that are valued locally, regionally and nationally to ensure their protection **from inappropriate subdivision, use and development** for future generations.

HH-O4

Protect historic heritage **from inappropriate subdivision, use and development** by ~~restricting~~ managing relocation, repositioning, internal and external alterations and additions to heritage items and ~~not~~ **only** allowing demolition and destruction **in limited circumstances**.

HH-P1

Recognise that historic heritage items **and areas** may be valued on a national, regional or local scale.

HH-P2

Identify, assess and map heritage buildings, features, places ~~and sites~~ and archaeological sites, in partnership with Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu and in consultation with the community and key stakeholders.

HH-P3

Assess the values of historic items and areas using the criteria set out in Method 3 of Chapter 4 in the West Coast Regional Council Policy Statement:

a. Historic;

b. Cultural;

c. Architectural;

d. Archaeological;

e. Technological;

f. Scientific;

g. Social;

h. Spiritual;

i. Traditional;

j. Contextual; and

k. Aesthetic.

HH-P4

Enable the use, including adaptive reuse of historic heritage items identified in Schedule One, while ensuring that their identified values are maintained.

HH-P5

When considering the proposals for external alteration of historic heritage items identified in Schedule One, the following matters should be considered:

a. Any external alteration will not significantly detract from an item of historic heritage value; ~~or~~

b. The alterations are for the primary purpose of improving structural performance, fire safety, **upgrading energy supply** or physical access **to the heritage item;**

c. The alternations are necessary to enable the continued adaptive reuse of the heritage item while maintaining heritage values to the fullest extent possible.

HH-P6

When considering proposals for relocation or repositioning of historic heritage items identified in Schedule One, the following matters shall be considered:

a. The impact on the physical integrity of the item and practical considerations associated with relocating or repositioning;

b. Whether the item can be accommodated without having a significant adverse effect on the structure and heritage values of the item;

c. Whether the item is at immediate risk from natural hazards identified in the Natural Hazard Chapter of this plan;

d. Whether the relocation is to return an item to its original location;

e. The impact of the movement of the item on public access to the item;

f. The importance of the heritage item's setting to its heritage significance and the impact of relocation or repositioning on that significance; and

g. The historic heritage item and land it is sited on are in different ownership and ~~following investigation and assessment into~~ **there is no** practical option~~s~~ for the ~~retention of the historic heritage~~ item **to remain** in its current location~~, it is unreasonable for the item to remain.~~**;**

h. **Functional need and operational need of regionally significant infrastructure, where there is no practicable alternative location and heritage values of the item are maintained**.

HH-P7

Demolition and destruction of **a** historic heritage item~~s~~ identified in Schedule One will not be allowed unless it can be demonstrated, through investigation and assessment by a suitably qualified **or experienced** heritage professional that:

a. The extent of the work required to retain the heritage item~~s~~ is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;

b. **The item poses a significant risk to public safety and there is no practicable alternative to make the item safe;**

c. The costs to retain or repair the heritage item would be unreasonable;

d. All other viable alternatives, including relocation and repositioning**,** have been fully considered.

HH-P8

Internal alteration of historic heritage buildings identified in Schedule One assessed as having significant internal values will not be allowed unless it can be demonstrated that:

a. The alterations are for the primary purpose of improving structural performance, fire safety or physical access; or

b. It is in a serious state of disrepair, and cost to remedy is prohibitive; or

c. Any alteration will not detract from its heritage value; or

d. It is of a temporary or easily reversible manner and will support its ongoing use; or

e. It can be altered in part without significant adverse effects on the heritage values for which the item is listed in Schedule One.

HH-P9

The Councils will work with Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu to create a yearly work programme ~~which~~ **that** will enable all NZAA sites ~~of Māori origin~~ ~~o~~**i**n Te Tai o Poutini to be accurately mapped within the next ten years, **prioritising sites of Māori origin**. These will be included in the planning maps as a Plan Change.

HH-P10

Only allow regionally significant infrastructure on or within historic heritage items or areas identified in Schedule One where it can be demonstrated that:

a) **functional need or operational need of the infrastructure means that there is no practicable alternative to its location; and**

b) **The infrastructure will protect and maintain the heritage values of the item or area.**

Historic Heritage Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

HH - R1 Repairs and Maintenance of a Historic Heritage Item identified in Schedule One

Activity Status Permitted

Where:

1. There are no changes to the extent, floor levels, form, proportion and scale of the item;

2. There are no changes to the design, texture, or form of the fabric;

3. Use of materials ~~other than those that~~ are the same as the original, or the most significant fabric, or the closest equivalent; ~~or~~

4. There is no damage to the building or structure as a consequence of affixing scaffolding;

5. New materials, works or reconstructed elements are date stamped to indicate the time of their installation.

Advice notes:

1. This rule applies only to the exterior of the heritage item, except where the 'Extent' in Schedule One includes 'fixtures and fittings'. The rule applies to 'fixtures and fittings' for those specific scheduled items, including interiors.

2. Date stamping is a term used in heritage conservation to mean marking with a date, not necessarily a stamp, and is important to clearly distinguish replicated or introduced features and new areas of fabric from heritage fabric, so that changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builder's pencil is used with regard to masonry or timber, or small steel plate can be used on timber. A permanent marker pen may be used on steel elements. Marking should be in unobtrusive locations. Not all new fabric requires dating. Where there are areas of new or introduced material, it can be done on an example, rather than on every piece. It should be noted that some treated timber and plasterboard is already dated.

Activity status where compliance not achieved:

Restricted Discretionary

HH - R2	**Earthquake Strengthening, Fire Protection, ~~and~~ Accessibility and Service Connection Upgrades to a Historic Heritage Item Identified in Schedule One**

Activity Status Permitted

Where:

1. All performance standards for Rule HH – R1 are complied with; and

2. An assessment from a **suitably qualified or experienced** ~~H~~**h**eritage ~~Architect~~ **professional** is provided to the relevant council confirming the works are consistent with the values of the Historic Heritage item at least 10 working days prior to the commencement of the work**.**

Activity Status where compliance not achieved:

Restricted Discretionary

HH – R3	**Minor earthworks in a Historic Heritage Item or Area or Archaeological Site identified in Schedule One**

Activity Status Permitted

Where:

1. These are earthworks that will not result in damage, demolition or destruction of heritage items and are associated with:

a. An activity permitted under Rule HH – R1 or Rule HH – R2; **or**

b. Interments at existing cemetery or urupā; or

c. Archaeological survey by Heritage New Zealand - Pouhere Taonga or authorised representatives; or

d. Installing fence posts and the replacement of poles for overhead network utility lines**,** provided the area of land disturbed is limited to what is necessary to maintain an existing fence or **overhead line** along its existing alignment ~~and does not involve installation or digging of new post holes~~; **or**

e. Maintaining existing underground energy activity or **telecommunications** assets **or installing new underground energy or telecommunications assets that enable ongoing use of the heritage item or area**; **or**

f. Maintaining and repairing regionally significant infrastructure within the existing footprint of that infrastructure; or

~~f~~**g**. Maint~~enance~~**aining** and repair**ing** ~~of~~ existing drains within the existing footprint of the drain; or

~~g~~**h**. Maintaining roads, tracks, carparks, accessways or paved areas within the footprint or modified ground compromised by the existing road, track, carpark, accessway or paved area; and

2. ~~An Archaeological Authority has been issued by Heritage New Zealand – Pouhere Taonga, or~~ an Accidental Discovery Protocol commitment has been completed and submitted to the relevant ~~District~~ Council at least 10 working days prior to the commencement of any earthworks**; and**

3. All standards of Rule EW – R1 are complied with.

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.

Activity Status where compliance not achieved:

Discretionary where these are not associated with another activity specifically provided for in a Controlled or Restricted Discretionary Activity Rule.

Controlled Activities

HH – R~~5~~4 New infrastructure Connections to a Historic Heritage Item identified in Schedule One

Activity Status Controlled

Where:

1. The new infrastructure connection is to a historic heritage building listed in Schedule One; **and**

2. **The application is accompanied by evidence of the outcome of consultation with Heritage New Zealand – Pouhere Taonga (HNZPT) or demonstration of how the connection is in accordance with any guideline developed by the infrastructure provider in consultation with HNZPT**.

Matters of control are:

a. The location of the customer's connection to the heritage building;

b. The physical impact/damage to the heritage building; and

c. Visual impact and how the visual impact might affect heritage value.

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.

Activity Status where compliance not achieved:

Discretionary

Restricted Discretionary Activities

HH – R45 **~~Relocation or~~ Repositioning of a Historic Heritage item identified in Schedule One and associated earthworks**

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

1. All performance standards for Rule HH – R1 are complied with; and
2. The item is being ~~relocated or~~ repositioned:

a. To its original location~~s~~; or

b. Due to an immediate threat from damage ~~sustained~~ by a ~~N~~**n**atural ~~H~~**h**azard identified:

i. In this plan; or

ii. By a suitably qualified **or experienced** heritage professional.

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

a. The capacity of the item to endure ~~relocation and~~ repositioning;

b. The capacity of the site or area to accommodate the item;

c. The impact on public access to the item; ~~and~~

d. The reduction in risk from natural hazards from the ~~relocation or~~repositioning**; and**

e. **Impacts of the activity on the cultural values of any site or area of significance to Māori, and advice received from Poutini Ngāi Tahu on managing identified impacts on cultural values.**

~~**Notification:** Proposals to relocate or reposition public monuments will always be publicly notified.~~

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.

Activity Status where compliance not achieved:

~~Restricted~~ Discretionary

HH – R6 **Repairs and Maintenance, Earthquake Strengthening, Fire Protection, Service Connection and Accessibility Upgrades where Permitted Activity standards are not met, or Additions and Alterations to Historic Heritage Items identified in Schedule One**

Activity Status Restricted Discretionary

~~Where:~~

~~1. This includes necessary earthworks associated with the activity.~~

Discretion is restricted to:

a. ~~Compatibility of t~~**T**he form~~,~~ **and** materials ~~and setting with~~ **in relation to** the ~~H~~**h**istoric ~~H~~**h**eritage item **and its setting**;

b. Methods to minimise the loss or destruction of the values which contribute to the item's ~~H~~**h**istoric ~~H~~**h**eritage values as assessed by a suitably qualified **or experienced** heritage professional;

c. ~~Compatibility of t~~**T**he treatment of the exterior, including the façade;

d. The ongoing maintenance and enhancement of the ~~H~~**h**istoric ~~H~~**h**eritage values of the item;

e. The long-term viability, retention or ongoing functional use of the item;

f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified **or experienced** heritage professional;

g. If the ~~H~~**h**istoric ~~H~~**h**eritage item is located within a ~~H~~**h**istoric ~~H~~**h**eritage area, that the works do not compromise the ability to interpret the ~~H~~**h**istoric ~~H~~**h**eritage area; and

h. Whether the works complement the form, fabric and setting of the ~~H~~**h**istoric ~~H~~**h**eritage area ~~which the item contributes to~~.

Activity Status where compliance not achieved:

~~Discretionary~~ **N/A**

HH – R~~8~~7	**New Buildings or Structures or Infrastructure and associated earthworks within a Historic Heritage Area identified in Schedule One**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the **form, fabric or setting of the historic heritage** area from the scale, location, design including materials, duration and extent of the proposal, the construction methodology and associated site works;

b. The effects of the inter-relationship between buildings, structures and features within that place;

c. Impact on the ability to view or interpret the historic heritage area;

~~c~~**d**. The purpose and necessity of the works and any alternatives considered;

~~d~~**e**. The provisions of a conservation plan where one has been prepared for the schedule**d** ~~H~~**h**istoric **heritage** ~~A~~**a**rea; ~~and~~

~~e~~**f**. Whether the building or structure is for a Poutini Ngāi Tahu cultural purpose**;**

g. Feedback from any consultation undertaken with Heritage New Zealand – Pouhere Taonga and Poutini Ngāi Tahu; and

h. Whether the works proposed enable development of regionally significant infrastructure.

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.

Activity Status where compliance not achieved:

N/A

Discretionary Activities

HH – R~~7~~8 Relocation ~~or Repositioning~~ of a Historic Heritage item identified in Schedule One and associated earthworks ~~where compliance with HH - R4 is not achieved~~

Activity Status ~~Restricted~~ Discretionary

~~Where:~~

~~1. This includes necessary earthworks associated with the activity.~~

~~Discretion is restricted to:~~

~~a. Compatibility of the form materials and setting with in relation to the Historic Heritage item;~~

~~b. Methods to minimise the loss or destruction of the values which contribute to the item's Historic Heritage values as assessed by a suitably qualified heritage professional;~~

~~c. Compatibility of the treatment of the exterior, including the façade;~~

~~d. The ongoing maintenance and enhancement of the Historic Heritage values of the item;~~

~~e. The long-term viability, retention or ongoing functional use of the item;~~

~~f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified heritage professional;~~

~~g. If the Historic Heritage item is located within a Historic Heritage area, that the works do not compromise the ability to interpret the Historic Heritage area; and~~

~~h. Whether the works complement the form, fabric and setting of the Historic Heritage area which the item contributes to~~.

~~**Notification:** Proposals to relocate or reposition public monuments will always be publicly notified.~~

Advice Note:

Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.

Activity Status where compliance not achieved:

N/A

~~**HH–R10 New Energy Activities and New Infrastructure Activities and associated Earthworks within a Historic Heritage Site or Area identified in Schedule One**~~

~~**Activity Status Discretionary**~~

~~**Activity Status where compliance not achieved:** N/A~~

HH - R~~11~~9	**Earthworks within a Historic Heritage Area or that affect a Historic Heritage Item identified in Schedule One not provided for in another Rule.**
Activity Status Discretionary	
Activity Status where compliance not achieved:	
N/A	
Non-complying Activities	
HH – R~~9~~10	**Demolition and Destruction of a Historic Heritage Item or Area identified in Schedule One**
Activity Status ~~Discretionary~~ Non-complying	
Notification: Activities to demolish or destroy a **historic** ~~H~~**h**eritage ~~i~~**i**tem or ~~A~~**a**rea will always be limited notified to Heritage New Zealand – Pouhere Taonga.	
Activity Status where compliance not achieved:	
N/A	

Methods

HH-M1

Support owners of historic heritage items to maintain their assets through council appropriate resources, such as providing links to guidance documents on resource consent applications on council websites.

HH-M2

The TTPP Committee will consider the merits of inclusion of additional heritage items and areas, and archaeological sites in the Plan as part of their regular monitoring of Plan implementation. People seeking additional items to be scheduled will need to provide an assessment by a suitably qualified or experienced heritage professional that identifies the merits of the item proposed to be scheduled against the criteria in Policy HH – P3. The owner of the item should also be willing for it to be scheduled in the Plan. Where such an assessment and confirmation of agreement to scheduling is provided to the TTPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so, schedule the item via a Committee – initiated Plan Change.

HH-M3

Recognise the West Coast heritage groups, including Heritage West Coast, as significant stakeholders in relation to historic heritage matters, and that they play an important role in advocating for and maintaining historic heritage values on the West Coast.

HH-M4

Detailed documentation of historic heritage values of items, areas and archaeological sites listed in Schedule One will be undertaken by the end of 2026. The record of these assessments will be placed on the Te Tai o Poutini Plan website and directly linked to Schedule One. Priorities for assessment are as follows:

1. **Those items and areas which are on private land or are privately owned.**

2. Items and areas on Crown land outside of the public conservation estate.

3. Items and areas on district or regional council lands.

HH-M5

A GIS alert layer will be created that can be accessed by users of the Plan to show the approximate location of unverified archaeological sites, including archaeological sites of Māori origin in Appendix Ten and other New Zealand Archaeological Association (NZAA) sites that are not listed in Schedule One. This layer will incorporate a 100 metre circular buffer area around the approximate location of the archaeological site to serve as an alert to users of the Plan that archaeological material may be uncovered during works in the area. The layer will be accompanied by an advisory note to that effect.

Schedules

Schedule One: Historic Heritage Items and Areas and Archaeological Sites

Te Rārangai Tuatahi: Ngā Rawa me ngā Whenua Tuku Iho

Assessment of the scheduled Historic Heritage Items and Areas **and Archaeological Sites** has been undertaken using the criteria set out in the West Coast Regional Policy Statement Chapter 4, Method 3:

a. Historic;

b. Cultural;

c. Architectural;

d. Archaeological;

e. Technological;

f. Scientific;

g. Social;

h. Spiritual;

i. Traditional;

j. Contextual; and

k. Aesthetic.

The historic heritage values of historic heritage items and areas and archaeological sites in the Schedule are identified in the tables. A description of these historic heritage values is provided below.

Historical and social significance value: Historical and social significance values that demonstrate or are associated with a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political, or other patterns.

Cultural and spiritual value: Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to Tangata Whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values.

Architectural and aesthetic value: Architectural and aesthetic values that demonstrate or are associated with a particular style, period or designer, design values, form, scale, colour, texture, and material of the place.

Technological and craftmanship value: Technological and craftmanship values that demonstrate or are associated with the nature and use of materials, finishes, and/or technological or construction methods that were innovative, or of notable quality for the period.

Contextual value: Contextual values that demonstrate or are associated with a relationship to the environment (constructed and natural); a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style, and/or detail; recognised landmarks and landscape that are recognised and contribute to the unique identity of the environment.

Archaeological and scientific significance value: Archaeological or scientific values that demonstrate or are associated with the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological, or other values of past events, activities, structures or people.

SCHED1A – Schedule of Historic Heritage Items and Areas

Unique Identifier	Name, Physical Address, Legal Address	Historic Heritage Values	Extent	Heritage New Zealand Pouhere Taonga Listing Reference and Category
HH3	War Memorial Torea St, Granity Buller Railway Land as shown on DP 15319 (NZ Gazette 1881, p 1127), Nelson Land District	Architectural, Contextual, Historic, Social, Technological	The extent includes part of the land described as Railway Land as shown on DP 15319 (NZ Gazette 1881, p.1127), Nelson Land District, and the structure known as War Memorial thereon. The concrete wall is included in, and marks the boundary of, the ~~registration~~ **scheduled extent.**	5020 Historic Place Category 2
HH24	Utopia Lodge (Former) 72 Queen St, Westport, Buller Lot 4 DP 4199 (CT NL2C/331), Nelson Land District	Aesthetic, Contextual, Social	Extent includes the land described as Lot 4 DP 4199 (CT NL2C/331), Nelson Land District, and the building known as Utopia Lodge (Former) thereon. ~~The modern addition to the rear of Utopia Lodge (Former) is~~	5033 Historic Place Category 2

			~~excluded from the registration~~	
HH27	Big River Quartz Mine Victoria Conservation Park, Big River, Buller Secs 1-4, Blk X and Crown Land Blk X (under action), Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD, (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District.	Archaeological, Historic, Technological	Extent includes part of the land described as Secs 1-4, Blk X, and Crown Land Blk X (under action), Waitahu SD and Pt Crown Forest Land Block IV, Mawheraiti Survey District, (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p591), Nelson Land District and the Big River Quartz Mine and road thereon. This includes buildings and structures known as the poppet head, Mine Shafts, Mullock Heap, Cyanide Plant, Boilers, Winding Engines, Cable Trestles, Condenser Shell, Aerial Ropeway, Battery remains, Pelton Wheel remains, Smelter, Water Races, Miner's Cottage, Winding Engine House, and its fittings and fixtures, the following chattels: mine cages, pulley wheels, zinc boxes, tramway remnants, and the following class of chattels: all objects associated with the Big River Quartz Mine within the boundary. ~~(Refer to map in Appendix 1 of the registration report for further information)~~	7762 Historic Place Category 1

HH88	National Bank (Former), Revell and Hamilton St, Hokitika, Westland Sec 6 Town of Hokitika (RT WS3A/128), Westland Land District	Architectural, Contextual, Historic and Technological	Extent includes part of the land described as Sec 6 Town of Hokitika (RT WS3A/128), Westland Land District and the building known as the National Bank (Former) thereon. ~~The timber cottage on the land parcel is not included in the extent of the List entry~~	5057 Historic Place Category 2
HH96	Seddon Statue, 14 Sewell St, Hokitika, Westland Lot 1 DP 3239 (RT WS8B/652), Westland Land District. Located in front of Hokitika Government Buildings (otherwise known as Seddon House).	Cultural and Social	Extent includes part of the land described as Lot 1 DP 3239 (RT WS8B/652), Westland Land District and the structure known as Seddon Statue thereon. ~~See extent map tabled at the Rārangi Kōrero Committee meeting on 30 April 2019.~~	4995 Historic Place Category 1
HH117	**Taramakau Rail Bridge** **Rail corridor over the Taramakau River**	**Historical, Social, Cultural, Aesthetic, Technological, Contextual and Archaeological**	**The extent of setting is limited to the rail corridor in the immediate vicinity of the bridge.**	
HH118	**Dillons Homestead Hut** **Part 39004-GRA Pt Bed Taipo River BLK XII XVI** **Turiwhate SD BLK IX Otira SD**	**Historical, Social, Cultural, Aesthetic, Architectural, Technological, Contextual, and Archaeological**	**The extent of setting is limited to the immediate surrounds of the hut, rather than the land parcel as a whole.**	
HH119	**Hall & Coulthard Payroll Robbery Memorial, Runanga**	**Historical, Social, Cultural, Aesthetic and Contextual**	**The extent of setting is limited to the immediate surroundings of the monument, rather than the subject**	

	Parcel 3702214 [road reserve]		**road reserve as a whole.**	
HH120	**Cobden Battery Observation Post, Cobden Hill** **Parcel 3702264**	**Historical, Social, Cultural, Aesthetic, Technological**	**The extent of setting is the land parcel on which the emplacement is located.**	
HH121	**Kopara Hot Springs Bathing Pool** **Parcel 23676024, NZ Gazette 1940 p. 1785**	**Historical, Social, Cultural, Aesthetic and Contextual** **May have archaeological significance**	**The extent of setting is limited to the immediate surrounds of the pool, rather than the land parcel as a whole.** **[The bathing pool is located on the west side of the Haupiri River, immediately south of its confluence with Cone Creek; the site is part of a large block within the DoC estate.]**	
HH122	**St Patricks Catholic Church, Kumara** **Lot 2 DP 3528 Town of Kumara**	**Historical, Social, Cultural, Spiritual, Architectural, Aesthetic, Technological and Contextual**	**Extent includes the building and the land parcel on which it sits described as Lot 2 DP 3528 Town of Kumara.**	
HH123	**Hannan and Seddon Building, (Former WW Perkins Law Office), 4 Werita Street, Greymouth** **Section 91 Block 3 Greymouth**	**Historical, Social, Cultural, Spiritual, Archtectural, Aesthetic, Technological, Contextual, Archaeological and Scientific**	**Extent includes building and the land parcel on which it sits described as Section 91 Block 3 Greymouth.**	

SCHED1B – Schedule of Archaeological Sites			
Unique Identifier	**Site Identifier**	**Site Type and Values**	**Heritage New Zealand Listing Reference**

			New Zealand Archaeological Association Reference
ARCH5	Denniston Historic Area	Secs 1, 2, 5, 6, 8, 13, 21, 22, 27, 30, 32, 35, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 57, 58, 62, 64, 65, 72, 77, 79, 80, 83, 87, 94, 97, 100, 103, 104, 106, 107, 111, 115, 122, 123, 124, 142, 143 Town of Denniston (RTs NL13/97, NL14/43, NL6A/687, Identifier: 216495, NL14/44, NL1A/270, NL92/57, NL1B/842, NL42/36, NL13/232, NL13/235, NL10A/1277, NL13/236, NL13/237, NL8C/367, NL13/239, NL14/181, NL13/98, NL2B/78, NL9A/989, NZ Gazette 1964, p. 1594, NZ Gazette 1975, p. 189, NZ Gazette 1979, p. 700, NZ Gazette 1982, p. 3696), Pt Secs 26, 28, 36, 41, 44, 45, 50, 59, 60, 61, 66, 67, 68, 69, 73 & 74, 82, 87, 89, 90, 91, 96, 101, 102, 127, Town of Denniston (RTs NL13/210, NL8C/1350, NL39/191, NL33/90, NL7C/34 & NL45/56, NL125/14, NL22/60 & NL22/59, NL 84/72 & NL14/77 & NL84/73, NL35/260, NL11D/43, NL20/89, NL50/232, NL54/39, NL9A/746, NL14/51, NZ Gazette 1972, p. 500, NZ Gazette 1975, p. 189, NZ Gazette 1982, p. 3696, NZ Gazette 1987, p.1248), Sec 75, Blk V Kawatiri SD, (NZ Gazette 1976, p. 2287, NZ Gazette 1979, p. 700), Secs 7, 11, 40, 44, 45, 47, 50 and Pt Sec 42, Blk VI Kawatiri SD, (RTs NL89/13, NL55/139, NL5C/6, NL11B/157), Lot 1 DP 542 (being Pt Sec 66 Town of Denniston) (RT NL39/95), Lots 1, 2 DP 61 (being Pt Sec 81	HNZPT 7049 **Historic Place Category 1** NZAA K29/55

		Town of Denniston) (RT NL16/70, NL16/69), Lot 2 DP 1987 (being Pt Sec 89 Town of Denniston) (RT NL68/279), Secs 1, 2, 3, 4, SO Plan 14864 (RTs NL10A/333, NL10A/582, NL10A/573, NL10A/574), Sec 1 SO Plan 14928 (RT 10A/1303), Sec 1 SO Plan 15088 (RT NL11A/1123), and all SO Plans 3524, 8550 and 10411 (NZ Gazette 1979, 700), all Kawatiri SD, Nelson Land District.	
ARCH15	Big River Quartz Mine	Secs 1-4, Blk X and Crown Land Blk X (under action). Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District	HNZPT 7762 **Historic Place Category 1**
ARCH16	Waiuta Historic Area	Crown Land (under action) Town of Waiuta (RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42 Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Crown Land (under action) Town of Waiuta (RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42	HNZPT ~~9285~~ 9835 **Historic Place Category 1**

		Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Town of Waiuta, Sec 47 Town of Waiuta, Sec 48 Town of Waiuta (RT NL2D/809), Secs 49-51 Town of Waiuta (NZ Gazette 1984, p. 560), Lot 1 DP 18537 (RT NL73/88), Sec 5 Blk XIII Waitahu SD (NZ Gazette 1981, p. 1420) and Pt Crown Forest Land Blk IV Mawheraiti SD (NZ Gazette 2020, 4720), Sec 1 SO 14989 (NZ Gazette 2002, p. 602), Legal Road and Legal River, Nelson Land District	
ARCH27	Brunner Mines Historic Area, Taylorville	Pt Sec 2A Square 119 (NZ Gazette 1924, p2299); RS 6362, Blk X Arnold SD (NZ Gazette 1985, p534); Crown Land, Crown Land Survey Office Plan 4893 and Part Res 982 (Conservation purposes SO 11209 K31/43); Crown Land (Conservation purposes SO 11209 K31/44); Secs 1-2 SO 449212 (RT 581572, NZ Gazette 2012 p.1067); Sec 3 SO 309588 (RT 47501, NZ Gazette 2002 p 2090); Legal Road; Legal River; Railway Land (PROC 36, NZ Gazette 1896, p.1199), Westland Land District	**HNZPT** 7051 **Historic Area**
ARCH28	Ross Historic Area, Ross	Lot 1 DP 2387 (RT WS58/1029), Lot 2 DP 2387 (RT WS5B/1030), Res 96A and Secs 34-39 Town of Ross, and Sec 1 SO 11511 (NZ Gazette 1989 p.5684), Pt Legal Road, Westland Land District.	HNZPT ~~7053~~ **7055** **Historic Area**
ARCH31	**Seddon House Site**	**Seddon House Historic Reserve (NZGZ 1981, p. 24; NZGZ 1988, p. 2396 and NZGZ**	**HNZPT 9864** **Historic Place Category 1**

	740-742 Otira Highway (State Highway 73), Kumara	**1989, p. 5301), Westland Land District**	

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Commercial and Industrial Zones

Ngā Takiwā Pakihi me ngā Takiwā Hanumi

Ngā Takiwā Ahumahi

Hearing Dates: 1 & 2 July 2024

HEARING PANEL

Dean Chrystal (Chair)

Paul Rogers

Anton Becker

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Commercial and Industrial Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Ngā Takiwā Ahumahi sections of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections in Part 1 (Definitions) Part 3, Appendix 3 and the planning maps.

3. The Section 32 Reports[1] provided an evaluation of the Commercial and Mixed Use Zones (CMUZ) and Industrial Zones (INZ) and how they were managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Briar Belgrave, a planner with Barker & Associates Consultancy acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendices 1A–1N and Appendix 3 (planning maps) and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2. It also contained urban design advice from Ms Alicia Lawrie, an Urban Designer with Barker & Associates Consultancy

5. Ms Belgrave subsequently provided an Addendum s42A Report[3] prepared to address key matters raised by submitters in evidence filed before the hearing. The Addendum Report included five attachments relating to further recommendations on provisions and submissions.

6. The s42A Report assessed a total of 735 submission points and 71 further submission points on the CMUZ and INZ Chapters, Appendix Three: Design Guidelines, and relevant definitions and the planning maps. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions.

7. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the following key issues for each of the two chapters:

    - Definitions (for both Chapters)
    - General Submissions;
    - Overview;

[1] Te Tai o Poutini Plan – Section 32 Evaluation Reports Eight and Nine

[2] Te Tai o Poutini Plan Section 42A Officer's Report Commercial and Industrial Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Ngā Takiwā Ahumahi

[3] Addendum to Section 42A Report on Commercial and Industrial Zones

- Objectives;
- Policies;
- Rules;
- Rezonings
- Associated Planning Maps; and
- Town Centre Design Guidelines

8. A s32AA Evaluation for the changes was provided at the end of the s42A Report.

9. This Recommendation Report follows the same structure as the s42A Report. It provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

10. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision. It records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining**, indicating additions and strikethrough, indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

12. Where the Panel recommends the pTTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified, as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended retaining the provision as notified for reasons set out in this Recommendation Report.

13. Where there is a recommended change to a notified provision of the pTTPP, it is because:

    (a) The Panel has recommended an amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

14. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

16. If any changes are recommended to the provisions (since the Section 32A Report was completed), a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate that a further evaluation was undertaken.

17. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below, each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

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

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
COMZ	Commercial Zone
CMUZ	Commercial and Mixed-Use Zones
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone

INZ	Industrial Zones
KiwiRail	KiwiRail Holdings Limited
LIZ	Light Industrial Zone
MOE	Ministry of Education
MUZ	Mixed Use Zone
NCZ	Neighbourhood Centre Zone
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
pTTPP	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF	Silver Fern Farms Limited
TCZ	Town Centre Zone
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
WMP	Westland Milk Products

1.3. Hearing Arrangements

19. The hearing was held at the West Coast Regional Council Building on the 1st & 2nd of July 2024. Some submitters appeared by internet connection.

20. At the hearing, Ms Belgrave tabled a Planning Summary Statement to her s42A Report and an Addendum Report.

1.4. Appearances

21. The following submitters appeared at the hearing:

Mr Steve Tuck, Planner for Silver Fern Farms Limited

Mr Kevin Scanlon for Martin & Co Westport Ltd and Lumberland Building Market Westport

Mr Jonathan Bhana-Thomson for New Zealand Heavy Haulage Association Inc

Ms Frida Inta for Buller Conservation Group and herself

Mr Richard Black for Westland Milk Products

1.5. Overview of submitter evidence received

22. No legal submissions were received.

23. For those appearing at the hearing, the following evidence and/or statements were received:

    (a) Mr Steve Tuck, planner for Silver Fern Farms Limited (dated 30 May 2024 and a summary statement dated 26 June 2024);

    (b) Mr Kevin Scanlon, for Martin & Co Westport Ltd and Lumberland Building Market Westport (received 1 July 2024);

    (c) Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc (dated 14 June 2024);

    (d) Mr Martin Kennedy, planner for Westpower Limited (dated 12 February 2024);

    (e) Ms Frida Inta (received 1 July 2024) on behalf of Buller Conservation Group and herself; and

    (f) Mr Richard Black, Planner for Westland Milk Products (dated 29 July 2024 [sic]).

24. Following the receipt of the s42A Report and the Addendum to the s42A Report, the following were received:

    (a) Robert Kinney, Chief Executive Officer of Isaac Construction Limited, provided the statement of evidence dated 30 May 2024. In his evidence, he outlines the current and future activities on the Isaac Construction landholdings at Kaiata, which supports the submission to rezone part of their site from LIZ to GIZ.

    (b) Kim Seaton, Consultant Planner on behalf of Isaac Construction Limited, provided a statement of evidence dated 30 May 2024. Her evidence addressed the submission to rezone part of the Isaac Construction site at Kaiata from LIZ to GIZ.

    (c) Darran Humpheson, Acoustic Consultant on behalf of Silver Fern Farms, provided the statement of evidence dated 7 March 2024. His evidence addressed the potential for reverse sensitivity from noise in relation to the Silver Fern Farms site at Hokitika.

    (d) Fire and Emergency New Zealand (FENZ) advised[4] it did not intend to appear at the hearing and that it accepted the recommendations by the reporting officer on many of the submission points. The letter provided additional discussion on those submission points that the reporting officer rejected.

[4] Letter from George van Pelt, Consultants Planner dated 21 June 2024.

(e) The Ministry of Education confirmed[5] that they would not be attending the hearing. The letter indicated their support for various recommendations in the S42A report and reiterated their submission point regarding noise.

(f) KiwiRail provided a letter[6] confirming that they would not be attending the hearing. The letter indicated that KiwiRail continued to seek amendments to building setback requirements from the rail corridor.

(g) Terra Firma Mining Limited (Terra Firma) provided a letter[7] confirming it would not be filing evidence and did not wish to be heard at the hearing. The letter responded to the Reporting Officers' recommendations on Terra Firma's submission points, which were essentially in support of the changes proposed.

(h) Pauline Hadfield, Consultant Planner on behalf of Griffen & Smith Ltd provided a statement of evidence dated 14 June 2024. The evidence responded to a point of clarification requested by the Reporting Officer.

(i) A Memorandum of Counsel on behalf of Foodstuffs (South Island) Limited (Foodstuffs) was received on 30 May 2024. The memorandum provided Foodstuffs' response to the Officer's recommendations in the section 42A report. It indicated support for the Officer's recommendation to accept/accept in part many of the submission points. It provided additional discussion on those submission points that the reporting officer rejected.

1.6. Right of Reply

25. Ms Belgrave provided a written Right of Reply (dated 3 October 2024) that included updated appendices showing tracked changes (and a clean version) to the notified provisions. Other appendices included a wiring assessment of objectives, policies and rules for the Industrial Zones.

26. Joint rights of reply were also received in response to submissions from KiwiRail[8] and Silver Fern Farms[9].

1.7. Procedural Steps and Issues

27. No procedural issuing arose from this hearing.

1.8. Site Visits

28. As part of this hearing, we undertook site visits as follows:

(a) The Silver Ferns Farm site at Hokitika

(b) The Westland Dairy site at Hokitika

(c) Kaiata Industrial area

[5] Letter from Daly Williams, Consultants Planner dated 1 July 2024
[6] Letter from Michelle Grinlinton-Hancock dated 28 May 2024
[7] Letter from Lucy Smith, Managing Director dated 30 May 2024
[8] Dated 7 October 2024
[9] Dated 17 October 2024

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

29. Part 3 - Area-Specific Matters - Te Wāhanga 3 - Ngā Take a Ia Rohe of the pTTPP contains a Zones - Ngā Takiwā section. The Zones section contains the two subsections relevant to this decision. Commercial and Mixed Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Industrial Zones - Ngā Takiwā Ahumahi. These subsections comprise eight chapters, including the CMUZ, COMZ, MUZ, NCZ, TCZ, INZ, GIZ, and LIZ chapters. The CMUZ chapter contains objectives and policies for the four commercial and mixed-use zones, i.e., COMZ, MUZ, NCZ and TCZ, while the INZ chapter does the same for the industrial zones, i.e. GIZ and LIZ. Whereas the COMZ, MUZ, NCZ, TCZ, GIZ and LIZ chapters each contain rules to manage activities within their respective zone, and activity-specific standards with the Permitted Activity rules.

30. The Section 32 Report outlined the relevant statutory considerations applicable to commercial, mixed-use and industrial land, and the relationships between the sections of the RMA and higher order documents.

31. The section 42A Report highlighted the relevant sections of the RMA, and higher order statutory documents and relevant documents. The Panel notes in particular the following:

    (a) New Zealand Coastal Policy Statement 2010 (**NZCPS**);

    (b) National Policy Statement for Freshwater Management 2020 (**NPSFM**);

    (c) National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);

    (d) Iwi Management Plans, Mana Whakahono a Rohe; and

    (e) West Coast Regional Policy Statement 2020 (**RPS**).

32. It is also noted there are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

33. Clause 10 of the First Schedule of the RMA, states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of the requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for the recommendation. References to relevant submissions are made in the footers.

34. The National Planning Standards set out the zones allowed for use in the Plan and provide the following information for the zones addressed in this decision:

    (a) Commercial Zone - Areas used predominantly for a range of commercial and community activities;

    (b) Mixed Use Zone - Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.

    (c) Neighbourhood Centre Zone - Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.

    (d) Town Centre Zone - Areas used predominantly for:

i. in smaller urban areas, a range of commercial, community, recreational and residential activities.

ii. in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.

(e) General Industrial Zone - Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.

(f) Light Industrial Zone - Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.

35. The Panel are satisfied that the proposed Commercial, Mixed Use and Industrial Zones are consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

36. Thirteen submission points and two further submission points relating to definitions were summarised in a Table on pages 15-16 of the s42A Report. Six submissions sought to retain the definition for '*industrial activity*'. Seven submissions sought amendments to other definitions.

37. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

38. Ms Belgrave acknowledged the support from the six submission points[10] to retain the definition for '*industrial activity*'. She supports the relief sought as the definition is in accordance with the Planning Standards.

39. In response to the submission point made by BDC that sought to either delete all references to '*large format retail activities*' and '*retail activities*' from the pTTPP or define them, Ms Belgrave supported the relief in part. She recommends amending the definition for '*retail activity*' to include a detailed definition for the type of activities that are anticipated, which is in keeping with the definition for '*commercial activity*':

> *Retail activity:*
>
> ***means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.*** *Excludes service stations, trade retail and trade suppliers, car sales and drive-through restaurants.*

40. Ms Belgrave does not support the relief sought with respect to '*large format retail*'. This is because the term is only used in GRUZ-R30, and she sees an opportunity to consider the need for a definition in the Rural Zones hearing stream.

41. Ms Belgrave supports the submission point from Foodstuffs to include a definition for '*supermarket*'. She agrees that the wording sought in the submission is appropriate. It is:

> *'A retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.'*

42. In response to the submission point made by Birchfield Coal Mines Limited that sought the addition of *'firewood and coal supplies'* to the definition of '*trade retail and trade suppliers*', Ms Belgrave does not support the relief sought. She considers that the sale of firewood and coal supplies would fall within the definition of '*commercial activity*' and the proposed definition of '*retail activity*'. On that basis, she does not consider it necessary for inclusion in the '*trade retail and trade suppliers*' definition.

[10] Silver Fern Farms (S441.003), Birchfield Coal Mines Ltd (S601.007), BRM Developments Limited (S603.007), Birchfield Ross Mining Limited (S604.007), Phoenix Minerals Limited (S606.007), and Whyte Gold Limited (S607.007)

43. In response to two submission points made by GDC that sought the addition of a definition for '*waste management area'* and '*indoor storage space'*, Ms Belgrave does not support the relief sought as the submitter has not provided preferred wording for either term. Additionally, she considers that the ordinary meaning of the terms provides sufficient clarity.

44. In response to another submission point made by GDC that sought to add a definition for '*outdoor service space'*, Ms Belgrave advises that, as it is her recommendation to delete the requirements for an outdoor storage space in the CMUZ, she does not support including a definition for the term.

45. In response to a further submission point made by GDC that sought to add a definition for '*outlook space'*, Ms Belgrave recommends that, in the absence of preferred wording from the submitter, she does not support including a definition. She notes that '*outlook space'* is a requirement for residential units in the COMZ, and subject to the amendments recommended for COMZ-R5, the rule will provide sufficient clarity. Ms Belgrave also comments that this term is not defined in other second-generation plans or in the Medium Density Residential Standards.

46. The S42A report recommends that the Definitions be amended as follows:

> *Retail Activity:*
>
> ***means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.*** *Excludes service stations, trade retail and trade suppliers, car sales and drive-through restaurants.*
>
> ***Supermarket***
>
> ***A retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.***

Hearing and Submitter Evidence

47. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to the definition of '*supermarket*'.

48. Despite not making any submissions on the definitions, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. She does not support the inclusion of a definition for '*supermarket*'.

49. No other evidence was presented at the hearing in relation to the submission points about the definitions.

Reporting Officer Reply Evidence

50. In response to questions from the Panel, Ms Belgrave considered the need for the inclusion of definitions for '*offices*' and '*services*'.

51. In response to these questions, she considers that the definition for '*commercial activity'* is sufficiently clear that an additional definition for '*services*' is not necessary.

52. Notwithstanding matters related to scope, she does consider that a definition for '*offices*' will provide helpful clarification to plan users, noting that the term is used in NCZ-R1 and NCZ-R11. It will also align with the definition for '*commercial activity'*.

53. Ms Belgrave recommends that the following definition be included for '*offices*':

Offices

"means a commercial activity where administrative, clerical, professional, management, or government activities are conducted"

54. In response to Ms Frida Inta's comments in her statement that question the need for '*supermarket*' to be defined, Ms Belgrave considers that the inclusion of the definition will provide a helpful clarification.

55. In response to questions from the Panel as to whether a definition of *'contaminated'* is required, Ms Belgrave advises that, due to other recommended amendments in the GIZ and LIZ, the word '*contaminated*' has been deleted. As such, the need for the word to be defined is no longer relevant.

Hearing Panel's Evaluation

56. The Panel agree with Ms Belgrave's recommendation and her justification not to include new definitions for *'waste management area', 'indoor storage space', 'outdoor service space'* or '*outlook space'*. We also agree with her recommendation not to amend the definition of '*trade retail and trade suppliers'*.

57. The Panel accept Ms Belgrave's recommendation to amend the definitions of '*Retail activity'* and to add a definition for *'Supermarket'* based on the submissions from BDC and Foodstuffs, respectively. We consider these to be appropriate amendments.

58. The Panel accept Ms Belgrave's justification in her right of reply not to include a definition for '*services'*.

59. The Panel accepts that adding a definition of '*offices*' would be helpful, but since we have not been able to find a submission to provide support and scope for that addition, we cannot accept Ms Belgrave's recommendation to include that definition. This addition could be the subject of a future plan change.

Hearing Panel's Recommendation

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

Definitions - Ngā Tautuhinga	
Term	**Definition**

RETAIL ACTIVITY	**means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.**[11] Excludes service stations, trade retail and trade suppliers, car sales and drive through restaurants.
SUPERMARKET	**means a retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.**[12]

3. COMMERCIAL AND MIXED USE ZONE

3.1. Whole Chapter

Submissions and Further Submissions

61. Four submissions points and two further submission points relating to general matters or the Commercial and Mixed-Use Zones collectively were summarised in a Table on page 8 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

62. In response to the submission points made by Foodstuffs to make amendments throughout the CMUZ provisions to provide for supermarkets, Ms Belgrave supports this submission in part. While she does not recommend specific provisions (particularly rules), she considers that amendments to definitions and other submission points made by Foodstuffs provide some relief to these general submission points.

63. In response to the submission points made by Ngāi Tahu that sought amendments to include Poutini Ngāi Tahu values as a matter for consideration for controlled and restricted discretionary activities and as a new objective, Ms Belgrave notes that this is a common submission point across multiple hearing streams. It has particularly been addressed in the Strategic Directions hearing stream, with the recommended amendment to UFD-O1. As to whether a new matter for control or discretion should be included in the provisions, Ms Belgrave assesses this issue when considering the relevant Plan provisions.

64. Ms Belgrave also acknowledges that sites and areas of significance to Māori are mapped, and that there are some within the urban environment. She also notes that existing objectives and policies refer to maintaining and enhancing amenity values (noting that this includes cultural attributes). On this basis, she does not recommend an additional objective.

65. Ms Belgrave did not make any recommendations to amend the provisions in response to these submission points.

Hearing and Submitter Evidence

66. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate submission point S464.011 that express provisions are needed for supermarkets due to the restrictive

[11] Buller District Council (S538.013)
[12] Foodstuffs (South Island) Properties Limited and Foodstuffs South Island (S464.006)

permitted activity standard, which does not consider supermarket activity. These provisions, he submitted, should recognise the functional and operational needs of supermarkets and allow for design mitigation, rather than operation minimisation.

Reporting Officer Reply Evidence

67. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

68. The Panel agrees with Ms Belgrave's recommendations regarding submissions received on the Chapter as a Whole. We accept that an amendment relating to Poutini Ngāi Tahu values is relevant and that this has been appropriately addressed across multiple Hearing Streams. We also accept that no additional objective relating to cultural attributes is necessary in this part of the Plan.

69. The Panel agrees with Ms Belgrave's recommendation that the addition of a definition (discussed above) for '*supermarket*' partly but in our view sufficiently addresses the submission point made by Foodstuffs.

Recommendation

70. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes in relation to the general matters raised in submissions and further submissions across the CMUZ.

3.2. Commercial and Mixed-Use Overview

Submissions and Further Submissions

71. No submissions or further submissions were received with respect to the CMUZ Overview.

3.3. Commercial and Mixed-Use Objectives

Submissions and Further Submissions

72. Eight submission points relating to the Commercial and Mixed-Use Zone Objectives (as a whole) were summarised in a Table on pages 19-20 of the s42A Report. Seven submission points sought to retain the objectives as notified. The eighth submission sought to add a new objective.

73. Six submission points and two further submission points relating to **CMUZ-O1** were summarised in a Table on page 21 of the s42A Report. Three submissions supported the retention of the objective as notified, and the other three sought amendments.

74. Two submission points and two further submission points relating to **CMUZ-O2** were summarised in a Table on page 22 of the s42A Report. One submission supported the retention of the objective as notified, and the other one sought an amendment, which was opposed by the two further submissions.

75. Two submission points relating to **CMUZ-O3** were summarised in a Table on page 23 of the s42A Report. One submission supported the retention of the objective as notified, and the other sought an amendment.

76. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

Objectives (General)

77. In relation to the objectives (as a group), Ms Belgrave acknowledged the support from the submitters that seek to retain the objectives as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific objectives.

78. In response to the submission point made by the TTPP Committee that sought to add a new objective to the CMUZ, Ms Belgrave supports the relief sought to include an objective that outlines the role of each zone and the overall approach to the zoning framework. Because of the recommended objective, consequential amendments to CMUZ-O2 are also proposed to avoid repetition and to consolidate the two objectives.

79. The S42A report recommends that a new objective be added to the CMUZ chapter and that consequential amendments be made to CMUZ-O2 as follows:

> ***CMUZ – OX***
>
> ***The region's commercial needs are provided for via a suite of commercial zones that:***
>
> ***(a) recognise the importance of the West Coast/Te Tai o Poutini town centres;***
>
> ***(b) serve the immediate need of the local community;***
>
> ***(c) provide for mixed use and redevelopment opportunities at Greymouth; and***
>
> ***(d) provide for larger scale commercial activities in appropriate locations.***
>
> *CMUZ - O2*
>
> *To* ***~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~*** *maintain* ***~~their~~ the*** *integrity* ***of the West Coast/Te Tai o Poutini town centres*** *as a place of high-quality built environment character, community and visitor focus and identity.*

Objective 1

80. In relation to CMUZ-O1, Ms Belgrave acknowledged the support from the submitters that seek to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

81. Ms Belgrave does not support the relief sought by Foodstuffs to make amendments to refer to managing amenity effects on adjoining sensitive activities in place of minimising adverse effects on amenity within and adjoining commercial areas. She does not support an amendment to only refer to adjoining sensitive activities. However, she does acknowledge the concerns raised by Foodstuffs as to the restrictive nature of the objective. Therefore, she recommends rewording CMUZ-O1 into two separate objectives as follows:

> *To maintain and enhance the character and amenity values of commercial areas and town centres* ***while enabling ~~in a way that enables~~*** *commercial and other activities to support the local community and visitors*. ***~~while minimising adverse effects on amenity within and adjoining the commercial areas.~~***
>
> ***Avoid, remedy, and mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.***

82. In response to the two submission points made by Buller Conservation Group and Frida Inta that sought amendments to recognise historical heritage, Ms Belgrave does not support the relief sought. This is because these values are managed in the Historic Heritage chapter and in Schedule One. The duplication sought by the submission is considered unnecessary.

83. The S42A report recommends that CMUZ-O1 be amended as follows:

> ***CMUZ-O1***
>
> *To maintain and enhance the character and amenity values of commercial areas and town centres* ***while enabling*** ~~***in a way that enables***~~ *commercial and other activities to support the local community and visitors.* ~~***while minimising adverse effects on amenity within and adjoining the commercial areas.***~~
>
> ***CMUZ-O2A***
>
> ***Avoid, remedy, and mitigate adverse effects of commercial and other activities within and adjoining the commercial areas****.*

Objective 2

84. In relation to CMUZ-O2, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

85. Ms Belgrave does not support the relief sought by Forest and Bird to amend the objective to ensure that a '*high quality urban environment'* is one where natural values and biodiversity are maintained. She considers that these values are appropriately provided for elsewhere in the Plan and duplication is not necessary.

86. In response to the submission point made by the TTPP Committee and considered above as part of the objectives more generally, Ms Belgrave recommends consequential amendments to CMUZ-O2.

87. The S42A report recommends that CMUZ-O2 be amended as follows:

> *CMUZ - O2*
>
> *To* ~~***recognise the importance of the West Coast/Te Tai o Poutini town centres and***~~ *maintain* ~~***their***~~ ***the*** *integrity* ***of the West Coast/Te Tai o Poutini town centres*** *as a place of high-quality built environment character, community and visitor focus and identity.*

Objective 3

88. In relation to CMUZ-O3, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the objective as notified.

89. In response to the submission point made by Forest and Bird (that is the same as that made regarding CMUZ-O2), Ms Belgrave reiterates that she does not support the relief sought.

90. The S42A report recommends retaining CMUZ-O3 as notified.

Hearing and Submitter Evidence

91. The joint statement presented by Frida Inta and Buller Conservation Group raised questions regarding what type of adverse effect the recommended new objective (CMUZ-O2A) is seeking to manage. The recommended new objective is a result of a submission point by Foodstuffs on CMUZ-O1, and both Ms Inta and the BCG submitted CMUZ-O1. The joint statement considers that the wording sought by Foodstuffs to '*manage amenity effects on adjoining sensitive activities'* is more appropriate.

92. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to CMUZ-O1 and CMUZ-O2A.

93. No other evidence was presented at the hearing in relation to the submission points on the CMUZ objectives.

Reporting Officer Reply Evidence

94. In response to the statement presented by Ms Inta at the hearing regarding CMUZ-O2A, Ms Belgrave clarified that the types of potential effects that might occur in the CMUZ could include amenity effects, particularly as the zones provide for residential units as a permitted activity, or visual and dominance effects associated with buildings that exceed the permitted building envelope. She also reiterated that she does not support the amendment to only refer to sensitive activities for the reasons set out in the S42A report.

Hearing Panel's Evaluation

95. The Panel agree with Ms Belgrave's recommendation to add a new objective to the CMUZ that sets out the purpose of each zone in the Chapter. We agree with the wording in the S42A report and the consequential amendments to CMUZ-O2.

96. The Panel agree with Ms Belgrave's recommended wording for CMUZ-O1 and the recommendation to separate it into two separate objectives. We acknowledge that Foodstuffs have confirmed their agreement with the wording in their legal submissions.

97. The Panel agree with Ms Belgrave's recommendation to retain CMUZ-O3 as notified.

98. We note that the addition of the new objectives results in a renumbering of these provisions, and we have revised them accordingly.

99. In relation to the remainder of the submissions on the Objectives, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

100. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and recommends that the following amendments be made to the **Commercial and Mixed-Use Zone Objectives**:

Commercial and Mixed Use Zones Objectives	
CMUZ – O1	To maintain and enhance the character and amenity values of commercial areas and town centres **while enabling** ~~in a way that enables~~ commercial and other

	activities to support the local community and visitors ~~while minimising adverse effects on amenity within and adjoining the commercial areas~~.[13]
CMUZ – O2	**Avoid, remedy, or mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.**[14]
CMUZ – O~~2~~3[15]	To ~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~ maintain ~~their~~ **the** integrity **of the West Coast/Te Tai o Poutini town centres**[16] as a place of high-quality built environment character, community and visitor focus and identity.
CMUZ – O~~3~~4[17]	To recognise that Greymouth/Māwhera is the principal commercial and urban centre on the West Coast/Te Tai o Poutini and support its redevelopment through providing for a range of commercial and mixed use zones and activities within a high-quality urban environment.
CMUZ – O5	**The region's commercial needs are provided for via a suite of commercial zones that:** **(a) recognise the importance of the West Coast/Te Tai o Poutini town centres;** **(b) serve the immediate need of the local community;** **(c) provide for mixed use and redevelopment opportunities at Greymouth; and** **(d) provide for larger scale commercial activities in appropriate locations.**[18]

3.4. Commercial and Mixed Use Policies

Submissions and Further Submissions

101. Four submission points relating to the Commercial and Mixed Use Zone Policies (as a whole) were summarised in a Table on pages 23-24 of the s42A Report. All submissions supported the policies. However, three sought a point of clarification.

102. Three submission points relating to **CMUZ-P1** were summarised in a Table on pages 24-25 of the s42A Report. One submission point supported the retention of the policy as notified. Two submission points sought amendments.

103. Ten submission points relating to **CMUZ-P2** were summarised in a Table on pages 25-26 of the s42A Report. All submission points supported the retention of the policy as notified.

104. Six submission points relating to **CMUZ-P3** were summarised in a Table on page 26 of the s42A Report. All submission points supported the retention of the policy as notified.

105. Seven submission points and four further submission points relating to **CMUZ-P4** were summarised in a Table on page 27 of the s42A Report. One submission point supported the retention of the policy as notified. Six submission points sought amendments.

[13] Foodstuffs (S464.012)
[14] Foodstuffs (S464.012)
[15] Consequential numbering amendment
[16] Consequential to Te Tai o Poutini Plan Committee (S171.007)
[17] Consequential numbering amendment
[18] Te Tai o Poutini Plan Committee (S171.007)

106. Three submission points relating to **CMUZ-P5** were summarised in a Table on page 27 of the s42A Report. All submission points supported the retention of the policy as notified.

107. Two submission points relating to **CMUZ-P6** were summarised in a Table on page 30 of the s42A Report. One submission point supported the retention of the policy as notified, and the other sought amendments.

108. Two submission points and one further submission relating to **CMUZ-P7** were summarised in a Table on page 31 of the s42A Report. One submission point supported the retention of the policy as notified, and the other (and further submission) sought amendments.

109. Two submission points relating to **CMUZ-P8** were summarised in a Table on pages 31 - 32 of the s42A Report. Both submission points supported the retention of the policy as notified.

110. Three submission points relating to **CMUZ-P9** were summarised in a Table on page 32 of the s42A Report. One submission point supported the retention of the policy as notified, and the others sought amendments.

111. One submission point relating to **CMUZ-P10** was summarised in a Table on page 33 of the s42A Report. The submission point supported the retention of the policy as notified.

112. Three submission points relating to **CMUZ-P11** were summarised in a Table on page 33 of the s42A Report. Two submission points supported the retention of the policy as notified, and the other sought amendments.

113. Three submission points relating to **CMUZ-P12** were summarised in a Table on page 34 of the s42A Report. All the submission points supported the retention of the policy as notified.

114. Nine submission points and one further submission relating to **CMUZ-P13** were summarised in a Table on pages 34-36 of the s42A Report. Three submission points supported the retention of the policy as notified, and the others, including the further submission, sought amendments.

115. One submission point relating to **CMUZ-P14** was summarised in a Table on page 37 of the s42A Report. The submission point supported the retention of the policy as notified.

116. Four submission points and one further submission relating to **CMUZ-P15** were summarised in a Table on pages 37-38 of the s42A Report. Two submission points supported the retention of the policy as notified, and the others, including the further submission, sought amendments.

117. Two submission points relating to **CMUZ-P16** were summarised in a Table on page 40 of the s42A Report. Both submission points supported the retention of the policy as notified.

118. One submission point relating to **CMUZ-P17** was summarised in a Table on page 40 of the s42A Report. The submission point supported the retention of the policy as notified.

119. One submission point relating to **CMUZ-P18** was summarised in a Table on page 40 of the s42A Report. The submission point supported the retention of the policy as notified.

120. One submission point relating to **CMUZ-P19** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.

121. One submission point relating to **CMUZ-PREC1-P1** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.

122. One submission point relating to **CMUZ-PREC1-P2** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.

123. One submission point relating to **CMUZ-PREC1-P3** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.

124. One submission point relating to **CMUZ-PREC1-P4** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.

125. Two submission points and one further submission point relating to **CMUZ-PREC1-P5** were summarised in a Table on pages 42-43 of the s42A Report. The submission points sought an amendment to the policy.

126. One submission point relating to **CMUZ-PREC1-P6** was summarised in a Table on page 44 of the s42A Report. The submission point sought an amendment to the policy.

127. One submission point relating to **CMUZ-PREC2-P7** was summarised in a Table on page 44 of the s42A Report. The submission point sought an amendment to the policy.

128. Two submission points relating to **CMUZ-PREC2-P8** were summarised in a Table on page 45 of the s42A Report. The submission points supported the retention of the policy as notified.

129. Two submission points and one further submission point relating to **CMUZ-PREC2-P9** were summarised in a Table on page 45 of the s42A Report. The submission points sought amendment to the policy.

130. One submission point relating to **CMUZ-PREC3-P10** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.

131. One submission point relating to **CMUZ-PREC3-P11** was summarised in a Table on page 46 of the s42A Report. The submission point sought an amendment to the policy.

132. Two submission points and one further submission point relating to **CMUZ-PREC3-P12** were summarised in a Table on page 47 of the s42A Report. The submission points sought amendment to the policy.

133. One submission point relating to **CMUZ-PREC4-P13** was summarised in a Table on page 47 of the s42A Report. The submission point supported the retention of the policy as notified.

134. One submission point relating to **CMUZ-PREC4-P14** was summarised in a Table on page 48 of the s42A Report. The submission point supported the retention of the policy as notified.

135. One submission point and one further submission point relating to **a new policy** were summarised in a Table on page 48 of the s42A Report. The submission points sought to add a new policy.

136. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

Policies (General)

137. Ms Belgrave acknowledged the support from the submitters who generally support the policies as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific policies.

138. In response to the three submission points made by BDC that sought clarification with respect to the terms '*precincts*' and '*town centres',* Ms Belgrave advises that each of the Town Centres is also subject to a Precinct, with provisions specific to each town (Westport, Greymouth, Reefton and Hokitika). Unfortunately, there is an error in the mapping, and the Precinct Overlays have not been mapped. However, to clarify the provisions, the COMZ objectives and policies apply across all TCZ's and then the suite of specific policies applies for each of the four Precincts.

139. The S42A report recommends amending the planning maps to include the four precincts overlaid with each spatial extent of the TCZs for Westport, Greymouth, Reefton and Hokitika.

CMUZ - Policy 1

140. In relation to CMUZ-P1, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

141. Ms Belgrave supports the submission point made by Waka Kotahi that sought to amend the typo (CUMZ to CMUZ) in the heading above the CMUZ policies.

142. In response to the submission point made by Ngāi Tahu that sought to ensure Poutini Ngāi Tahu values are considered as part of the urban environment, Ms Belgrave considered that, as this policy relates to the protection of cultural landscapes, the relief sought by the submission point is already achieved. Additionally, the submitter offered no specific wording with respect to this policy.

143. The S42A report recommends the following amendments to CMUZ – P1.

> ***Activities and Development in ~~CUMZ~~ CMUZ – Commercial and Mixed Use Zones***
>
> ***CMUZ – P1***
>
> *Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including;*
>
> *a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods;*
>
> *b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and*
>
> *c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.*

CMUZ - Policy 2

144. In relation to CMUZ-P2, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

145. Ms Belgrave recommends that CMUZ-P2 be retained as notified.

CMUZ - Policy 3

146. In relation to CMUZ-P3, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

147. Ms Belgrave recommends that CMUZ-P3 be retained as notified.

CMUZ - Policy 4

148. In relation to CMUZ-P4, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific policies.

149. In response to the submission point made by Foodstuffs that sought various amendments to the policy, Ms Belgrave supports the relief sought in part. The submission sought three areas of relief:

a. Deleting the reference to managing the effects of carparking; and

b. Including a consideration for operational and functional requirements of activities; and

c. Deleting the words '*and is expected to'*.

150. Ms Belgrave does not support deleting the reference to managing the effects of carparking. However, she does recommend replacing '*minimised*' with *'mitigated'*.

151. Ms Belgrave supports including a matter that recognises the functional and operational requirements of activities, particularly as a broad range of activities are provided for and anticipated within the CMUZ. She also supports deleting '*and is expected to'* as it simplifies the wording of the policy.

152. In response to the five submission points[19] that sought to delete clauses a - d from the policy, Ms Belgrave does not support the relief sought. This is because the clauses are relevant considerations for new developments within the CMUZ, achieving the policy and CMUZ-O2.

153. The S42A report recommends the following amendments to CMUZ – P4.

> ***CMUZ – P4***
>
> *New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes* ***which*** ~~***and is expected to***~~*:*
>
> *a. Acknowledge, and respond to, the context of the site and the surrounding environment;*
>
> *b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment;*
>
> *c. Provide a quality street frontage with visual interest and connection with the street; and*
>
> *d. Ensure visual effects from car parking areas are* ***mitigated*** ~~***minimised;***~~ ***and***
>
> ***e. Recognises the functional or operational need of activities.***

CMUZ - Policy 5 to Policy 8

[19] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.011), Chris & Jan Coll (S558.346), Chris J Coll Surveying (S566.346), William McLaughlin (S567.405), and Laura Coll McLaughlin (S574.346)

154. Before considering the content of the submissions relating to these policies, Ms Belgrave sets out that CMUZ-P5, CMUZ-P6, CMUZ-P7 and CMUZ-P8 all relate to establishing new commercial zones rather than managing buildings and activities within the existing zones. She considers that these policies would be more appropriately located in the Strategic Direction chapter of the PTTPP. There is no specific submission seeking this relief. However, there are submission points by BDC seeking this relief for similar policies in the INZ. As such, Ms Belgrave considers there is consequential scope to delete these policies from the CMUZ chapter and relocate them (with any amendment resulting from relevant submissions) to the Strategic Direction chapter.

155. The S42A report recommends relocating CMUZ-P5, CMUZ-P6, CMUZ-P7 and CMUZ-P8 to the SD chapter.

CMUZ – Policy 5

156. In relation to CMUZ-P5, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

157. Ms Belgrave recommends that CMUZ-P5 be retained as notified, although relocated to the Strategic Direction chapter under Urban Form and Development as an objective:

> ***UFD-O2***
>
> ***Support the redevelopment of brownfield sites for mixed use activities where:***
>
> ***a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;***
>
> ***b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;***
>
> ***c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks;***
>
> ***d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised;***
>
> ***e. If necessary, contaminated land is remediated in accordance with national and regional standards; and***
>
> ***f. The redevelopment does not impact on:***
>
> ***1. The vitality and strategic role of town centres as the focal points for commercial and other activities;***
>
> ***2. The efficient and effective use of land; and***
>
> ***3. Community and transport infrastructure investment in centres.***

CMUZ – Policy 6

158. In relation to CMUZ-P6, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

159. In response to the submission point made by Foodstuffs that sought to delete the words '*rather than pulling activity away from the centre'*, Ms Belgrave supports the relief sought as she considers the words to be superfluous, and deletion simplifies the policy.

160. The S42A report recommends deleting CMUZ-P6 from the CMUZ chapter and relocating an amended version in the SD chapter under Urban Form and Development as an objective.

> ***UFD – O3***
>
> ***Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres ~~rather than pulling activity away from the centre.~~***

CMUZ – Policy 7

161. In relation to CMUZ-P7, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

162. Ms Belgrave does not support the relief sought in the submission point made by Foodstuffs. The submission sought to amend the wording of the policy as follows:

> *New CMUZ - Commercial and Mixed Use Zones should ~~not~~ be **restricted** ~~located~~ in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.*

163. Ms Belgrave considers that the policy, as notified, does not prevent the rezoning of land in an urban zone when the relevant considerations are made.

164. The S42A report recommends deleting the CMUZ-P7 from the CMUZ and relocating it into the SD chapter under Urban Form and Development as an objective.

> ***UFD – O4***
>
> ***New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.***

CMUZ – Policy 8

165. In relation to CMUZ-P8, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

166. Ms Belgrave recommends that CMUZ-P8 be retained as notified, although relocated to the Strategic Direction chapter under Urban Form and Development as an objective:

> ***UFD – O5***
>
> ***Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.***

CMUZ – Policy 9

167. In relation to CMUZ-P9, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

168. In response to the submission points made by Waka Kotahi and GDC that sought to delete *'parking'* from the policy on the basis that it is not a mode of transport, Ms Belgrave supports

the relief sought in part. In the context of the policy, '*parking*' refers to cycle parking to encourage pedestrian-friendly streets. Therefore, Ms Belgrave recommends amendments to the policy to clarify the intention.

169. The S42A report recommends the following amendments to CMUZ – P9:

> *CMUZ – P9*
>
> *Provide a range of transport modes to and from the town centres including public transport, cycling routes and **associated cycle** parking and encouraging more pedestrian friendly streets.*

CMUZ – Policy 10

170. In relation to CMUZ-P10, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

171. Ms Belgrave recommends that CMUZ-P10 be retained as notified.

CMUZ – Policy 11

172. In relation to CMUZ-P11, Ms Belgrave acknowledged the support from Te Mana Ora and Grey District Council that sought to retain the policy as notified.

173. Ms Belgrave does not support the relief sought by FENZ, whose submission sought to have the words '*with sufficient capacity for firefighting purposes'* added after the reference to water supply. She does not consider that this level of detail is necessary in this policy, as the references to three waters infrastructure are only to identify the types of infrastructure that should be vested with the Council.

174. Ms Belgrave recommends that CMUZ-P11 be retained as notified.

CMUZ – Policy 12

175. In relation to CMUZ-P12, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

176. Ms Belgrave recommends that CMUZ-P12 be retained as notified.

CMUZ - Policy 13

177. In relation to CMUZ-P13, Ms Belgrave acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

178. In response to the five submission points[20] that sought to delete the reference to enhance the amenity of commercial areas, Ms Belgrave does not support the relief sought. She considers that while it is not always feasible or practical to enhance these values in a commercial setting, the policy also provides for their maintenance, and that it is relevant to include this in the policy.

[20] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.012) Chris & Jan Coll (S558.347), Chris J Coll Surveying (S566.347), William McLaughlin (S567.406), and Laura Coll Mclaughlin (S574.347)

179. In response to the submission point made by Foodstuffs to make various amendments, Ms Belgrave supports the relief sought in part. The submission sought to add *'significant'* to clause (a) of the policy in reference to adverse effects to relax the policy. Ms Belgrave does not consider that the wording will enable non-compliance with the performance standards to be appropriately managed. She has recommended deleting the reference to the performance standards.

180. Foodstuffs also sought to amend clause (c) to '*encourage compact urban form'* of town centres. Ms Belgrave supports the requested amendment as it provides a clearer direction on the use and development outcomes anticipated in the zones.

181. The S42A report recommends the following amendments to CMUZ – P13:

> *CMUZ – P13*
>
> *Activities in the COMZ – Commercial, MUZ – Mixed-Use and NCZ – Neighbourhood Centre Zones should:*
>
> *a.* ***~~Meet performance standards on development and land use that maintain~~*** ***Maintain*** *or enhance the amenity of the commercial areas and* ***avoid, remedy, or mitigate*** ***~~do not create~~*** *adverse effects beyond the boundaries of these areas, particularly in respect of residential areas;*
>
> *b. Provide safe urban design (including pedestrian and vehicle safety); and*
>
> *c.* ***Encourage compact urban form*** ***~~Avoid the fragmentation~~*** *of town centres.*

CMUZ - Policy 14

182. In relation to CMUZ-P14, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

183. Ms Belgrave recommends that CMUZ-P14 be retained as notified.

CMUZ - Policy 15

184. In relation to CMUZ-P15, Ms Belgrave acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

185. In response to the submission point made by Foodstuffs that sought to amend clause (k) and delete clause (l), Ms Belgrave supports the submission in part. Foodstuffs sought to have the words *'standard up to the street frontage and predominantly with verandahs over the footpath'* deleted from clause (k). The S42A report acknowledges that this amendment will simplify the policy. It also acknowledges that requirements for verandahs are specified for three of the precinct areas, while design requirements are specified for all of them. Additionally, this clause relates to buildings, while the policy generally is about activities. For these reasons, Ms Belgrave recommends deleting clause (k) in its entirety.

186. Ms Belgrave also supports deleting clause (l) that requires activities to be reliant on pedestrian movement as sought by Foodstuffs. In the submission, Foodstuffs identifies that supermarket customers rely on vehicles to transport their groceries and that the TCZ provides for a range of commercial activities that are not solely reliant on pedestrian movement. While town centres can be accessed on foot, not all activities will be. Ms Belgrave considers the clause of

the policy to be onerous and, in some cases, impractical. Therefore, she recommends that it be deleted.

187. In response to the submission point made by Te Mana Ora to make additions to clause (g) of the policy, Ms Belgrave does not support the additions. She acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

188. The S42A report recommends the following amendments to CMUZ – P15:

CMUZ – P15

Activities within the TCZ – Town Centre Zones should:

a. Maintain or enhance natural and historic features and built form;

b. Adaptively reuse existing heritage buildings where practicable;

c. Recognise and implement good urban design;

d. Provide for low-speed vehicle movement;

e. Allow for noise associated with commercial activities including bars and restaurants;

f. Provide for commercial signs associated with on-site activities;

g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout;

h. Have consolidated on-street parking;

i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services;

j. Allow for a range of transport options;

~~k. Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and~~

~~l. Be activities reliant on pedestrian movement.~~

CMUZ - Policy 16

189. In relation to CMUZ-P16, Ms Belgrave acknowledged the support from Te Mana Ora and the Ministry of Education that both sought to retain the policy as notified.

190. Ms Belgrave recommends that CMUZ-P16 be retained as notified.

CMUZ - Policy 17

191. In relation to CMUZ-P17, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

192. Ms Belgrave recommends that CMUZ-P17 be retained as notified.

CMUZ - Policy 18

193. In relation to CMUZ-P18, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

194. Ms Belgrave recommends that CMUZ-P18 be retained as notified.

CMUZ - Policy 19

195. In relation to CMUZ-P19, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

196. Ms Belgrave recommends that CMUZ-P19 be retained as notified.

CMUZ – PREC 1 - Policy 1

197. In relation to CMUZ-PREC1-P1, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

198. Ms Belgrave recommends that CMUZ-PREC1-P1 be retained as notified.

CMUZ – PREC 1 - Policy 2

199. In relation to CMUZ-PREC1-P2, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

200. Ms Belgrave recommends that CMUZ-PREC1-P2 be retained as notified.

CMUZ – PREC 1 - Policy 3

201. In relation to CMUZ-PREC1-P3, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

202. Ms Belgrave recommends that CMUZ-PREC1-P3 be retained as notified.

CMUZ – PREC 1 - Policy 4

203. In relation to CMUZ-PREC1-P4, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

204. Ms Belgrave recommends that CMUZ-PREC1-P4 be retained as notified.

CMUZ – PREC 1 - Policy 5

205. In response to the submission point made by Te Mana Ora to make additions to clause (d) of the policy, Ms Belgrave does not support the additions. The submission is similar to that relating to CMUZ-P15 and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

206. In response to the submission point made by Foodstuffs that sought additions to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional need in CMUZ-P4[21] which applies to all CUMZ's, including the Town Centre Precincts.

207. Ms Belgrave recommends that CMUZ-PREC1-P5 is retained as notified.

CMUZ – PREC 1 - Policy 6

[21] The Panel notes that this policy was referred to as COMZ-P4 in the S42A report and record that this is a typo.

208. In response to the submission point made by Te Mana Ora to make additions to the policy to specify that access refers to walking and cycling, Ms Belgrave supports the addition as it is a helpful clarification.

209. The S42A report recommends the following amendments to CMUZ – PREC1 – P6:

> *CMUZ – PREC1 – P6*
>
> *Encourage **walking and cycling** access to and along the Grey/Māwhera River to the adjacent MUZ-Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.*

CMUZ – PREC 2 - Policy 7

210. In response to the submission point made by Te Mana Ora to make additions to the policy, Ms Belgrave does not support the additions. The submission is similar to that relating to CMUZ-P15, and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

211. Ms Belgrave recommends that CMUZ-PREC2-P7 be retained as notified.

CMUZ – PREC 2 - Policy 8

212. In relation to CMUZ-PREC2-P8, Ms Belgrave acknowledged the support from Ngāi Tahu and Te Mana Ora that both sought to retain the policy as notified.

213. Ms Belgrave recommends that CMUZ-PREC2-P8 be retained as notified.

CMUZ – PREC 2 - Policy 9

214. In response to the submission point made by Te Mana Ora to make additions to the policy referring to cycling, Ms Belgrave supports the addition.

215. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.

216. The S42A report recommends the following amendments to CMUZ – PREC2 – P9:

> *CMUZ – PREC2 – P9*
>
> *Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.*

CMUZ – PREC 3 - Policy 10

217. In relation to CMUZ-PREC3-P10, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

218. Ms Belgrave recommends that CMUZ-PREC3-P10 be retained as notified.

CMUZ – PREC 3 - Policy 11

219. In response to the submission point made by Te Mana Ora to make additions to the policy, Ms Belgrave does not support the additions. The submission is like that relating to CMUZ-P15 and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

220. Ms Belgrave recommends that CMUZ-PREC3-P11 be retained as notified.

CMUZ – PREC 3 - Policy 12

221. In response to the submission point made by Te Mana Ora to make additions to the policy referring to cycling, Ms Belgrave supports the addition.

222. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.

223. The S42A report recommends the following amendments to CMUZ – PREC3 – P12:

> *CMUZ – PREC3 – P12*
>
> *Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.*

CMUZ – PREC 4 - Policy 13

224. In relation to CMUZ-PREC4-P13, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

225. Ms Belgrave recommends that CMUZ-PREC4-P13 be retained as notified.

CMUZ – PREC 4 - Policy 14

226. In relation to CMUZ-PREC4-P14, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

227. Ms Belgrave recommends that CMUZ-PREC4-P14 be retained as notified.

CMUZ – PREC 4 - Policy 15 (New Policy)

228. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.

229. Ms Belgrave does not recommend the addition of the new policy.

Hearing and Submitter Evidence

230. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to CMUZ-P4 (with respect to operational and functional need), CMUZ-P13 (with respect to clause (c) and the addition of avoid, remedy and mitigate) and CMUZ-P15.

231. The legal submissions also accept the recommendation to relocate CMUZ-P6 to UFD-O3 and to amend the wording to delete '*rather than pulling away from the centre'*.

232. Ms Booker reiterates that for all other submission points made by Foodstuffs relating to the CMUZ policies, the position set out in the original submission is maintained.

233. The joint statement presented by Frida Inta and Buller Conservation Group requests that the words '*three waters'* be removed from CMUZ-P11 on the basis that it is an obsolete term.

234. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to CMUZ-P11 as initially sought in the submission.

235. No evidence was presented at the hearing by any submitter relating to the policies of the CMUZ.

Reporting Officer Reply Evidence

236. In response to questions from the Panel regarding whether the precincts (PREC1-PREC4) were identified and mapped during notification, Ms Belgrave advised that they were not identified on the planning maps. However, there is reference to them in the text of the pTTPP in the rule headings. She confirmed that the spatial extent of each Precinct is the same as the land covered by the Town Centre zoning, noting that including the Precincts on the planning maps will not introduce any new information. The Panel note that the Overview in the CMUZ provides;

"*The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ -Town Centre Zone; however, each town centre has a Precinct where specific additional policies and rules apply."*

We consider this to be of some assistance in clarifying that each Precinct covers the same area as the Town Centre zoning.

237. It is Ms Belgrave's recommendation to include the Precincts on the planning maps in response to submission point S538.395 by Buller District Council. It will also correct an error in the plan to cross-reference the rules to the maps.

238. Ms Belgrave provided a further assessment responding to discussions during the hearing and questions from the Panel regarding the recommendation in the S42A report to relocate several policies from the CMUZ (and INZ) chapters to the SD chapter. She reiterates the opinion set out in the S42A report that CMUZ-P5 to CMUZ-P8 are relevant to a plan change process and not for the direction of activities in the existing commercial zones. Additionally, she notes that the rules in these zones do not give effect to these policies.

239. Ms Belgrave's further assessment has resulted in the consolidation of the provisions proposed for relocation to the SD chapter. Ms Belgrave recommends that the following new objectives be added to the UFD part of the SD chapter:

UFD-OX:

Enable rezoning of brownfield sites for mixed use activities where:

d. The rezoning supports the effective and efficient use of land;

e. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;

f. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;

g. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks; and

h. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised.

UFD-OX2:

Require new CMUZ – Commercial and Mixed Use Zones and INZ – Industrial Zones to demonstrate the following:

a. Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres.

b. Locate outside of areas subject to significant risks from natural hazards, in wāhi tapu and sites and areas of significance to Māori, or significant natural areas.

c. Development maximises the efficient use of existing infrastructure where this is available.

d. All necessary infrastructure is funded and installed to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.

UFD-OX3:

The vitality and strategic role of town centres is reinforced as the focal points for commercial and social activities.

240. Ms Belgrave's further assessment also considers the scope for making the recommended changes, noting that there is no specific submission that sought relocating the CMUZ policies to the SD chapter. Nevertheless, Ms Belgrave points to submissions[22] that sought to simplify and condense the pTTPP, and she considers the recommended changes to be in accordance with this relief.

241. Ms Belgrave has specifically considered the statement presented by Ms Inta at the hearing and comments that while she does not consider '*three waters*' to be an obsolete term, she does agree that deleting this phrase will simplify the policy. If the Panel agrees, she identifies that a consequential amendment to RESZ-P10 would also be appropriate to achieve consistency.

Hearing Panel's Evaluation

[22] Gina Hogart (S304.003), Suzanne Hills (S443.001), Shaun and Carissa du Plessis (S402.001).

242. The Panel has considered the submissions, further submissions and the various amendments proposed to the Commercial and Mixed Use policies.

243. In the first instance, the Panel agree with Ms Belgrave that no amendments are required to policies CMUZ-P1, CMUZ-P2, CMUZ-P3, CMUZ-P10, CMUZ-P11, CMUZ-P14, CMUZ-P16, CMUZ-17, CMUZ-P18, CMUZ-P19, CMUZ-PREC1-P1, CMUZ-PREC1-P2, CMUZ-PREC1-P3, CMUZ-PREC1-P4, CMUZ-PREC1-P5, CMUZ-PREC2-P7, CMUZ-PREC2-P8, CMUZ-PREC3-P10, CMUZ-PREC3-P11, CMUZ-PREC4-P13 and CMUZ-PREC4-P14.

244. With respect to CMUZ-P11, the Panel acknowledges Ms Inta's statement presented at the hearing that suggested removing the words '*three waters'* from the policy, and Ms Belgrave's right of reply evidence on the matter. However, as neither Mr Inta nor the Buller Conservation Group submitted on this policy, we have no scope to make any amendment. In any event, we do not consider the removal of the words is necessary.

245. The Panel accepts the evidence from Ms Belgrave that there is a mapping error insofar as the Precincts in each Town Centre have not been mapped. We also accept that the spatial extent of the four Precincts is the same as the TCZ for each location, based on Ms Belgrave's right of reply evidence which includes a further assessment that explains that each Precinct is referred to in each TCZ rule heading. Lastly, we observe that the last paragraph of the Overview in the CMUZ chapter provides the following guidance:

"The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply."

246. The Panel agree with Ms Belgrave to correct the typo in the Zone abbreviation at the start of the policies.

247. The Panel agree with Ms Belgrave's reasoning to amend CMUZ-P4 based on the submission from Foodstuffs, and we acknowledge that Foodstuffs has confirmed their agreement with the wording related to functional and operational needs in their legal submissions. We accept that there are situations where the actual functional and operation needs of a commercial development should be taken into account. We also agree to delete the words '*and is expected to'* and to replace *'minimised'* with *'mitigated'* in relation to visual effects from car parking areas.

248. The Panel has considered Ms Belgrave's recommendation to relocate CMUZ-P5 to CMUZ-P8 to the Strategic Directions Chapter. We disagree with this recommendation, as in our view the policies are too specific to be relocated to that part of the Plan. Regardless of this, we have recommended amendments to the Urban Form and Development section of the Strategic Directions Chapter, which will broadly provide context for the Commercial and Industrial provisions.

249. The Panel also acknowledges that no submissions were made to seek changes to CMUZ-P5 or CMUZ-P8, and that the submissions received in relation to CMUZ-P6 and CMUZ-P7 sought minor wording amendments by Foodstuffs. The Panel agrees with the amendment sought regarding CMUZ-P6. However, like Ms Belgrave, we do not consider the requested amendment to CMUZ-P7 to be necessary.

250. Notwithstanding that the Panel does not agree to relocate these policies, we have considered Ms Belgrave's right of reply evidence to simplify and consolidate these policies, relying on generalised submissions that sought to simplify and condense the pTTPP. In our view, the recommended redrafted policies remain lengthy and are no simpler than what was notified. We also consider that the scope to make these changes is tenuous. As such our recommendation is only to make the minor change sought by Foodstuffs to CMUZ-R6.

251. The Panel agree with Ms Belgrave's recommendation to clarify that the reference to *'parking'* in the context of CMUZ-P9 relates to cycle parking.

252. The Panel agree with Ms Belgrave's recommendation to remove the reference to the performance standards in clause (a) of CMUZ-P13 and to add the words *'avoid, remedy or mitigate'*. We also agree with the recommended amendment to clause (c) of the same policy. We acknowledge that the legal submissions for Foodstuffs accept the changes regarding the second and third matters. With respect to the reference to performance standards, we agree with Ms Belgrave that the notified wording will not enable non-compliances with the performance standards to be appropriately managed and so support the recommended wording.

253. The Panel agree with Ms Belgrave's recommendations to delete clauses (k) and (l) from CMUZ-R15. We acknowledge that the legal submissions for Foodstuffs accept these changes.

254. The Panel agree with Ms Belgrave that the additional wording of '*walking and cycling'* suggested by Te Mana Ora in CMUZ–PREC1–P6 is a helpful clarification, as is the addition of '*cycling*' in CMUZ–PREC2–P9 and CMUZ–PREC3–P12.

255. In relation the CMUZ-P12 the Panel note we have made and amendment to refer to regionally significant infrastructure which represents a Plan wide amendment.

256. In relation to the remainder of the submissions on the Policies, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

257. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting in part the submission point made by Buller District Council (S538.395) to amend the Planning Maps as follows:

    (a) Include a Westport Town Centre Precinct mapping overlay over the TCZ at Westport/Kawatiri;

    (b) Include a Greymouth Town Centre Precinct mapping overlay over the TCZ at Greymouth/Māwhera;

    (c) Include a Reefton Town Centre Precinct mapping overlay over the TCZ at Reefton; and

    (d) Include a Hokitika Town Centre Precinct mapping overlay over the TCZ at Hokitika.

258. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and that the following amendments be made to the **Commercial and Mixed Use Zone Policies**:

Commercial and Mixed Use Zones Policies	
Activities and Development in ~~CUMZ~~ CMUZ[23] – Commercial and Mixed Zones	
CMUZ – P1	Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including; a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods; b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.
CMUZ – P2	A range of activities are anticipated within CMUZ - Commercial and Mixed Use Zones which meet the needs of the local community with convenient and safe access and opportunities for economic growth and social interaction.
CMUZ – P3	Residential activities and visitor accommodation may occur in the TCZ - Town Centre and MUZ - Mixed Use Zones particularly where this enables the redevelopment of important landmark and heritage buildings.
CMUZ – P4	New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes ~~and is expected to~~ **which**[24]: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment; c. Provide a quality street frontage with visual interest and connection with the street; and d. Ensure visual effects from car parking areas are ~~minimised~~ **mitigated; and**[25] e. **Recognises the functional need or operational need of activities.**[26]
New Locations for CMUZ – Commercial and Mixed Use Zones	
CMUZ – P5	Support the redevelopment of brownfield sites for mixed use activities where: a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements; b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities; c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks;

[23] Waka Kotahi NZ Transport Agency (S450.207)
[24] Foodstuffs (S464.013)
[25] Foodstuffs (S464.013)
[26] Foodstuffs (S464.013)

	d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised; e. If necessary, contaminated land is remediated in accordance with national and regional standards; and f. The redevelopment does not impact on: 1. The vitality and strategic role of town centres as the focal points for commercial and other activities; 2. The efficient and effective use of land; and 3. Community and transport infrastructure investment in centres.
CMUZ – P6	Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres. ~~-rather than pulling activity away from the centre~~[27]
CMUZ – P7	New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.
Infrastructure in Commercial and Mixed Use Zones	
CMUZ – P8	Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
CMUZ – P9	Provide a range of transport modes to and from the town centres including public transport, cycling routes and **associated cycle**[28] parking and encouraging more pedestrian friendly streets.
CMUZ – P10	The use of energy efficient systems and products, low impact stormwater design and other environmentally sustainable elements in new building and development is encouraged.
CMUZ – P11	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to service new commercial areas across multiple properties then this should be vested with the Council rather than be retained as private infrastructure.
CMUZ – P12	Avoid reverse sensitivity effects on **regionally significant** ~~strategic~~ infrastructure[29] including: a. Hokitika and Westport Airports and Greymouth Aerodrome; b. The rail network; c. The State Highway Network; d. The Ports of Westport and Greymouth;

[27] Foodstuffs (S464.014)
[28] Waka Kotahi NZ Transport Agency (S450.210), Grey District Council (S608.697)
[29] Consequential Plan wide amendment stemming from Energy, Infrastructure and Transport recommendation

	e. Community wastewater treatment and water supply plants; f. The National Grid.
Policies for Specific Commercial and Mixed Use Zones	
CMUZ – P13	Activities in the COMZ - Commercial, MUZ - Mixed-Use and NCZ - Neighbourhood Centre Zones should: a. ~~Meet performance standards on development and land use that maintain~~ **Maintain** or enhance the amenity of the commercial areas and ~~do not create~~ **avoid, remedy or mitigate**[30] adverse effects beyond the boundaries of these areas, particularly in respect of residential areas; a. Provide safe urban design (including pedestrian and vehicle safety); and b. ~~Avoid the fragmentation~~ **Encourage compact urban form**[31] of town centres.
CMUZ – P14	Trade retail and trade suppliers should locate in existing COMZ - Commercial Zone or MUZ - Mixed Use Zone but not within the TCZ - Town Centre Zone or in the NCZ - Neighbourhood Centre Zone.
CMUZ – P15	Activities within the TCZ - Town Centre Zones should: a. Maintain or enhance natural and historic features and built form; b. Adaptively reuse existing heritage buildings where practicable; c. Recognise and implement good urban design; d. Provide for low-speed vehicle movement; e. Allow for noise associated with commercial activities including bars and restaurants; f. Provide for commercial signs associated with on-site activities; g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout; h. Have consolidated on-street parking; i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services; j. Allow for a range of transport options; ~~k. Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and~~ ~~l. Be activities reliant on pedestrian movement.~~[32]
CMUZ – P16	The NCZ - Neighbourhood Centre Zone should provide for retail and community facilities which serve the immediate local community and should not undermine town centre function and identity.
CMUZ – P17	COMZ - Commercial Zoned areas within small settlements should primarily provide access to local shopping and community facilities to serve that settlement.

[30] Foodstuffs (S464.016)
[31] Foodstuffs (S464.016)
[32] Foodstuffs (S464.017)

CMUZ – P18	Encourage the redevelopment of sites within the MUZ - Mixed Use Zone.
CMUZ – P19	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in CMUZ - Commercial and Mixed Use Zones to INZ - Industrial Zoned areas
Additional Policies for Town Centre Precincts	
Town Centre Zone - Greymouth/Māwhera Town Centre Precinct Policies	
CMUZ – PREC1 – P1	Activities and development within the TCZ - PREC1 -Greymouth/Māwhera Town Centre Precinct should reflect the Greymouth/Māwhera CBD Redevelopment Plan and any subsequent plans for the town centre redevelopment and invigoration.
CMUZ – PREC1 – P2	Seek to intensify activity within the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct by fully utilising the existing building stock – including allowing offices, cafes and restaurants, residential apartments and visitor accommodation in upper floors above street level.
CMUZ – PREC1 – P3	Celebrate Greymouth/Māwhera's unique historic and Poutini Ngāi Tahu heritage and identity by repurposing existing landmark and heritage buildings and the use of the Greymouth/Māwhera Town Centre Design Guidelines.
CMUZ – PREC1 – P4	Promote the development of green corridors connecting the Grey/Māwhera River to Victoria Park, Sawyers Creek Wetlands and the lagoon.
CMUZ – PREC1 – P5	Require high quality design outcomes in the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct which adhere to the Greymouth/Māwhera Town Centre Design Guidelines. In particular, new development and additions and alterations to existing buildings are expected to: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Create visual interest and be in keeping with streetscape values; c. Address Poutini Ngāi Tahu and historic heritage values and design elements; d. Create a vibrant, active pedestrian environment; e. Take into account sustainable building design and Crime Prevention through Environmental Design (CPTED) principles; f. Utilise the Greymouth Pounamu and Māori Heritage paint palette on building frontages; and g. Ensure continuous verandah coverage on the Main Street Frontage of the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct.
CMUZ – PREC1 – P6	Encourage **walking and cycling**[33] access to and along the Grey/Māwhera River to the adjacent MUZ- Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.
Town Centre Zone - Hokitika Town Centre Precinct Policies	

[33] Te Mana Ora (S190.710)

CMUZ – PREC2 – P7	Reinforce the pedestrian priority in the TCZ - PREC2 - Hokitika Town Centre Precinct by requiring verandahs, active street frontage and a high quality pedestrian environment which reflects the Hokitika Town Centre Design Guidelines.
CMUZ – PREC2 – P8	Provide for and enable the inclusion of elements of Poutini Ngāi Tahu culture in the design of buildings and structures in the TCZ - PREC2 - Hokitika Town Centre Precinct.
CMUZ – PREC2 – P9	Promote pedestrian **and cycling** links and pedestrian **and cycling**[34] focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.
Town Centre Zone – Westport/Kawatiri Town Centre Precinct Policies	
CMUZ – PREC3 – P10	Ensure that the design, scale and layout of commercial development and buildings in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct is compatible with the character of the town.
CMUZ – PREC3 – P11	Reinforce Palmerston Street between Henley St and Rintoul St as the heart of Westport/Kawatiri by requiring verandahs, active street frontage and a high quality pedestrian environment.
CMUZ – PREC3 – P12	Promote pedestrian **and cycling** links and pedestrian **and cycling**[35] focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.
Town Centre Zone – Reefton Town Centre Precinct Policies	
CMUZ – PREC4 – P13	Ensure that the design, scale, location and layout of development and buildings in the TCZ - PREC4 - Reefton Town Centre Precinct are compatible with the historic character of this area.
CMUZ – PREC4 – P14	Require new development and additions to exterior facades of buildings on the Main Street Frontage of the TCZ - PREC4- Reefton Town Centre Precinct to adhere to the Reefton Historic Town Centre Design Guidelines.

3.5. Commercial and Mixed Use Zones (Zoning and Rezoning)

Submissions and Further Submissions

259. Twenty-four submission points relating to the zoning of land in the Commercial and Mixed Use Zone were summarised in a Table on pages 48-50 of the s42A Report. Eleven submissions supported the zoning. Thirteen submissions sought an amendment to the zoning of land.

260. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

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[34] Te Mana Ora (S190.713)
[35] Te Mana Ora (S190.716)

261. Ms Belgrave acknowledges that as no substantive technical evidence was provided to support any commercial zoning requests, any recommended rezonings reflect clear errors in the zoning maps or where there are clear reasons with respect to achieving the zone objectives and policies and other higher order directives.

262. In relation to the zoning of specific properties, Ms Belgrave acknowledged the support from numerous submission points[36] to retain the zoning as notified.

263. In response to the four submission points[37] that sought to retain the CMUZ zoning as notified other than for the amendment sought regarding Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444, and Lot 1 DP 475753, Ms Belgrave acknowledged the support.

264. In response to the submission points made by the Avery Brothers and Te Mana Ora, Ms Belgrave acknowledges the more general support for the CMUZ zoning as notified.

265. In response to the submission point made by Griffen & Smith Limited that has queried the COMZ zoning of land northeast of Raleigh Street and west of the railway line Ms Belgrave agrees that this land is unlikely to be developed due to its topography and the presence of the stop bank. She recommends that it be rezoned to Open Space zone.

266. In response to the submission point made by the TTPP Committee to rezone three properties[38] that are all occupied by corner dairies or takeaway shops to NCZ from GRZ, Ms Belgrave supports the relief sought. These sites were accidental omissions from the notified zoning and in terms of consistency across the pTTPP, rezoning to NCZ will align with the rest of the region.

267. In response to the submission point made by Lara Kelly that sought to rezone land from GRZ to COMZ on the eastern side of SH6 from Weld Street to Stafford Street, Hokitika, Ms Belgrave supports the relief sought in part. She supports rezoning the four properties[39] that front Fitzherbert Street (SH6) to COMZ as they are currently being used for commercial purposes (petrol station, mechanics, motel and Kiwi Camps). She does not support rezoning all properties in the block.

268. In response to the five submission points[40] that sought to rezone land[41] on the corner of Russell and Pakington Street in Westport from GRZ to COMZ, Ms Belgrave supports the relief sought in part. She supports rezoning the land that is currently occupied by Mitre 10 (Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444) as there are inefficiencies in having a split zone for an existing land use. However, Ms Belgrave does not support the rezoning of Lot 1 DP 475753 on the southern side of Pakington Street. The land is currently being used for car parking, and without any technical evidence or aspirations for the future use of the site, Ms Belgrave considers the notified zoning should be retained.

269. In response to the submission made by Griffen & Smith Limited (S253.004) that sought to rezone the land within the road and rail corridors around the Mitre 10 site in Greymouth from

[36] Leonie Avery (S507.079), Jared Avery (S508.079), Kyle Avery (S509.079), Avery Bros (S510.079), Bradshaw Farms (S511.079), Paul Avery (S512.079), Brett Avery (S513.079), Griffen & Smith Ltd (S253.001), Griffen & Smith Ltd (S253.002)
[37] Chris and Jan Coll (S558.349), Chris J Coll Surveying Limited (S566.349), William McLaughlin (S567.408), Laura Coll McLaughlin (S574.349)
[38] 23 Marine Parade, Donaldos Store, Carter's Beach; Lot 7 DP 16517, 46 Derby Street, Luffy's Corner Dairy and Grumpy's Takeaways, Westport; Section 675 TN OF Westport, 21 Disraeli Street, Arkwrights Dairy and Takeaways, Westport
[39] Lot 1 DP 3569, Lot 2 DP 3710, Lot 1 DP 1188, Lot 1 DP 2480 & Lot 2 DP 2480)
[40] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)
[41] Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444, Lot 1 DP 475753

GRZ to COMZ, Ms Belgrave does not support the relief sought. This is because, the submission is unclear as to what land is to be rezoned. She invited the submitter to clarify their position.

270. In Ms Belgrave's addendum to the S42A report, she acknowledged the planning evidence from Ms Pauline Hadfield in relation to the Griffen & Smith submission and advises that it has been reallocated to the Rural Zones hearing stream for consideration.

Hearing and Submitter Evidence

271. A statement presented by Mr Kevin Scanlon on behalf of Martin & Co Westport Ltd and Lumberland Building Market Westport acknowledged and supported the S42A report recommendation to rezone the land occupied by Mitre 10 (Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444) to COMZ.

272. Mr Scanlon provided background to the use of the land on the southern side of Pakington Street (Lot 1 DP 475753). He confirmed that it is currently being used as a car park and that this is a condition of the resource consent that relates to the garden centre in the Mitre 10. On that basis, he reiterates that the land should also be rezoned to COMZ. Additionally, all the land is rated as one property.

273. Ms Hadfield evidence for Griffen & Smith Limited provided a map that identifies and clarifies the land in the vicinity of the Griffen & Smith Mitre 10 and the Blaketown Lagoon that she considers should be zoned to be in keeping with the adjoining zoning.

Reporting Officer Reply Evidence

274. In response to the information presented at the hearing by Mr Scanlon relating to the land on the southern side of Pakington Street (Lot 1 DP 475753), Ms Belgrave agrees that the clarification supports the rezoning of the land to COMZ and she supports the relief sought by the submitter.

Hearing Panel's Evaluation

275. The Panel agrees with the zoning amendments recommended by Ms Belgrave in her S42A report.

276. Additionally, following Mr Scanlon's statement to the Panel, we are satisfied that the land on the southern side of Pakington Street (Lot 1 DP 475753) is being used as a car park, which is a condition of the resource consent that relates to the garden centre in the Mitre 10. Therefore, we (and Ms Belgrave in her right of reply) recommend that this land should also be rezoned to COMZ.

277. In relation to the remainder of the submissions on rezoning, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

278. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes in zoning on the **Planning Maps** to the properties detailed in the Table below:

Zoning	
Precincts	Greymouth/Māwhera (PREC1) Hokitika (PREC2) Reefton (PREC4) Westport/Kawatiri (PREC3)[42]
Open Space Zone	Raleigh Street[43]
Neighbourhood Centre Zone	23 Marine Parade 46 Derby Street 21 Disraeli Street[44]
Commercial Zone	Properties between Weld Street and Stafford Street on SH6, being Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444, Lot 1 DP 475753[45] 7 Pakington Street and 34 Russell Street[46] 8 Pakington Street and 36 Russell Street[47]

4. COMMERCIAL ZONE

4.1. General/Whole Chapter

Submissions and Further Submissions

279. Four submission points relating to general matters concerning the Commercial Zone were summarised in a Table on page 55 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

280. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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281. Ms Belgrave acknowledges the submission point made by Karen Lippiatt that sought to enable people to live in the COMZ. The submission sought no specific relief.

282. In response to the submission point made by the New Zealand Motor Caravan Association that sought to provide for camping and campgrounds as a permitted activity, Ms Belgrave does not support the relief sought. This is due to the potential for adverse amenity and character impacts within the COMZ and any surrounding residential areas.

283. In response to the submission point made by Martin & Co Westport Limited and Lumberland Building Market that sought to allow for building development as a permitted activity, such as

[42] Buller District Council (S538.395)
[43] Griffen & Smith Limited (S253.003)
[44] Te Tai o Poutini Plan Committee (S171.019)
[45] Lara Kelly (S421.003)
[46] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)
[47] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)

the buildings owned by the submitter in Westport, Ms Belgrave does not support the relief sought. This is mainly because the submitter has not identified specific activities for inclusion in the rules.

284. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams. She also notes that the activities that fall into the controlled and restricted discretionary activity categories are varied, and without any specific drafting from the submitter, it is unclear what values may be impacted as a result of the non-compliances with the rules. Therefore, Ms Belgrave does not support the relief sought in the submission point.

285. Ms Belgrave did not make any recommendations to amend the provisions in response to these submission points.

Hearing and Submitter Evidence

286. No evidence was presented at the hearing in relation to these general submission points.

Reporting Officer Reply Evidence

287. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

288. The Panel agree with Ms Belgrave that no amendments to the COMZ are necessary in response to the general submission points and agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

289. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that no changes be made to the provisions in relation to the general matters raised in submissions across the COMZ and that the relevant submission points be rejected.

4.2. Commercial Zone Overview

Submissions and Further Submissions

290. One submission point and one further submission point relating to the Commercial Zone Overview were summarised in a Table on page 56 of the s42A Report. Both submission points sought to retain the overview as notified.

291. The Panel adopts this summary, having considered all relevant submissions and further submissions.

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292. In relation to the submission point made by Foodstuffs and the supporting further submission made by Martin & Co Westport Limited and Lumberland Building Market Westport, Ms Belgrave acknowledged the support from the submitters that seek to retain the overview as notified.

293. Ms Belgrave recommends that the Commercial Zone Overview is retained as notified.

Hearing and Submitter Evidence

294. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accepts the S42A report recommendation relating to the Overview.

295. No other evidence was presented at the hearing in relation to the Overview.

Reporting Officer Reply Evidence

296. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

297. The Panel agree with Ms Belgrave to accept the submission points that sought to retain the COMZ Overview as notified, and therefore no changes are necessary. We agree that the submission points be accepted based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

298. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting the submission from Foodstuffs (S464.002) and further submission from Martin & Co Westport Limited and Lumberland Building Market Westport (FS140.015) and that no changes be made to the **Commercial Zone Overview**.

4.3. Commercial Zone – Rules

Submissions and Further Submissions

299. Eighteen submission points and three further submission points relating to **COMZ-R1** were summarised in a Table on pages 57-62 of the S42A Report. Two submission points supported the retention of the rule as notified. Thirteen submission points sought amendments.

300. Eight submission points and one further submission point relating to **COMZ-R2** were summarised in a Table on page 65 of the S42A Report. Two submission points supported the retention of the rule as notified. Six submission points sought amendments.

301. Nine submission points and one further submission point relating to **COMZ-R3** were summarised in a Table on page 66 of the S42A Report. Eight submission points supported the retention of the rule as notified. One submission point sought amendments.

302. Fourteen submission points and one further submission point relating to **COMZ-R4** were summarised in a Table on pages 69-71 of the S42A Report. Three submission points supported the retention of the rule as notified. Ten submission points sought to delete the rule, and the remaining one submission point sought amendments.

303. Ten submission points and one further submission point relating to **COMZ-R5** were summarised in a Table on page 66 of the S42A Report. Three submission points supported the retention of the rule as notified. Seven submission point sought amendments.

304. Eight submission points and one further submission point relating to **COMZ-R6** were summarised in a Table on pages 73-75 of the S42A Report. Two submission points supported the retention of the rule as notified. Six submission points sought amendments.

305. Seven submission points relating to **COMZ-R7** were summarised in a Table on pages 77-78 of the S42A Report. One submission point supported the retention of the rule as notified. Six submission points sought to delete the rule.

306. Eighteen submission points relating to **COMZ-R8** were summarised in a Table on page 76 of the S42A Report. Two submission points supported the retention of the rule as notified. Ten submission points sought to delete the rule, while the remaining six submission points sought to amend the rule.

307. Seven submission points relating to **COMZ-R9** were summarised in a Table on pages 79-80 of the S42A Report. All the submission points supported the retention of the rule as notified.

308. Seven submission points relating to **COMZ-R10** were summarised in a Table on page 80 of the S42A Report. Two submission points supported the retention of the rule as notified and five submissions sought amendment to the rule.

309. Seven submission points relating to **COMZ-R11** were summarised in a Table on page 81 of the S42A Report. Two submission points supported the retention of the rule as notified and five submissions sought to delete the rule.

310. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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COMZ-R1: Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings

311. Ms Belgrave acknowledged the support from Te Mana Ora and the Department of Corrections that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

312. Ms Belgrave supports the relief sought in the submission point made by Waka Kotahi. The submission sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities listed in the heading should be a separate rule. Ms Belgrave acknowledges the confusion regarding the terminology used throughout the rules in this chapter. She therefore recommends that the rule heading be amended so it applies to all new buildings, additions and alterations to existing buildings, landscaping, and external storage and the activities be moved to a new separate rule.

313. The two submission points from the Ministry of Education and Foodstuffs both sought to amend the activity status of an activity that does not comply with the permitted standards of the rule. MOE sought that non-compliance with COMZ-R1.1 – 6 all be restricted discretionary, while Foodstuffs sought a restricted discretionary activity status apply when there is non-compliance with COMZ-R1.3 – 6. Ms Belgrave supports the relief sought by these submissions in part. She recommends that a restricted discretionary activity status should apply to COMZ-R1.2 – 6. This is because the potential effects associated with these infringements can be readily identified and a restricted discretionary activity status will provide improved efficiency and certainty for applicants. She recommends retaining the discretionary activity status for

any height infringement due to a greater range of potential effects on character and amenity. This recommendation creates a consequential amendment to COMZ-R6 to add additional matters of discretion.

314. In response to the submission point made by BDC that sought amendments to simplify the landscaping requirements on the basis that the notified controls are not workable for smaller-scale commercial development, Ms Belgrave supports the relief sought in part. She supports deleting COMZ-R1.3(ii), which relates to landscaping along a Residential Zone boundary, as other rules manage the form and location of buildings at this interface. Additionally, she also supports the deletion of the minimum height requirement for landscaping in COMZ-R1.3(i). Ms Belgrave recommends retaining clauses (iii) and (iv) as these will only apply to larger-scale developments.

315. In response to the second part of the submission point made by BDC to make minor amendments to COMZ-R1.5 and COMZ-R1.6, Ms Belgrave does not support the relief sought to COMZ-R1.5 as she does not consider the specificity to be necessary. Regarding COMZ-R1.6 Ms Belgrave agrees that the reference to a written approval is more appropriately included as an advice note. However, she recommends that the word '*setbacks*' be replaced by *'rules'*.

316. In response to the submission point made by Griffen & Smith Ltd to delete COMZ-R1.4 Ms Belgrave does not support the relief sought. The rule restricts the building length when it adjoins a Residential Zone and Ms Belgrave considers that long uninterrupted building elevations have the potential to adversely affect residential character.

317. Ms Belgrave supports the relief sought by Davis Ogilvie & Partners in their submission to change the word *'encouraged*' to *'required'* in COMZ-R1.3(iii) as it provides greater certainty.

318. In response to the five submission points[48] that sought to make the landscaping rules less onerous, Ms Belgrave considers that the proposed provisions for landscaping within COMZ-R1.3 are generally in keeping with landscaping requirements within commercial zones and areas and therefore does not support the relief sought. Additionally, the submitters have not suggested alternative wording.

319. In response to the five submission points[49] that sought to increase the maximum building height from 12m to 15m, Ms Belgrave supports the relief sought as it is consistent with the commercial zones in the operative District Plans.

320. Ms Belgrave does not support the relief sought by FENZ in their submission point to request amendments to COMZ-R1.5 so that screening of external storage areas does not obscure or obstruct access of emergency signage or response facilities such as hydrants. This is because she considers that it adds unnecessary complexity to the rule and that any screening (that is controlled by COMZ-R3) would be required on privately owned land.

321. The S42A report recommends that COMZ-R1 be amended as follows:

> ***COMZ-R1 <u>New Buildings, External Additions and Alterations to Existing Buildings, Landscaping, and External Storage</u> ~~Commercial Activities, Community Facilities, Emergency Service Facilities,~~***

[48] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.350), Chris J Coll Surveying (S566.350), William McLaughlin (S567.409), and Laura Coll McLaughlin (S574.350)
[49] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.352), Chris J Coll Surveying (S566.352), William McLaughlin (S567.410), and Laura Coll McLaughlin (S574.352)

~~Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings~~

Activity Status Permitted

Activity status where compliance not achieved:

*Restricted Discretionary where **rules** ~~standards~~ **2-6** ~~5 and 6~~ are not complied with. Discretionary where **rule 1 is** ~~standards 1-4 are~~ not complied with.*

Where:

1. *The maximum height above ground level is ~~12~~ **15** metres except that this does not apply to hose drying towers at Emergency Service Facilities;*
2. *…*
3. *Landscaping shall be provided as follows:*
   i. *The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m~~;*
   ~~ii. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and~~
   iii. *…*
4. *…*
5. *…*
6. *No building projects beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:*
   i. *Road boundaries;*
   ii. *Buildings on adjoining sites that have a common wall along the boundary;*
   iv. *Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*
   v. *Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically;*
   vi. *Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.*

Advice Notes

1. *Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.*
2. ***Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***
3. ~~***The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply***~~

322. The S42A report also recommends the addition of a new rule as follows:

COMZ-R2A Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities

Activity status Permitted

Activity status when compliance not achieved: Restricted Discretionary

Where:

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

Advice Notes:

1. ***The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply***

COMZ-R2: Minor Structures

323. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

324. In response to the six submission points[50] that sought to delete COMZ-R2.1 Ms Belgrave supports the relief in part. She supports amendments to simplify the rule to only refer to COMZ-R1.2 which relates to setbacks. The remaining clauses of COMZ-R2 set out the height requirements for minor structures.

325. The S42A report recommends that COMZ-R2 be amended as follows:

COMZ-R2 Minor Structures

Activity Status Permitted

Activity status where compliance not achieved: Discretionary

Where:

1. ~~***All performance standards for***~~ *Rule COMZ - R1****.2 is*** ~~***are***~~ *complied with;*
2. *Masts, poles, aerials and pou whenua must not exceed 7m in height;*
3. *…*

COMZ-R3: Fences, Walls and Retaining Walls

326. Ms Belgrave acknowledged the support from the eight submitters that support the rule as notified.

327. Ms Belgrave does not support the relief sought by Griffen & Smith Ltd that to amend the rule so that fences (or parts of fences) greater than 2m and adjoin a residential zone or road are required to be visually permeable. This is because she considers it more appropriate to consider these matters as part of a resource consent process for any fencing over 2m.

328. The S42A report recommends that COMZ-R3 be retained as notified.

COMZ-R4: Relocated Buildings

[50] Buller District Council (S538.397), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.015), Chris & Jan Coll (S558.353), Chris J Coll Surveying Limited (S566.353), William McLaughlin (S567.411), and Laura Coll McLaughlin (S574.353)

329. In response to the ten submission points[51] that sought to delete COMZ-R4, Ms Belgrave supports the relief sought. She agrees with these submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with COMZ-R1 and the Building Act.

330. Ms Belgrave notes that TCZ-R13 allows for relocated buildings as a restricted discretionary activity in the TCZ, which she considers an appropriate way to assess the amenity effects. Subject to scope, she suggests introducing a similar rule in the COMZ.

331. As a consequence of the recommendation to delete this rule, Ms Belgrave does not support the relief sought from the other four submission points to either amend or retain the rule.

332. The S42A report recommends that COMZ-R4 be deleted.

COMZ-R5: Residential Buildings and Activities

333. Ms Belgrave acknowledged the support from the three submitters that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

334. In response to the six submission points[52] that sought amendments to the rule to make it less prescriptive, complex and onerous, Ms Belgrave considers that the intent of the rule is appropriate to achieve good quality amenity outcomes for residents, and able to co-locate with commercial activities in the COMZ. Nevertheless, she agrees that the rules can be simplified to reduce complexity, and she recommends the following amendments:

    a. Deleting the requirements to provide an outdoor service space as this creates duplication with the requirements for outdoor living space; and

    b. Amending the requirements for waste management space where it applies to a multi-unit developments; and

    c. Reducing the size requirements for outdoor living spaces for residential units with two or more bedrooms; and

    d. Amending the size requirements for outlook spaces to include a minimum depth in addition to a minimum width. (Ms Belgrave recommends the inclusion of a diagram to assist with interpretation).

335. Ms Belgrave supports the relief sought by GDC to correct the typo in COMZ-R5.4(v)(3) from *'species'* to *'spaces'*.

336. Ms Belgrave also recommends deleting 'buildings' from the rule heading as a consequential amendment to the Waka Kotahi submission point (S450.213).

337. The S42A report recommends that COMZ-R5 be amended as follows:

COMZ-R5 Residential ~~Buildings and~~ Activities

[51] Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413) and Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)

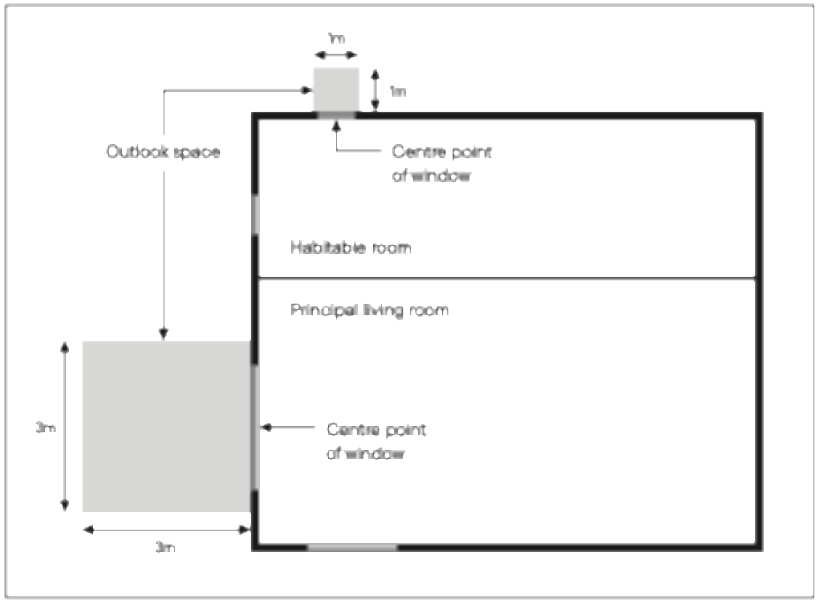
[52] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), and Laura Coll McLaughlin (S574.356)

Activity Status Permitted

Activity status where compliance not achieved: Non-complying

Where:

1. ***~~All performance standards for Rule COMZ - R1 are complied with~~****;*
2. *…*
3. *…*
4. *Each residential unit shall be provided with:*
   i. ***~~An outdoor service space of 3m² and a~~*** *A waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ***~~either~~*** *a private* ***~~or communal~~*** *area* ***or 9m² with a minimum dimension of 2.8m in a communal area****;*
   ii. *A single, indoor storage space of 4m³ with a minimum dimension of 1 metre*
   iii. *Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; and*
   iv. *Each residential unit shall be provided with an outdoor living space of:*
      1. ***~~6~~*** ***8****m² minimum area and* ***~~1.5~~*** ***2*** *metres minimum dimension* ***~~for a studio or 1 bedroom unit~~***
      ~~2. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~
      ~~3. 15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms~~
   v. *Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows:*
      1. *A principal living room must have an outlook space with a minimum dimension of 3 metres in width* ***and depth****;*
      2. *All other habitable rooms must have an outlook space with a minimum dimension of 1m in width* ***and depth****;*
      3. *The width of the outlook species spaces is measured from the centre point of the largest window on the building face to which it applies;*
      4. *Outlook spaces may be within the same site or over a public street or other public open space;*
      5. *Outlook spaces required from different rooms within the same building may overlap;*
      6. *Outlook space must:*
         a. *Be clear and unobstructed by buildings; and*
         b. *Not extend over an outlook space or outdoor living space required by another dwelling.*



COMZ-R6: Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and Buildings not meeting the External Storage, Building Length or Recession Plane performance standards of Rule COMZ-R1

338. Ms Belgrave acknowledged the support from Te Mana Ora and Griffen & Smith Ltd that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

339. Ms Belgrave reiterates the consequential amendment to add extra matters of discretion to this rule that arises from the recommendation responding to the MOE submission in relation to COMZ-R1:

    a. *Bulk, location and design of storage, buildings and structures;*
    b. *Effects on the safety, amenity and attractiveness of the street or public places;*
    c. *Visual dominance, privacy and shading effects on neighbouring sites; and*
    d. *Materials being stored and the period of time for storage.*

340. In response to the submission point made by BDC, (and an opposing further submission from Martin & Co) that sought to add two matters of discretion relating to shading, loss of sunlight and character and amenity, Ms Belgrave supports the relief sought in the original submission. This is because it will assist with making a full assessment of character and amenity effects as part of the resource consent process.

341. In response to the five submission points[53] that sought to amend COMZ-R6.1 to enable activities that do not create any increase in existing non-compliance, Ms Belgrave does not support the relief sought. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent.

[53] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.019), Chris & Jan Coll (S558.357), Chris J Coll Surveying (S566.357), William McLaughlin (S567.415), and Laura Coll McLaughlin (S574.357)

342. The S42A report appendix recommends that COMZ-R6 be amended as follows:

> ***COMZ-R6 ~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting ~~the External Storage, Building Length or Recession Plane performance standards of~~ Rule COMZ-R1***
>
> *Activity Status Restricted Discretionary*
>
> *Activity status where compliance not achieved: Discretionary*
>
> *Where:*
>
> 1. *All performance standards for **Rule COMZ - R1.1 is ~~other than those that relate to External Storage and Recession Planes are~~** complied with.*
>
> *Discretion is restricted to:*
>
> ***~~a. Materials being stored;~~***
>
> ***~~b. Period of time for storage;~~***
>
> ***~~c. Distance from boundary; and~~***
>
> ***~~d. Bulk, location and design of storage, buildings and structures.~~***
>
> ***a. Bulk, location and design of storage, buildings and structures;***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places;***
>
> ***c. Visual dominance, privacy and shading effects on neighbouring sites; and***
>
> ***d. Materials being stored and the period of time for storage.***

COMZ-R7: Relocated Buildings meeting Rule COMZ-R4 or Recession Plane performance standards of Rule COMZ-R1

343. In response to the six submission points[54] that sought to delete the rule, Ms Belgrave supports the relief sought as it is consequential to the recommendation to delete COMZ-R4.

344. Ms Belgrave rejects the relief sought to retain the rule by Te Mana Ora.

345. The S42A report recommends that COMZ-R7 be deleted.

COMZ-R8: Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and Buildings, Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards

346. In response to the ten submission points[55] that sought to delete the rule, Ms Belgrave supports the relief sought as it follows the recommendations to COMZ-R1 and COMZ-R6.

347. The recommendation to delete the rule also achieves the relief sought by the submission points[56] to delete provisions related to relocated buildings.

[54] Buller District Council (S538.402), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.020), Chris & Jan Coll (S558.004), Chris J Coll Surveying (S566.004), William McLaughlin (S567.004), and Laura Coll McLaughlin (S574.004)
[55] Ministry of Education (S456.034), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358, S558.359), Chris J Coll Surveying Limited (S566.358, S566.359) William McLaughlin (S567.416, S567.417), and Laura Coll McLaughlin (S574.358, S574.359)
[56] Chris & Jan Coll (S558.005), Chris J Coll Surveying Limited (S566.005), William McLaughlin (S567.005), and Laura Coll McLaughlin (S574.005)

348. Given the recommendation to delete the rule, Ms Belgrave rejects the submission points to either retain the rule or make amendments to it.

349. The S42A report recommends that COMZ-R8 be deleted.

COMZ-R9: Residential Activities and Buildings not meeting the standards in Rule COMZ - R5

350. In response to the seven submission points[57] that sought to retain the rule, Ms Belgrave acknowledges the relief sought. However, as the non-complying activity status is already provided for in COMZ-R5, she recommends deleting COMZ-R9 to simplify the chapter.

351. The S42A report recommends that COMZ-R9 be deleted.

COMZ-R10: Industrial Activities

352. Ms Belgrave acknowledged the support from Te Mana Ora and Buller District Council that support the rule as notified.

353. In response to the five submission points[58] that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought. This is because the location of industrial activities within the COMZ is not anticipated and has the potential to undermine the intended purpose to accommodate commercial and residential activities and may also generate a range of effects that adversely affect the higher level of amenity anticipated within the COMZ.

354. The S42A report recommends that COMZ-R10 be retained as notified.

COMZ-R11: Any activity not provided for by another Rule in the zone

355. Ms Belgrave acknowledged the support from Te Mana Ora and Buller District Council that support the rule as notified.

356. In response to the five submission points[59] that sought to delete the rule, Ms Belgrave does not support the relief sought. This is because she considers a catch all rule is the most efficient and effective way to manage activities that are not anticipated within the zone. Further, she considers a non-complying activity status to be appropriate given the activities are not anticipated and variable nature of potential effects.

357. The S42A report recommends that COMZ-R11 be retained as notified.

Hearing and Submitter Evidence

358. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accepts the S42A report recommendation relating to COMZ-R1 and COMZ-R8.

359. Ms Hadfield's evidence for Griffen & Smith Limited confirms that all recommendations in the S42A report relating to the rules in the COMZ are accepted by the submitter.

[57] S538.404; S190.728; S543.022; S558.360; S566.360; S567.418; S574.360
[58] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.023), Chris & Jan Coll (S558.361), Chris J Coll Surveying Limited (S566.361), William McLaughlin (S567.419) and Laura Coll McLaughlin (S574.361)
[59] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.024), Chris & Jan Coll (S558.363), Chris J Coll Surveying Limited (S566.363), William McLaughlin (S567.420) and Laura Coll McLaughlin (S574.363)

360. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation to not make any changes to COMZ-R1.5 as originally sought in the submission.

361. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter accepts the separation of COMZ-R1 into two rules (one for buildings and one for activities). However, the Ministry sought to add an exemption for educational facilities in reference to the advice note and having to consider NOISE-R3.

362. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream, and as a result the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the COMZ a setback of 4.5m is sought[60].

363. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

364. Despite not making any submissions on the rules of the COMZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to COMZ-R1, Ms Inta sought an addition to the end of COMZ-R1.3(i):

> *The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip* ***~~that will, within two years of being planted, reach a minimum height of 1m~~*** ***to provide for shrubbery.***

365. Ms Inta does not agree with the S42A recommendation to delete COMZ-R1.3(ii). She considers that landscaping is necessary to soften the angular lines of buildings, create aesthetic appeal and ameliorate wind tunnelling. Her suggested amendment is as follows:

> *On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary* ***~~and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites.~~*** ***to provide for flora.***

366. Ms Inta's statement questions the permitted maximum 10m² area set in COMZ-R2.5 for minor structures, when she notes that the building code allows structures to be 30m² before a building consent is required.

367. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The statement sets out that the Association does not support the deletion of rules relating to relocated buildings.

368. Mr Bhana-Thomson's evidence sets out the process for relocating a building. It states that in his experience, the relocation of a building generally involves less construction disturbance than the on-site construction of a building. Other benefits include lower labour costs and the reuse of existing buildings. Additionally, he advises that there is no requirement in the

[60] As set out in evidence for Topic 1, to align with the road boundary setback rules.

Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

369. Ms Inta's statement considers that if COMZ-R4 is to be deleted (as recommended by the reporting planner in the S42A report), then it would be necessary to include a reference to relocated buildings in COMZ-R1. She also considers that this would necessitate consequential changes to other rules throughout the CMUZs. Notwithstanding this, Ms Inta, considers that it is necessary to include rules for relocated buildings.

370. Ms Inta's statement does not agree with the S42A recommendation to delete '*buildings*' from the heading of COMZ-R5, as she considers that '*activities*' does not cover the spatial requirements in the rule.

Reporting Officer Reply Evidence

371. In relation to the recommended changes to COMZ-R1 and in response to questions from the Panel regarding the addition of a new rule, Ms Belgrave reconsidered the scope to enable this amendment. She explains that the new rule is consequential to the submission point made by Waka Kotahi. In order to respond to the relief sought to separate performance standards from specific activities, a new rule is necessary to provide for the activities listed in the notified version of the rule.

372. Consequential to the separation of COMZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports a number of amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

373. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself and so there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

374. With regard to the COMZ, the reporting planners do not support the relief sought by KiwiRail for a 4.5m building setback from the railway corridor. They consider that a 4.5m setback would have a significant impact on the land available for development, and that it is excessive in this zone (as well as the Mixed Use Zone). Notwithstanding that the reporting planners consider that it is more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be setback 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

COMZ-R1

2. Any building or structure is set back:

iii. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

375. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

376. On the understanding that the purpose of COMZ-R4 (and similar rules in MUZ and NCZ) is to address amenity effects and particularly through standards which require the timely finishing of building works, Ms Belgrave agrees that the standards can address the existing concerns for relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

377. In regard to the restricted discretionary activity rule that applies to relocated buildings (COM-R7), Ms Belgrave considers it appropriate to include an additional matter of discretion that will relate to the timing of completing necessary building or reinstatement work. The recommended wording is:

> *Appearance of buildings* ***and the completion of any building reinstatement works identified in a building inspection report****.*

378. Subject to the addition of the above matter of discretion, Ms Belgrave recommends it appropriate to retain COMZ-R4 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

379. The recommended wording is as follows:

> *COMZ-R4 Relocated Buildings*
>
> *Activity Status Permitted*
>
> *Where:*
>
> 1. *All performance standards for Rule COMZ - R1 are complied with;*
> 2. *Any relocated building intended for use as a dwelling must have been designed,* ***~~and~~*** *built****, and to be*** *used as a dwelling;*
> 3. *A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;*
> 4. *The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and*
> 5. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*

380. The right of reply considers the question of whether there are provisions in the COMZ that will create opportunities for greater residential development. Ms Belgrave identifies rules COMZ-R1 and COMZ-R5 that provide for new buildings and residential activities as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with a resource consent process.

381. The right of reply considers the letter tabled by Ms Williams on behalf of the Ministry of Education and specifically the relief sought to include an exclusion from the noise provisions for education facilities. Ms Belgrave maintains her view that such an exclusion is not necessary. She does not consider it efficient to reiterate the exclusions that apply to designations, and that if education facilities establish outside of a designated site, then the noise provisions should be relevant for consideration.

Hearing Panel's Evaluation

COMZ-R1

382. The Panel agree with Ms Belgrave regarding her recommendation to separate COMZ-R1 into two rules (one for building controls and one for activities). We agree that this addresses the concerns raised by Waka Kotahi in their submission point. Furthermore, we accept Ms Belgrave's right of reply, evidence that the addition of a new rule is consequential to the submission point, and that it is necessary to provide for the activities listed in the notified version of the rule.

383. The new rule reference is COMZ-R5, and the Panel notes that because of the addition, there is a change to the numbering sequence throughout the chapter.

384. We acknowledge Ms Inta's statement (presented at the hearing) that commented on the recommended changes to COMZ-R1, and the separation of the rule into two. We are also aware that neither Ms Inta nor the Buller Conservation Group submitted to this rule. Notwithstanding that, the Panel agree with Ms Belgrave's right of reply evidence that recommends restructuring and relocating standards between the rules, ensuring that building related standards are in COMZ-R1 and that activity related standards are in the new rule, being COMZ-R5. However, we disagree that Ms Inta's statement provides scope for these changes, and we consider it more appropriate that these changes are consequential to the Waka Kotahi submission.

385. The Panel agree with Ms Belgrave's recommended response to the submission points made by the Ministry of Education and Foodstuffs to make non-compliance with clauses COMZ-R1 (2) – (5) a restricted discretionary activity, while retaining a full discretionary activity status for non-compliance with the building height clause. We acknowledge that the legal submissions for Foodstuffs accept these changes.

386. The Panel agree with Ms Belgrave's recommendation to delete the second part of COMZ-R1(3)(i) that relates to ensuring landscaping planting reach 1m in height. We acknowledge Ms Belgrave's recommendation also to delete COMZ-R1(3)(ii), citing the submission from BDC. However, the submission did not seek deletion of this clause, and therefore, we consider we have no scope to agree with Ms Belgrave's recommendation on this particular amendment.

387. The Panel agree with Ms Belgrave and the BDC that the exception in COMZ-R1(6) relating to the written approval is better included as an advice note. We also agree with Ms Belgrave's recommendation to refer to boundary '*rules*' (rather than '*setbacks*') to ensure all rules that are subject to the deemed permitted boundary activity process are captured.

388. The Panel acknowledges that Ms Pauline Hadfield's evidence on behalf of Griffen & Smith Limited accepts the recommended amendments made to the COMZ rules, and so effectively resolves their submission points.

389. The Panel agree with Ms Belgrave and Davis Ogilvie & Partners that replacing '*encouraged*' with *'required'* in COMZ-R1.3(iii) provides greater certainty and clarity.

390. The Panel agree with Ms Belgrave's reasons and recommendation to accept the relief sought in the multiple submission points to increase the maximum building height in the COMZ to 15m.

391. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would, we consider, still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback being from the '*rail designation*' rather than the '*rail corridor*' to provide a definitive point of measurement.

392. In relation to the remainder of the submissions on COMZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

COMZ-R2

393. The Panel agree with Ms Belgrave's recommendation to amend the wording of COMZ-R2(1) to ensure that the setback standards of COMZ-R1 apply. We also agree with the right of reply wording, which reflects a standardised approach for referencing rules and has been applied throughout the Plan.

394. In relation to the remainder of the submissions on COMZ-R2, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

COMZ-R3

395. The Panel agree with Ms Belgrave's recommendation to make no changes to COMZ-R3. We acknowledge that the only submitter that sought any amendment was Griffen & Smith Limited and we refer to Ms Pauline Hadfield's evidence on behalf of this submitter that accepts the recommended amendments made to the COMZ rules, and so effectively resolves their submission point.

COMZ-R4

396. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and statement presented at the hearing, and we accept her right of reply recommendation to retain COMZ-R4 with minor amendments.

COMZ-R5

397. The Panel agrees with Ms Belgrave's recommendations to amend clause 4 of the rule to simplify and reduce complexity regarding the requirements for residential units in the COMZ. We also agree with the inclusion of a diagram to illustrate and help with the interpretation of the outlook space part of the rule. However, we recommend amending the diagram so that the larger outdoor space has dimensions of 3m x 3m to reflect the wording of the rule. We also recommend consolidating COMZ-R5.4(iv) into a single clause, as the deletion of the

alternative dimensions for different-sized residential units makes the list structure of the clause redundant.

398. The Panel also agrees to correct the typo in COMZ-R5.4(v)(3) and to delete '*buildings'* from the rule heading as a consequential amendment to the Waka Kotahi submission point (S450.213).

399. The Panel acknowledge Ms Inta's statement that was presented at the hearing, which made a comment about the recommended changes to this rule. However, as neither Ms Inta nor the Buller Conservation Group made a submission on this rule, there is no scope to consider Ms Inta's statement.

400. In relation to the remainder of the submissions on COMZ-R5, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

401. Due to the changes to the numbering sequence, this rule becomes COMZ-R6 in our recommendation.

COMZ-R6

402. The Panel agree with Ms Belgrave that there is a need for consequential changes to this rule given the recommended separation of COMZ-R1 in response to the submission point from Waka Kotahi. We also agree with the recommended amendments to the matters of discretion that arise from the MOE submission in relation to COMZ-R1.

403. We also agree with separating COMZ-R6 into two restricted discretionary activity rules (in the same vein as the separation of COMZ-R1), and we agree with the recommended wording of the rule as set out in Ms Belgrave's right of reply evidence.

404. In relation to the remainder of the submissions on COMZ-R6, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

405. Due to the changes to the numbering sequence, these two rules become COMZ-R7 and COMZ-R8 in our recommendation.

COMZ-R7

406. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and statement presented at the hearing, and we accept her right of reply recommendation to retain COMZ-R7 with minor amendments.

407. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter.

408. In relation to the remainder of the submissions on COMZ-R7, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

409. Due to the changes to the numbering sequence, this rule becomes COMZ-R9 in our recommendation.

COMZ-R8

410. Having reviewed COMZ-R8 in an overall context the Panel disagree with Ms Belgrave that the rule should be deleted. This is a because of the fundamental structure of the rules in the Plan which requires there to be a corresponding rule when an activity status is escalated. Therefore, in this case we consider a discretionary activity rule is necessary to address the activities that would otherwise be a controlled or restricted discretionary activity where one or more of the performance standards are not complied with.

411. Subsequently, we have turned our minds to the performance standards of the rule and the appropriateness of retaining them, particularly as multiple submissions seek their deletion. With respect to standards 1 and 3, these are the same as the permitted standard and therefore there is nothing to be gained by retaining them in the discretionary activity rule. In terms of standard 2, as there is no policy that would direct or support the retention of the standard controlling the length of a building abutting a residential zone, and more particularly to support the escalation of any non-compliance with this to non-complying, we also recommend deleting this clause.

412. The Panel note that this aligns with our plan wide recommendation that the catch-all rule have an activity status of discretionary. We consider that the escalation of the construction of buildings, minor structures, fences, walls and retaining walls to a non-complying activity in the COMZ when activities that are not provided for is a discretionary activity to be inappropriate, especially in the context of the policy direction.

413. In relation to the remainder of the submissions on COMZ-R8, the Panel accepts the submission points that sought to delete the references to relocated buildings[61], as our previous recommendations on this matter mean that an activity status cannot escalate beyond restricted discretionary.

414. In relation to the remainder of the submissions on COMZ-R8, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

415. Due to the changes to the numbering sequence, this rule becomes COMZ-R10 in our recommendation.

COMZ-R9

416. For the same reasons that we do not support the recommendation to delete COMZ-R8, the Panel also disagrees with Ms Belgrave that COMZ-R9 should be deleted. This is a because the permitted rule for Residential Activities escalates non-compliance to a non-complying activity status and therefore to be consistent with the structure of the rules in the Plan, the rule should be retained. Therefore, we accept the submission points made regarding this rule.

417. However, the Panel recommends consequential changes to the wording of the rule heading to ensure co-ordination with the other rules in the table.

COMZ-R10

418. The Panel agree with Ms Belgrave's recommendation to retain this rule and agrees that the submission points that sought to change the activity status to discretionary should be rejected based on the conclusions reached by Ms Belgrave.

[61] Chris & Jan Coll (S558.005), Chris J Coll Surveying Limited (S566.005), William McLaughlin (S567.005), and Laura Coll McLaughlin (S574.005)

419. Notwithstanding our recommendation, the Panel notes that there is a gap in the policy direction to support this rule, and we are conscious that there is an absence of "avoid", or other suitably worded policy, that would indicate industrial activities should not be established in this zone. However, CMUZ-P19 does support the relocation of existing industrial activities already established in the zone to be moved in Industrial Zoned areas.

COMZ-R11

420. The Panel acknowledges that COMZ-R11 is a catch-all rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

Hearing Panel's Recommendation

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

Commercial Zone Rules		
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.		
Permitted Activities		
COMZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings** ~~Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings~~[62]	
Activity Status Permitted Where: 1. The maximum height above ground level is ~~12~~ **15**[63] metres except that this standard does not apply to hose drying towers at Emergency Service Facilities; 2. Any building or structure is set back:		**Activity status where compliance not achieved:** Restricted Discretionary where standards ~~5 and~~ **2 – 5** ~~6~~ are not complied with.

[62] Waka Kotahi (S450.213)
[63] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.352), Chris J Coll Surveying (S566.352), William McLaughlin (S567.410), Laura Coll McLaughlin (S574.352)

i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and ii. 3m from the road boundary, except for; sites with frontage to two roads in the COMZ - Commercial Zone can have a 3m setback on one road boundary and 1.5m setback on the other road boundary; iii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.**[64] 3. Landscaping shall be provided as follows: i. The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m~~[65]; ii. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and iii. The planting of 1 tree per 20 carparking spaces is ~~encouraged~~ **required**[66] within any carparking area. iv. Stormwater facilities that provide water quality treatment and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner. 4. The maximum building length is 20m where this abuts a RESZ - Residential Zone; **and** ~~5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place; and~~[67] 5. No building projects beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~[68] This standard does not apply to:	Discretionary where standard~~s~~ 1~~-4 are~~ **is**[71] not complied with.

[64] KiwiRail (S442.093)
[65] Buller District Council (S538.396)
[66] Davis Ogilvie & Partners (S465.035)
[67] Consequential to Waka Kotahi (S450.213)
[68] Buller District Council (S538.396)
[71] Ministry of Education (S456.033) and Foodstuffs (S464.023)

i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically; v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** 1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles. 2. **Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**[69] ~~3. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~[70]	
COMZ – R2 **Minor Structures**	
Activity Status Permitted Where: 1. ~~All performance standards for~~ **Standard 2 for** Rule COMZ - R1 **is** ~~are~~[72] complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter;	**Activity status where compliance not achieved:** Discretionary

[69] Buller District Council (S538.396)
[70] Waka Kotahi (S450.213)
[72] Buller District Council (S538.397), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.015), Chris & Jan Coll (S558.353), Chris J Coll Surveying Limited (S566.353), William McLaughlin (S567.411), Laura Coll McLaughlin (S574.353)

4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	
COMZ – R3 **Fences, Walls and Retaining Walls**	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall. **Advice Note:** Retaining walls greater than 1m in height should be subject to engineered design and meet the Building Code.	**Activity status where compliance not achieved:** Discretionary
COMZ – R4 **Relocated Buildings**	
Activity Status Permitted Where: 1. All performance standards for Rule COMZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built**, and** ~~to be~~ used as a dwelling; [73] 3. A building pre-inspection report **in accordance with Appendix 11**[74] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**[75]; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any~~	**Activity status where compliance not achieved:** **Refer to COMZ-R1 for where standard 1 is not complied with.** Restricted Discretionary **where standards 2 to 5 are not complied with.**[77]

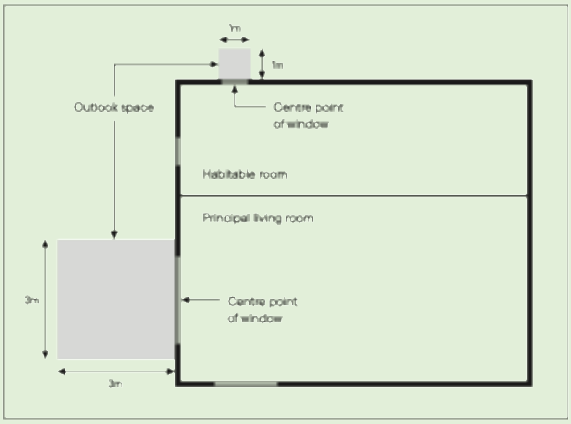
[73] New Zealand Heavy Haulage Association Inc (S616.001)
[74] New Zealand Heavy Haulage Association Inc (S616.002)
[75] Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413), Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)
[77] Consequential to Waka Kotahi (S450.213)

~~relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[76]	
COMZ – R5	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities**[78]
Activity status Permitted **Where:** **1. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place.** **Advice Note:** **1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**	**Activity status when compliance not achieved: Restricted Discretionary**[79]
COMZ – R~~5~~6[80]	**Residential ~~Buildings and~~**[81] **Activities**
Activity Status Permitted Where: ~~1. All performance standards for Rule COMZ – R1 are complied with;~~[82] 1. This is ancillary to a Commercial Activity; 2. It is not ancillary to a Commercial Activity, the activity is located above the ground floor level of a Commercial Activity; and 3. Each residential unit shall be provided with: i. ~~An outdoor service space of 3 m² and a~~ **A** waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8m in a communal area**;[83]	**Activity status where compliance not achieved:** Non-complying

[76] Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413), Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)
[78] Consequential to Waka Kotahi (S450.213)
[79] Waka Kotahi (S450.213)
[80] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[81] Consequential to Waka Kotahi (S450.213)
[82] Consequential to Waka Kotahi (S450.213)
[83] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)

ii. A single, indoor storage space of 4m³ with a minimum dimension of 1 metre; iii. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; and iv. Each residential unit shall be provided with an outdoor living space of **8m² minimum area and 2 metres minimum dimension;** ~~1. 6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit~~; ~~2. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~ ~~3. 15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms;~~[84] v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows: 1. A principal living room must have an outlook space with a minimum dimension of 3 metres in width **and depth**[85]; 2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width **and depth**[86]; 3. The width of the outlook ~~species~~ **spaces**[87] is measured from the centre point of the largest window on the building face to which it applies; 4. Outlook spaces may be within the same site or over a public street or other public open space; 5. Outlook spaces required from different rooms within the same building may overlap; 6. Outlook spaces must:	

[84] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[85] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[86] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[87] Grey District Council (S608.098)

a. Be clear and unobstructed by buildings; and b. Not extend over an outlook space or outdoor living space required by another dwelling.  **Advice Note:** 1. In meeting the outdoor living space requirements, decks and balconies will be included within the calculation. 2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
Restricted Discretionary Activities	
COMZ – R~~6~~7[88]	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings not meeting** ~~the External Storage, Building Length or Recession Plane performance standards of~~ **Rule COMZ - R1**[89]
Activity Status Restricted Discretionary Where: 1. ~~All performance standards for Rule COMZ - R1 other than those that relate to External Storage and Recession Planes are~~ **Performance standard 1 for Rule COMZ-R1 is**[90] complied with. **Discretion is restricted to:** ~~a. Materials being stored;~~ ~~b. Period of time for storage;~~	**Activity status where compliance not achieved:** Discretionary

[88] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[89] Consequential to Waka Kotahi (S450.213)
[90] Consequential to Waka Kotahi (S450.213)

~~c. Distance from boundary; and~~ a. Bulk, location and design of storage, buildings and structures. b. **Effects on the safety, amenity and attractiveness of the street or public places; and** **c. Visual dominance, privacy and shading effects on neighbouring sites**[91]	
COMZ – R8[92]	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ-R5**
Activity Status Restricted Discretionary **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and** **b. Materials being stored and the period of time for storage.**	**Activity status where compliance not achieved: N/A**[93]
COMZ – R~~7~~9[94]	**Relocated Buildings not meeting Rule COMZ - R4** ~~or Recession Plane performance standards of Rule COMZ - R1~~[95]
Activity Status Restricted Discretionary ~~Where:~~ ~~1. All performance standards for Rule COMZ – R1 are complied with.~~[96] **Discretion is restricted to:** a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects;**[97] and c. Appearance of buildings **and the completion of any building reinstatement works identified in a building inspection report**.[98]	**Activity status where compliance not achieved:** ~~Discretionary~~ **N/A**[99]
Discretionary Activities	

[91] Consequential to Ministry of Education Te Tāhuhu o Te Mātauranga
[92] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[93] Consequential to Waka Kotahi (S450.213)
[94] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[95] Consequential to Waka Kotahi (S450.213)
[96] Consequential to Waka Kotahi (S450.213)
[97] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[98] Consequential to New Zealand Heavy Haulage Association Inc (S616.001)
[99] Consequential to Waka Kotahi (S450.213)

COMZ – R~~8~~10[100]	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings,** ~~Relocated Buildings,~~ **Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Discretionary ~~Where:~~ ~~1. The maximum height is 15m;~~ ~~2. Maximum building length abutting a residential zone is 35m, and~~ 3. ~~Any building or structure is set back 3m from any Residential Zone or Open Space Zone.~~[101]	**Activity status where compliance not achieved:** ~~Non-complying~~ **N/A**[102]
COMZ – R11	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**[103]
Non-complying Activities	
COMZ – R~~9~~12[104]	**Residential Activities** ~~and Buildings~~[105] **not meeting the standards in Rule COMZ - R~~5~~6**[106]
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
COMZ – R~~10~~13[107]	**Industrial Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**COMZ – R11**~~	~~**Any activity not provided for by another Rule in the zone**~~

[100] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[101] Griffen & Smith (S253.010), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358 & S558.359), Chris J Coll Surveying Limited (S566.358 & S566.359), William McLaughlin (S567.416 & S567.417), Laura Coll McLaughlin (S574.358 & S574.359)
[102] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358 & S558.359), Chris J Coll Surveying Limited (S566.358 & S566.359), William McLaughlin (S567.416 & S567.417), Laura Coll McLaughlin (S574.358 & S574.359)
[103] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[104] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[105] Consequential to Waka Kotahi (S450.213)
[106] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[107] Consequential numbering amendment resulting from Waka Kotahi (S450.213)

~~Activity Status Non-complying~~	~~Activity status where compliance not achieved: N/A~~[108]

5. MIXED USE ZONE

5.1. Mixed Use Zone Overview

Submissions and Further Submissions

422. One submission point relating to the Overview of the Mixed Use Zone was summarised in a Table on pages 80-81 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

Section 42A Report

423. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and has also been considered in relation to the CMUZ and COMZ. Ms Belgrave does not support the relief sought in the submission point.

424. Ms Belgrave did not make any recommendations to amend the provisions in response to this submission point.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

426. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

427. The Panel agree with Ms Belgrave to retain the MUZ Overview as notified, and therefore no changes are necessary. We agree that the submission point received in relation to this part of the Plan be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

428. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends rejecting the submission from Ngāi Tahu (S620.219) and that no changes be made to the **Mixed Use Zone Overview**.

5.2. Mixed Use Zone Rules

Submissions and Further Submissions

[108] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

429. One submission point relating generally to the **MUZ Rules** was summarised in a Table on page 82 of the S42A Report. The submission sought amendments to the rules.

430. Five submission points relating to **MUZ-R1** were summarised in a Table on pages 82-84 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments.

431. Four submission points relating to **MUZ-R2** were summarised in a Table on page 86 of the S42A Report. All the submission points supported the retention of the rule as notified.

432. Four submission points relating to **MUZ-R3** were summarised in a Table on pages 86-87 of the S42A Report. Two of the submission points supported the retention of the rule as notified. Two submission points sought amendments.

433. Seven submission points relating to **MUZ-R4** were summarised in a Table on pages 87-88 of the S42A Report. Five of the submission points supported the retention of the rule as notified. Two submission points sought amendments.

434. Four submission points relating to **MUZ-R5** were summarised in a Table on pages 89-90 of the S42A Report. Three of the submission points supported the retention of the rule as notified. One submission point sought amendments.

435. Three submission points relating to **MUZ-R6** were summarised in a Table on page 91 of the S42A Report. Two of the submission points supported the retention of the rule as notified. One submission point sought amendments.

436. Two submission points relating to **MUZ-R7** were summarised in a Table on page 91 of the S42A Report. All the submission points supported the retention of the rule as notified.

437. Nine submission points and one further submission relating to **MUZ-R8** were summarised in a Table on page 94 of the S42A Report. Three of the submission points supported the retention of the rule as notified, five submission points sought its deletion, and one submission point sought amendments.

438. Two submission points relating to **MUZ-R9** were summarised in a Table on page 94 of the S42A Report. All the submission points supported the retention of the rule as notified.

439. Two submission points relating to **MUZ-R10** were summarised in a Table on page 95 of the S42A Report. All the submission points supported the retention of the rule as notified.

440. Two submission points relating to **MUZ-R11** were summarised in a Table on page 95 of the S42A Report. All the submission points supported the retention of the rule as notified.

441. Two submission points relating to **MUZ-R12** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.

442. Two submission points relating to **MUZ-R13** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.

443. Two submission points relating to **MUZ-R14** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.

444. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

MUZ - General

445. In response to the submission point from the NZ Motor Caravan Association that sought to provide for campgrounds and camping as a permitted activity, Ms Belgrave reiterates her comments set out in relation to the COMZ that she does not support the relief sought. This is because the potential for adverse amenity and character effects within the MUZ are more appropriately considered through the resource consent process.

446. The S42A report recommends no changes in response to this submission.

MUZ – R1 New Buildings and External Additions or Alterations to Existing Buildings

447. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

448. In response to the submission point made by Waka Kotahi, which sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities listed in the heading should be a separate rule, Ms Belgrave generally supports the relief sought. That said, MUZ-R1 only sets out the rules that apply to all new buildings and external additions or alterations to existing buildings, and that specific activities are managed under other rules. It is this format that is consistent with other rules throughout the pTTPP, and as such Ms Belgrave recommends that the general rule structure be retained for MUZ-R1. However, she does recommend the inclusion of '*external storage'* in the rule title to be consistent with other amendments to the COMZ.

449. Ms Belgrave partially supports the relief sought by the Ministry of Education, which sought a restricted discretionary activity status where the rules are not complied with. Similar to the consideration of the COMZ rule, she considers that a restricted discretionary activity status can be appropriately applied to non-compliances with the relevant rules (except building height) as the associated effects can be readily identified. This recommendation requires consequential amendments to MUZ-R9 as well as the addition of a new rule.

450. In response to the submission point made by BDC to reduce the maximum ground floor area of a building from 500m² to 300m², Ms Belgrave does not support the relief sought. This is because no detail is provided to justify the reduction, and 500m² is considered to retain flexibility and encourage new development within the MUZ.

451. In response to the other submission points made by BDC, Ms Belgrave does not support the fencing amendment but agrees that an advice note relating to the deemed permitted activity process is appropriate.

452. In response to the submission point made by Fire and Emergency NZ that sought amendments to MUZ-R1.5 similar to those in the COMZ relating to the screening of external storage areas, Ms Belgrave does not support the relief sought. This is because she considers that it adds unnecessary complexity to the rule.

453. Ms Belgrave's recommendation also includes deleting MUZ-R1.6, as this is consequential to her recommendation for the equivalent rule in the COMZ.

454. The S42A report recommends that MUZ-R1 be amended as follows:

> ***MUZ-R1 New Buildings, ~~and~~ External Additions and Alterations to Existing Buildings and External Storage***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***Restricted Discretionary where rules 1 and 3-7 are not complied with.*** *Discretionary* ***where rule 2 is not complied with****.*
>
> *Where:*
>
> *…*
>
> ***~~6. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and~~***
>
> *7. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary* ***~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~****. This standard does not apply to:*
>
> *…*
>
> ***Advice Notes:***
>
> ***1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***

455. The S42A report also recommends the addition of a new rule as follows:

> ***MUZ-R9A New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ-R1***
>
> ***Activity Status Restricted Discretionary***
>
> ***Activity status where compliance not achieved: Discretionary***
>
> ***Where:***
>
> ***1. Rule MUZ-R1.2 is complied with.***
>
> ***Discretion is restricted to:***
>
> ***a. Bulk, location and design of storage, buildings and structures;***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places;***
>
> ***c. Visual dominance, privacy and shading effects on neighbouring sites; and***
>
> ***d. Materials being stored and the period of time for storage***

MUZ – R2 Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities

456. Ms Belgrave acknowledged the support from the four submitters[109] that sought to retain the rule as notified.

457. The S42A report recommends that MUZ-R2 be retained as notified.

MUZ – R3 Carparking and Vehicle Service Access

458. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

459. Ms Belgrave does not support the submission point made by BDC to delete MUZ-R3 or to include the requirements in TRN-S12. This is because Ms Belgrave considers that MUZ-R3 is focused on design matters that are directly relevant to the effects of new development in the MUZ, while TRN-S12 is focused on the construction requirements of carparking.

460. In response to the submission point made by Fire and Emergency NZ that sought to exclude emergency service activities from the design requirements for parking and access, Ms Belgrave agrees that as emergency services have operational needs that limit the location of parking and access relative to their building and because there will be a limited number of emergency service facilities being established in the MUZ, it is appropriate to exclude them from the requirements of the rule.

461. The S42A report recommends that MUZ-R3 be amended as follows:

> ***MUZ-R3 Carparking and Vehicle Service Access***
>
> *…*
>
> ***6. <u>Emergency service facilities are excluded from Rules MUZ-R3.1 – MUZ-R3.5</u>***

MUZ – R4 Residential Activities and Papakāinga

462. Ms Belgrave acknowledged the support from the five submission points[110] that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

463. In response to the submission point from Davis Ogilvie and Partners Ltd that requested amendments to MUZ-R4.5 to enable side or rear access to residential accommodation, Ms Belgrave does not support the relief sought. This is because providing access from publicly accessible places will contribute to achieving positive built outcomes in relation to amenity and safety. Nevertheless, amendments to the rule are recommended that will enable secondary accesses to be provided from the rear or side of a building.

464. In response to the submission point from BDC that sought the following relief, Ms Belgrave supports the submission in part:

[109] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.733), Buller District Council (S538.409), Fire and Emergency New Zealand (S573.085), Department of Corrections (S349.010)
[110] Ngāi Tahu (S620.220), Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.735), Waka Kotahi (S450.218), Fire and Emergency New Zealand (S573.087), and Grey District Council (S608.703)

a. A cross-reference to MUZ-R1; and

b. Delete the requirement for residential units to be above street level; and

c. Delete the waste management part of the rule; and

d. Amendments to enable access from public frontage (other than a street).

465. Ms Belgrave does not consider it necessary to cross-reference MUZ-R1, as the rule will be relevant to all new buildings, including residential buildings.

466. Ms Belgrave does not support deleting the requirement for residential units to be above street level, as she considers that ground-floor space is more efficiently used to accommodate commercial activities, and it is appropriate to protect the ground floor in the MUZ for commercial activities.

467. Ms Belgrave supports the simplification of the waste management rules. However, she does not support the complete deletion of the rule, as requested by BDC. Rather, she supports an amendment similar to the COMZ recommendation.

468. Ms Belgrave considers that the recommended amendments to MUZ-R4.5 that respond to the Davis Ogilvie submission point will also address the BDC submission.

469. The S42A report recommends that MUZ-R4 be amended as follows:

MUZ-R4 Residential Activities and Papakāinga

Where:

1. *…*
2. *Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ~~***either***~~ *a private* ~~***or communal***~~ *area* ***or 9m² with a minimum dimension of 2.8 metres in a communal area****.*
3. *…*
4. *…*
5. ***The principal residential*** ~~***Residential***~~ *accommodation entrance*~~***s***~~ *shall be provided directly from* ***a*** ~~***the***~~ *public street* ***or open space****.*

MUZ – R5 Visitor Accommodation

470. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and Fire and Emergency that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

471. In response to the submission point made by BDC, which sought amendments similar to those for MUZ-R4, Ms Belgrave makes identical recommendations. She reiterates that living accommodation should not be on the ground level and that cross-reference to MUZ-R1 is not considered necessary. She also continues to support amendments to increase the flexibility for the location of entrances.

472. The S42A report recommends that MUZ-R5 be amended as follows:

MUZ-R5 Visitor Accommodation

Where:

4. ***The principal visitor*** ~~***Visitor***~~ *accommodation entrance*~~*s*~~ *shall be provided directly from* ***a*** ~~***the***~~ *public street* ***or open space****.*

MUZ – R6 Minor Structures

473. Ms Belgrave acknowledged the support from Te Mana Ora, and Fire and Emergency that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission point.

474. In response to the submission made by BDC that sought to delete MUZ-R6.1 and add a new rule, Ms Belgrave supports the inclusion of additional setbacks for minor structures. She also recommends including the requirements from MUZ-R1.4 into MUZ-R6, which includes setback requirements for structures adjacent to other zones. It is her view that these setback requirements are also relevant to minor structures.

475. The S42A report recommends that MUZ-R6 be amended as follows:

MUZ-R6 Minor Structures

Where:

~~***1. All performance standards for Rule MUZ - R2 are complied with;***~~

…

x. Any structure is set back:

i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary;

ii. 4.5m from the road boundary; and

iii. 1m from internal boundaries.

MUZ – R7 Fences, Walls and Retaining Walls

476. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

477. The S42A report recommends that MUZ-R7 be retained as notified.

MUZ – R8 Relocated Buildings

478. In response to the five submission points[111] that sought to delete MUZ-R8, Ms Belgrave supports the relief sought. She reiterates the reasons set out regarding COMZ-R4 and agrees with the submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with MUZ-R1 and the Building Act.

479. Because of the recommendation to delete this rule, Ms Belgrave does not support the relief sought from the other four submission points to either amend or retain the rule.

[111] Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006) and Buller District Council (S538.415)

480. The S42A report recommends that MUZ-R8 be deleted.

MUZ – R9 Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and Buildings not meeting Permitted Activity Standards

481. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter and as a consequential amendment to MUZ-R1 and the addition of the restricted discretionary activity rule (MUZR9A) in response to the Ministry of Education submission (S456.035).

482. The recommended amendments will result in a restricted discretionary and discretionary activity status to non-compliance with rules under MUZ-R1. The discretionary activity status for an infringement of building height will provide a broad scope to consider relevant effects. For these reasons, Ms Belgrave considers that a non-complying activity status is not necessary.

483. The S42A report recommends that MUZ-R9 be deleted.

MUZ – R10 Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

484. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter, as a discretionary activity status is already provided for non-compliance with the permitted standard in MUZ-R6 and MUZ-R7.

485. The Ministry of Education submission (S456.035) provides scope as a consequential amendment.

486. The S42A report recommends that MUZ-R10 be deleted.

MUZ–R11 New Buildings and External Additions to Buildings not meeting Rule MUZ-R1

487. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter as a consequential amendment to the amendments to MUZ-R1 and MUZ-R9A.

488. The S42A report recommends that MUZ-R11 be deleted.

MUZ – R12 Residential Activities not meeting Permitted Activity standards

489. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter, as a discretionary activity status is already provided for non-compliance with the permitted standard in MUZ-R4 and MUZ-R5.

490. The S42A report recommends that MUZ-R12 be deleted.

MUZ – R13 Industrial Activities

491. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

492. The S42A report recommends that MUZ-R13 be retained as notified.

MUZ – R14 Any activity not provided for by another Rule in the zone

493. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

494. The S42A report recommends that MUZ-R14 be retained as notified.

Hearing and Submitter Evidence

495. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter appears to accept the wording of MUZ-R1 and the consequential amendments to add a restricted discretionary activity rule.

496. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to MUZ-R1.5 as initially sought in the submission. The letter also confirms that FENZ accept the S42A recommendations regarding MUZ – R2, MUZ – R3, MUZ – R4, MUZ – R5 and MUZ – R6.

497. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the MUZ a setback of 5m is sought[112].

498. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

499. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The statement sets out that the deletion of rules relating to relocated buildings is not supported by the Association.

500. Mr Bhana-Thomson's evidence sets out the process for relocating a building and states that in his experience the relocation of a building generally involves less construction disturbance than the on-site construction of a building. Other benefits include lower labour costs, and the reuse of existing buildings. Additionally, he advises that there is no requirement in the Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

Reporting Officer Reply Evidence

501. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The

[112] As set out in evidence for Topic 1, to align with the road boundary setback rules.

planners also note that the railway designation is considerably wider than the railway line itself. So there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

502. Concerning the MUZ, the reporting planners do not support the relief sought by KiwiRail for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development, and that it is excessive in this zone. Notwithstanding that the reporting planners consider that it is more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be setback 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

MUZ-R1

4. Any building or structure is set back:

i. 3m from any RESZ – Residential Zone OSRZ – Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; and boundary;

ii. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

503. Consequential to the separation of MUZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

504. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association, Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

505. On the understanding that the purpose of MUZ-R8 (and similar rules in COMZ and NCZ) is to address amenity effects, particularly through standards that require the timely completion of building works, Ms Belgrave agrees that the standards can address the existing concerns regarding relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

506. Ms Belgrave recommends it is appropriate to retain MUZ-R8 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

507. The recommended wording is as follows:

MUZ-R8 Relocated Buildings

Activity Status Permitted

Where:

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

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

508. Attachment C of the right of reply sets out the tracked changes to the rules for the MUZ. In this, Ms Belgrave changes her S42A recommendation regarding MUZ-R9 and recommends retaining a version of the rule. This is because it applies a non-complying activity status to buildings exceeding 20m, and this requirement is not duplicated in MUZ-R1.

509. The recommended wording is as follows:

> ***MUZ-R9 ~~Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and~~ Buildings not meeting Permitted Activity Standards***
>
> *Activity Status Discretionary*
>
> *Where:*
>
> 1. *The maximum height is 20m.*
>
> *Activity Status where compliance not achieved: Non-complying*

510. The right of reply considers the question of whether there are provisions in the MUZ that will create opportunities for greater residential development. Ms Belgrave identifies rules MUZ-R1 and MUZ-R4 that provide for new buildings and residential activities as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with a resource consent process.

Hearing Panel's Evaluation

MUZ - General

511. The Panel agree with Ms Belgrave's recommendation to reject the submission point made by the New Zealand Motor Caravan Association and not provide for campgrounds and camping as a permitted activity in the MUZ.

MUZ – R1

512. The Panel agree with Ms Belgrave's recommended response to the submission point made by the Ministry of Education to make non-compliance with clauses MUZ-R1 (2) – (5) a restricted discretionary activity, while retaining a full discretionary activity status for non-compliance with the building height clause. This is consistent with the approach taken in the COMZ Chapter.

513. The Panel agree that due to the addition of the restricted discretionary activity status, the appropriate rule needs to be added to the rule table, and we agree with the wording in Ms Belgrave's right of reply evidence. This rule will be MUZ-R9.

514. We acknowledge the letter from Ms Daly Williams on behalf of the Ministry of Education that was tabled at the hearing that accepts the changes to MUZ-R1 and the addition of what will be MUZ-R9.

515. We acknowledge Ms Inta's statement (presented at the hearing) relating to the separation of activities and buildings within the rules. Her comments spanned the zones in this hearing stream. We are also aware that neither Ms Inta nor the Buller Conservation Group made a submission specifically on this rule. Notwithstanding that, the Panel agree with Ms Belgrave's right of reply evidence that recommends restructuring and relocating standards between the rules. In the case of this rule, that has amounted to transferring the performance standard relating to external storage to MUZ-R2. However, we do not agree that Ms Inta's statement provides scope for these changes, and we consider it more appropriate that these changes are consequential to the Waka Kotahi submission (S450.213).

516. The Panel agree with Ms Belgrave and the BDC that the exception in MUZ-R1(7) relating to the written approval is better included as an advice note. As set out in relation to the COMZ rule, we also agree to refer to boundary '*rules*' (rather than '*setbacks*') to ensure all rules that are subject to the deemed permitted boundary activity process are captured.

517. The Panel disagrees with Ms Belgrave regarding the consequential deletion of MUZ-R1(6), as we have not recommended deleting the equivalent rule in COMZ-R1 due to the lack of scope.

518. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback from the '*rail designation*' rather than the '*rail corridor*' to provide a definitive point of measurement.

519. In relation to the remainder of the submissions on MUZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R2

520. The Panel acknowledges that all submissions made directly regarding this rule sought that it be retained as notified. However, we agree and acknowledge that the relocation of the performance standard from MUZ-R1 to MUZ-R2, which relates to external storage, generates consequential changes to the rule. Accordingly, we agree with the recommended wording in Ms Belgrave's right of reply and reject the submission points that all sought to retain the rule as notified.

521. We also agree that, due to the activity status escalating to a restricted discretionary activity if external storage is not appropriately screened, the addition of the restricted discretionary rule should be made to the rule table. We agree with the wording in Ms Belgrave's right of reply evidence. This rule will be MUZ-R10.

522. We record that these changes are all consequential to the Waka Kotahi submission (S450.213).

MUZ-R3

523. The Panel agree with Ms Belgrave's recommendation to reject the submission point made by Buller District Council to delete the rule. We agree that this rule is design-driven, rather than focused on the construction requirements, which TRA-S12 is centred on.

524. The Panel agree with Ms Belgrave's recommendation to accept the submission point from FENZ, and we agree with the wording as set out in her right of reply evidence.

525. In relation to the remainder of the submissions on MUZ-R3, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R4

526. The Panel agrees with Ms Belgrave's recommendation in response to the submission points made by BDC and Davis Ogilvie & Partners.

527. In relation to the remainder of the submissions on MUZ-R4, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R5

528. The Panel agree with Ms Belgrave's recommendation for MUZ-R5, except for MUZ-R5(4) where it appears that the word '*visitor*' has been transposed for '*residential*'. This is clearly a typographical error in the context of the rule. We acknowledge that the recommendation is consistent with the recommendation for MUZ-R4.

529. In relation to the remainder of the submissions on MUZ-R5, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R6

530. The Panel agree with Ms Belgrave's recommendation to include a performance standard related to setbacks which responds to the submission point from BDC. However, we disagree with the structure of how this is recommended to be incorporated into the rule. We instead prefer to be consistent with the equivalent COMZ rule and require that Standard 4 of MUZ-R1 be complied with.

531. We note that MUZ-R1 does not include a setback from the road boundary or internal boundaries, as recommended by Ms Belgrave in response to the BDC submission. However, we consider that these setbacks are not necessary for a minor structure in the MUZ, especially when they are not required for a building. Lastly, we also note that a reference to Standard 4 of MUZ-R1 will require a setback from a railway designation boundary, and we consider that to be appropriate.

MUZ-R7

532. The Panel agree that this rule should remain as notified, as there were no submissions that sought its amendment.

MUZ-R8

533. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and evidence presented at the hearing, and we accept her right of reply recommendation to retain MUZ-R8 with minor amendments.

MUZ-R9

534. The Panel agree with Ms Belgrave's right of reply recommendation to retain this rule, with the minor amendment to the title, which is consequential to the Ministry of Education submission on MUZ-R1.

535. The Panel also notes that due to the addition of the restricted discretionary activity rules, there is a change to the numbering sequence, and this rule becomes MUZ-R11 in our recommendation.

MUZ-R10 to MUZ-R12

536. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address the activities where one or more of the performance standards in the corresponding permitted rule are not complied with. Therefore, we accept the submission points made regarding these rules which were all to retain them.

537. Due to the changes to the numbering sequence, these rules become MUZ-R12 to MUZ-R14 in our recommendation.

MUZ-R13

538. The Panel accept the submission points to retain this rule and agrees with Ms Belgrave's recommendation not to make any changes to this rule. However, we note that the rule number will change to MUZ-R16.

MUZ-R14

539. The Panel acknowledge that MUZ-R14 is a catch-all rule that is intended to manage activities that have not been specifically provided for in the other rules. The Panel has considered this matter plan wide and we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

Hearing Panel's Recommendation

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

Mixed Use Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

MUZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings**

Activity Status Permitted	**Activity status where compliance not achieved:**
Where: 1. The maximum ground floor area of the building is 500m²; 2. The maximum height above ground level is 12m except that this standard does not apply to hose drying towers at Emergency Service Facilities; 3. Any building on a Facade Control Street must have: i. A cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; ii. 20% of the facade devoted to display windows or transparent glazing; and iii. The principal public entrance to the building must be located on the front boundary; 4. Any building or structure is setback a minimum of: i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; **and** ii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.**[113] ~~5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~[114] 5. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species,	**Restricted Discretionary where standards 1 and 3 to 6 are not complied with** Discretionary **where standard 2 is not complied with.**[117]

[113] KiwiRail (S442.093)
[114] Consequential to Waka Kotahi (S450.213)
[117] Ministry of Education (S456.035)

which at maturity, will screen the buildings from the adjoining sites; and 6. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~[115] This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:** **1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.** [116]	
MUZ – R2	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities**
Activity Status Permitted Where: 1. This is not visitor accommodation subject to Rule MUZ-R5; ~~2. Performance standards for Rule MUZ - R1 are complied with; and~~	**Activity status where compliance not achieved:** Refer Rule MUZ – R5 for Visitor Accommodation **Restricted discretionary where standard 3 is not complied with**

[115] Buller District Council (S538.408)
[116] Buller District Council (S538.408) – maybe also Cl 16

2. This is not a commercial garage, service station or emergency service activity located on a Facade Control Street**; and** **3.** **All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** [118]	~~Activities not complying with Standard 2 or 3 are~~ Discretionary **where standard 2 is not complied with.** [119]
MUZ – R3 **Carparking and Vehicle Service Areas**	
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes or streets other than those subject to Facade Controls; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Facade Control Street; ~~and~~ 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site**; and;** **6.** **Standards 1 to 5 of Rule MUZ-R3 do not apply to Emergency service facilities** [120] **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
MUZ – R4 **Residential Activities and Papakāinga**	
Activity Status Permitted Where: 1. The residential activity or papākainga is: i. Located above street level; or ii. Located at street level but with no frontage to public open spaces or streets except for access; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area	**Activity status where compliance not achieved:** Discretionary

[118] Consequential to Waka Kotahi (S450.213)
[119] Consequential to Waka Kotahi (S450.213)
[120] Fire and Emergency New Zealand (S573.086)

or 9m² with a minimum dimension of 2.8 metres in a communal area;[121] 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 4. Residential accommodation entrances shall be clearly separated and distinguished from commercial entrances; 5. **The principal residential** ~~Residential~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**.[122] **Advice Note:** The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
MUZ – R5 **Visitor Accommodation**	
Activity Status Permitted Where: 1. The visitor accommodation is located i. In a Heritage Building listed in Schedule One; or ii. Above street level; or iii. At street level but with no frontage to public open spaces or streets except for access 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and 4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**.[123] **Advice Note:**	**Activity status where compliance not achieved:** Discretionary

[121] Buller District Council (S538.411)
[122] Davis Ogilvie & Partners Ltd (S465.034) and Buller District Council (S538.411)
[123] Consequential to Davis Ogilvie & Partners Ltd (S465.034) and Buller District Council (S538.411)

The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
MUZ – R6	**Minor Structures**
Activity Status Permitted **Where:** 1. ~~All performance standards for~~ **Standard 4 of** Rule MUZ - R~~2~~**1 is** ~~are~~ complied with;[124] 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
MUZ – R7	**Fences, Walls and Retaining Walls**
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.	**Activity status where compliance not achieved:** Discretionary
MUZ – R8	**Relocated Buildings**
Activity Status Permitted Where: 1. All performance standards for Rule MUZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling;[125] 3. A building pre-inspection report **in accordance with Appendix 11**[126] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement	**Activity status where compliance not achieved:** **Refer Rule MUZ – R1 for where standard 1 is not complied with.** Discretionary **where standards 2 to 5 are not complied with.** [129]

[124] Buller District Council (S538.413)
[125] New Zealand Heavy Haulage Association Inc (S616.002)
[126] New Zealand Heavy Haulage Association Inc (S616.002)
[129] Consequential to Waka Kotahi (S450.213)

works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**[127] 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[128]	
Restricted Discretionary Activities	
MUZ – R9	**New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ-R1**[130]
Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R1 is complied with.** **Discretion is restricted to:** **a. Bulk, location and design of storage, buildings and structures** **b. Effects on the safety, amenity and attractiveness of the street or public places; and;** **c. Visual dominance, privacy and shading effects on neighbouring sites.** [131]	**Activity status where compliance not achieved: Discretionary**
MUZ – R10	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities not meeting Rule MUZ-R2**[132]

[127] Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006), Buller District Council (S538.415)
[128] Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006), Buller District Council (S538.415)
[130] Consequential to Ministry of Education (S456.035)
[131] Consequential to Ministry of Education (S456.035)
[132] Consequential to Waka Kotahi (S450.213)

Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R2 is complied with** **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and;** **b. Materials being stored and the period of time for storage.** [133]	**Activity status where compliance not achieved: Discretionary**
Discretionary Activities	
MUZ – R9~~11~~	~~Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and~~ **Buildings not meeting Permitted Activity Standards**[134]
Activity Status Discretionary Where: 1. The maximum height is 20m.	**Activity status where compliance not achieved:** Non-complying
MUZ – R~~1~~2	**Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
MUZ – R1~~1~~3	**New Buildings and External Additions to Buildings not meeting Rule MUZ - R1**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ – R1~~2~~4	**Residential Activities not meeting Permitted Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ-R15	**Any activity not provided for by another Rule in the zone**

[133] Consequential to Waka Kotahi (S450.213)
[134] Consequential to Ministry of Education (S456.035)

Activity Status Discretionary	**Activity status where compliance not achieved: N/A**[135]
Non-complying Activities	
MUZ – R1~~3~~6 Industrial Activities	
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**MUZ – R14 Any activity not provided for by another Rule in the zone**~~	
~~**Activity Status Non-complying**~~	~~**Activity status where compliance not achieved:**~~ ~~N/A~~[136]

6. TOWN CENTRE ZONE

6.1. Town Centre Zone Overview

Submissions and Further Submissions

541. One submission point and one further submission point relating to the Overview of the Town Centre Zone was summarised in a Table in pages 97-98 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

Section 42A Report

542. In response to the submission point made by Foodstuffs that sought to make additions to the Overview text, Ms Belgrave supports the relief in part.

543. Ms Belgrave supports the addition of the word '*generally*' in reference to the heights of buildings in the TCZ.

544. Ms Belgrave does not support the requested additions to recognise existing supermarkets and existing
individual activities in the Overview, and the additional text referencing natural hazard risk does not change or add to the meaning of the Overview.

545. Ms Belgrave recommends that the TCZ Overview text is amended as follows:

> …
>
> *The four centres are **generally** characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is*

[135] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[136] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

available on the street. Residential living above ground floor and mixed use activities are provided for.

…

Hearing and Submitter Evidence

546. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission, and she continues to seek the requested amendments to the Overview in the TCZ.

Reporting Officer Reply Evidence

547. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

548. The Panel has considered the wording suggested by Foodstuffs for the Town Centre Zone Overview, and we agree with the reasoning and amendments proposed by Ms Belgrave, recommending that they be included.

Hearing Panel's Recommendation

549. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and recommends the following changes to the **Town Centre Zone Overview**.

TCZ	**Town Centre Zone – Te Takiwā o te Pokapū o te Tāone**
Overview The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply. The four centres are **generally**[137] characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is available on the street. Residential living above ground floor and mixed use activities are provided for. The architectural quality of buildings and the quality of the public realm (public spaces and the interaction between individual buildings and the public pedestrian environment) will strongly influence the attractiveness of the TCZ - Town Centre Zone and MUZ - Mixed Use Zone as places to visit, undertake business and live. The objectives, policies and rules for both zones enable a broad range of activities, in order to provide the flexibility necessary to accommodate future growth and change. More importantly, they also focus on the quality of buildings and the impact of new buildings on the public realm and on the walkability and pedestrian access within the town centres. This focus is important to enhancing the attractiveness of the town centres and encouraging new businesses, visitors and inner city living.	

[137] Foodstuffs (S464.028)

As the largest centre on the West Coast/Te Tai o Poutini, Greymouth/Māwhera is expected to provide for a diverse range of commercial, retail, community and recreation activities and offer a variety of employment and living opportunities. In Greymouth/Māwhera higher density residential developments such as apartments above ground floor are anticipated that will contribute to providing wider housing choices for the community. The MUZ - Mixed Use Zone in Greymouth/Māwhera is adjacent to the TCZ - Town Centre Zone.

The Town Centre and Mixed Use Design Guidelines seek to ensure that new building development in the town centres is of a high standard and that it enhances the characteristics and qualities that contribute to each town centre's unique sense of place.

The location of the Hokitika, Greymouth/Māwhera and Westport/Kawatiri town centres on the coast and adjacent to large rivers, means parts of the town centres are subject to risk from existing and future flood and coastal inundation. Te Tai o Poutini Plan enables development within the TCZ - Town Centre Zone and MUZ - Mixed Use Zone that responds to and manages the risk. However, it is also acknowledged that over time a movement away from the most hazardous locations is desired, and this is reflected in other parts of the Te Tai o Poutini Plan through the NH - Natural Hazards provisions.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Town Centre Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Town Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Town Centre Zone.

6.2. Town Centre Zone Rules and Design Guidelines

Submissions and Further Submissions

550. Two submission points relating generally to the **TCZ Rules** were summarised in a Table on page 99 of the S42A Report. Both submissions sought amendments to the rules.

551. Six submission points and one further submission point relating to **TCZ-R1** were summarised in a Table on pages 99-102 of the S42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.

552. Three submission points relating to **TCZ-R2** were summarised in a Table on pages 104-105 of the S42A Report. Two submission points supported the retention of the rule as notified. One submission point sought amendments.

553. Four submission points relating to **TCZ-R3** were summarised in a Table on page 106 of the S42A Report. Two submission points supported the retention of the rule as notified. Two submission points sought amendments.

554. Four submission points relating to **TCZ-R4** were summarised in a Table on pages 107-108 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought amendments.

555. Three submission points relating to **TCZ-R5** were summarised in a Table on page 108 of the S42A Report. All submission points supported the retention of the rule as notified.

556. Five submission points relating to **TCZ-R6** were summarised in a Table on page 109 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought to delete it, and one sought amendment.

557. Three submission points relating to **TCZ-R7** were summarised in a Table on page 110 of the S42A Report. All submission points supported the retention of the rule as notified.

558. Four submission points relating to **TCZ-R8** were summarised in a Table on page 111 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought amendments.

559. Two submission points relating to **TCZ-R9** were summarised in a Table on page 112 of the S42A Report. One submission point supported the retention of the rule as notified, and one submission point sought amendments.

560. Three submission points and two further submissions relating to **TCZ-R10** were summarised in a Table on pages 112-113 of the S42A Report. Two submission points supported the retention of the rule as notified. One submission point and two further submissions sought amendments.

561. Two submission points relating to **TCZ-R11** were summarised in a Table on page 113 of the S42A Report. All submission points supported the retention of the rule as notified.

562. Two submission points relating to **TCZ-R12** were summarised in a Table on page 114 of the S42A Report. All submission points supported the retention of the rule as notified.

563. Six submission points relating to **TCZ-R13** were summarised in a Table on page 114 of the S42A Report. One submission point supported the retention of the rule as notified. Five submission points sought it be deleted.

564. Two submission points relating to **TCZ-R14** were summarised in a Table on page 115 of the S42A Report. All submission points supported the retention of the rule as notified.

565. Four submission points relating to **TCZ-R15** were summarised in a Table on pages 115-116 of the S42A Report. One submission point supported the retention of the rule as notified. Three submission points sought amendments.

566. Two submission points relating to **TCZ-R16** were summarised in a Table on pages 116-117 of the S42A Report. All submission points supported the retention of the rule as notified.

567. Two submission points relating to **TCZ-R17** were summarised in a Table on page 117 of the S42A Report. One submission point supported the retention of the rule as notified, and the other sought an amendment.

568. Four submission points relating to **TCZ-R18** were summarised in a Table on page 118 of the S42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments, and one sought to delete the rule.

569. Two submission points relating to **TCZ-R19** were summarised in a Table on page 119 of the S42A Report. All submission points supported the retention of the rule as notified.

570. Two submission points relating to **TCZ-R20** were summarised in a Table on page 119 of the S42A Report. One submission point supported retaining the rule as notified, and the other sought to delete the rule.

571. Two submission points relating to **TCZ-R21** were summarised in a Table on page 120 of the S42A Report. All submission points supported the retention of the rule as notified.

572. Fifteen submission points and one further submission point relating to **Appendix 3 – Town Centre Design Guidelines** were summarised in a Table on pages 120-125 of the S42A Report. Three submission points supported the retention of the Appendix as notified. One submission point sought to delete the Appendix. Eleven submission points sought amendments.

573. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

TCZ - General

574. In response to the submission point from Foodstuffs that sought to make specific provision for supermarkets, Ms Belgrave does not consider this necessary, as supermarkets are provided for as commercial activities in the TCZ.

575. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and for other zones in this stream. She reiterates her opinion regarding CMUZ and COMZ and does not support the relief sought in the submission point.

576. The S42A report recommends that no amendments be made to the TCZ chapter in response to these submissions.

TCZ – R1 Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities

577. Ms Belgrave acknowledged the support from Te Mana Ora and the Department of Corrections that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

578. Ms Belgrave generally supports the relief sought in the submission point made by Waka Kotahi. The submission point is similar to those made in relation to the COMZ and the MUZ. It sought clarification as to whether the requirements of the rule should be considered performance standards, and if so, whether the activities listed in the heading should be addressed in a separate rule. Ms Belgrave acknowledges the confusion regarding the terminology used throughout the rules in this chapter. She therefore recommends that the rule heading be amended to apply to all new buildings, additions and alterations to existing buildings, landscaping, and external storage, and that the activities be moved to a new, separate rule.

579. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R1.1, TCZ-R1.4, and TCZ-R1.5, Ms Belgrave does not support the relief sought. This is because existing use rights will apply to existing buildings and activities, and so the requested exemption is not necessary.

580. In response to the submission point made by BDC that sought amendments to the glazing part of the rule, Ms Belgrave agrees that the amendment will simplify the rule but also recommends the inclusion of '*at the frontage'* to ensure that glazing is not required at the side and rear of building facades. Additionally, Ms Belgrave supports deleting TCZ-R1.5 as TCZ-R1.4 will appropriately manage streetscape amenity outcomes.

581. In response to the other parts of the submission point made by BDC that sought amendments related to fencing and the exceptions related to when a written approval is obtained, Ms Belgrave reiterates the recommendations she made on the same matter for the COMZ. That is to include an advice note but not to change the wording of the rule.

582. In response to the submission point made by FENZ, which sought amendments to exclude emergency services facilities from the ground floor façade controls, Ms Belgrave did not support the relief sought, as no specific assessment was provided with the submission.

583. In response to the other parts of the submission point made by FENZ that requested the inclusion of a new rule relating to water supply servicing, Ms Belgrave did not support the relief sought. She noted that it is uncommon to include general servicing controls in the zone chapters; instead, these are usually part of subdivision provisions. Furthermore, water supply servicing arrangements for new buildings are more appropriately managed under the requirements of the Building Code.

584. Ms Belgrave recommends that TCZ-R1 be amended as follows:

> ***TCZ-R1 <u>New Buildings, External Additions or Alterations to Existing Buildings, and External Storage</u> ~~Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities~~***
>
> *Activity Status Permitted*
>
> *Non-complying where **<u>rules</u>** **~~standards~~** 1-3 are not complied with*
>
> *Discretionary where **<u>rules</u>** **~~standards~~** 4 to 6 are not met*

…

4. The ground floor façade of all buildings with a Main Street Frontage must have:

a. ***A minimum of 50% of the building façade at ground level must comprise clear glazing*** ~~***50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage***~~*; and*

~~***5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m.***~~

6. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~***except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.***~~ *This standard does not apply to:*

…

Advice Notes:

1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

TCZ – R2 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct

585. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission point.

586. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R2.4 and TCZ-R2.5, Ms Belgrave did not support the relief sought. This is because existing use rights will apply to existing buildings and activities; therefore, the requested exemption is not necessary.

587. In response to submissions received relating to Appendix 3 – Town Centre Design Guidelines, Ms Belgrave recommends consequential amendments to TCZ-R2.

588. Ms Belgrave recommends that TCZ-R2 be amended as follows. The recommendations also take into account recommendations made in response to submissions received relating to the Hokitika Design Guidelines:

TCZ-R2 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct

...

4. ~~***Every***~~ ***New*** *building****s and additions and alterations to any building*** *with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and*

~~***5. New buildings and additions and alterations to any Main Street Frontage façade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.***~~

Advice Note:

2. When designing new buildings in Hokitika Town Centre developers are encouraged to use the Hokitika Town Centre Urban Design Guidelines.

TCZ – R3 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC1 Greymouth/Māwhera Town Centre Precinct

589. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

590. In response to the submission point made by Ngāi Tahu that sought to include compliance with the design guidelines as a rule instead of an advice note, Ms Belgrave did not support the relief sought. This is because it would be difficult to demonstrate and enforce compliance with the guidelines; therefore, she recommended retaining it as an advice note.

591. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R3.3, Ms Belgrave did not fully support the relief sought. This is because existing use rights will apply to existing buildings and activities; therefore, the requested exemption is not necessary. Notwithstanding this, Ms Belgrave did support amendments to TCZ-R3.3 to clarify that the rule applies to new buildings, as well as any additions and alterations.

592. Ms Belgrave recommends that TCZ-R3 be amended as follows, noting that the recommendation includes consequential amendments following recommendations to TCZ-R1:

> ***TCZ-R3 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ - PREC1 Greymouth/Māwhera Town Centre Precinct***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> *Discretionary where standard 2 is not complied with.*
>
> *Non-complying where standard 3 is not complied with.*
>
> ***~~Refer Rule TCZ - R1 where there is non- compliance with these standards~~***
>
> *…*
>
> *3. **~~Every~~** **New** buildings **and additions and alterations to any building** with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One.*

TCZ – R4 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC3 Westport/Kawatiri Town Centre Precinct

593. Ms Belgrave acknowledged the support from Te Mana Ora, Buller District Council, and FENZ for the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

594. In response to the submission point made by Ngāi Tahu that sought to include compliance with the design guidelines as a rule instead of an advice note, Ms Belgrave does not support the relief sought. This is because it would be difficult to demonstrate and enforce compliance with the guidelines; therefore, she recommended retaining it as an advice note.

595. Ms Belgrave recommends that TCZ-R4 be amended to take account of consequential amendments following recommendations to TCZ-R1:

> ***TCZ-R4 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ – PREC3 Westport/Kawatiri Town Centre Precinct***
>
> *Activity Status Permitted*
>
> *…*
>
> ~~***Refer Rule TCZ - R1 where there is non- compliance with these standards***~~

TCZ – R5 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC4 Reefton Town Centre Precinct

596. Ms Belgrave acknowledged the support from Te Mana Ora, BDC and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

597. Ms Belgrave recommends that TCZ-R5 be amended to take account of recommendations made in response to submissions received relating to the Reefton Design Guidelines and consequential amendments following recommendations to TCZ-R1:

> ***TCZ-R5 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ – PREC4 Reefton Town Centre Precinct***
>
> *Activity Status Permitted*
>
> *…*
>
> ~~***Refer Rule TCZ - R1 where there is non- compliance with these standards***~~
>
> *Where:*
>
> *…*
>
> ~~***5. New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.***~~
>
> ***Advice Note:***
>
> ***1. When designing new buildings in Reefton Town Centre developers are encouraged to use the Reefton Town Centre Urban Design Guidelines.***

TCZ – R6 Carparking and Vehicle Service Access

598. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi, and GDC, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

599. Similar to the recommendation made in response to the submission point made by BDC regarding the MUZ carparking rule, Ms Belgrave did not support the submission point made by BDC to delete TCZ-R6 or to include the requirements in TRN-S12. This is because Ms

Belgrave considers that TCZ-R6 is focused on design matters that are directly relevant to the effects of new development in the TCZ, while TRN-S12 focuses on the construction requirements for car parking.

600. In response to the submission point made by Fire and Emergency NZ that sought to exclude emergency service activities from the design requirements for parking and access, Ms Belgrave agrees (as also set out with respect to the MUZ) that, as emergency services have operational needs that limit the location of parking and access relative to their building. Additionally, a limited number of emergency service facilities will be established in the TCZ; therefore, Ms Belgrave supported excluding emergency service facilities from the requirements of the rule.

601. The S42A report recommends that TCZ-R6 be amended as follows:

> ***TCZ-R6 Carparking and Vehicle Service Access***
>
> …
>
> ***7. Emergency service facilities are excluded from Rules TCZ-R6.1 – TCZ-R6.6***

TCZ – R7 Residential Activities in Existing Buildings

602. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and BDC that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from consequential changes relating to other submission points.

603. Ms Belgrave recommends amendments that apply to waste management and residential accommodation entrances, which will achieve consistency with the recommendations to the equivalent rules in the COMZ and MUZ chapters.

604. The S42A report recommends that TCZ-R7 be amended as follows:

> ***TCZ-R7 Residential Activities in Existing Buildings***
>
> …
>
> 2. *Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ***~~either~~*** *a private* ***~~or communal~~*** *area* ***or 9m² with a minimum dimension of 2.8 metres in a communal area.***
> 3. *…*
> 4. *…*
> 5. ***The principal residential ~~Residential~~*** *accommodation entrance****~~s are~~*** ***shall be*** *provided directly from* ***a ~~the~~*** *public street* ***or open space.***

TCZ – R8 Visitor Accommodation Activities and Buildings

605. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

606. In response to the submission point made by BDC that sought to delete TCZ-R8.3 on the basis that it duplicates Standards in TCZ-R1, Ms Belgrave did not support the relief sought, as she considers that TCZ-R8 includes additional requirements specific to managing visual effects associated with the provision of waste management areas, separate from those in TCZ-R1.

Notwithstanding this, recommendations for amendments to the rules governing waste management and residential accommodation entrances are outlined below to ensure consistency with the proposed amendments to other CMUZ chapters.

607. The S42A report recommends that TCZ-R8 be amended as follows:

TCZ-R8 Visitor Accommodation Activities and Buildings

…

5. ***The principal visitor*** ~~***Visitor***~~ *accommodation entrance*~~***s***~~ ***shall be*** *provide*~~***d***~~ ~~***pedestrian access***~~ *directly from* ***a*** ~~***the***~~ *public street* ***or open space****.*[138]

TCZ – R9 Demolition of Existing Buildings

608. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

609. In response to the submission point made by BDC that sought to make a minor grammatical amendment and remove the percentage reference, Ms Belgrave supported the relief sought. She agreed that the rule, as notified, will be confusing and create difficulties when determining compliance.

610. The S42A report recommends that TCZ-R9 be amended as follows:

TCZ-R9 Demolition of Existing Buildings

…

3. *If the building to be demolished is on a Main Street Frontage* ~~***that***~~ ***then*** *a pedestrian weather cover must be provided over the adjacent footpath* ~~***for 80% of the frontage***~~*. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.*

TCZ – R10 Minor Structures

611. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

612. In response to the submission point made by FENZ that sought amendments to enable hose drying towers up to a maximum height of 15m, Ms Belgrave supported the relief sought. This is because the inclusion of a maximum height for hose drying towers under TCZ-R10 will provide helpful clarification. It is considered that a maximum height of 15m is appropriate, having regard to the maximum permitted building height within the Town Centre Precincts, and that the establishment of emergency service facilities in the Zone will be limited.

613. The S42A report recommends that TCZ-R10 be amended as follows:

TCZ-R10 Minor Structures

[138] The S42A report and tracked versions of the rule appears to use wording from TCZ-R7 – Residential Activities and so incorrectly referred to 'residential accommodation', and different phrasing. This is a typo. The recommended phrasing is the same as the S42A report, with 'visitor' replacing 'residential'.

…

4. Hose drying towers do not exceed 15m in height; and

…

TCZ – R11 Fences, Walls and Retaining Walls

614. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

615. The S42A report recommends retaining TCZ-R11 as notified.

TCZ – R12 Demolition of Buildings not meeting Permitted Activity Standards

616. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

617. The S42A report recommends retaining TCZ-R12 as notified.

TCZ – R13 Relocated Buildings

618. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified.

619. In response to the five submission points[139] that sought to delete the rule, Ms Belgrave did not support the relief sought. She considered that the matters of discretion under TCZ-R13 relate to the design, location, and appearance of buildings, as well as the extent to which the relevant Design Guidelines are met. It was her view that these matters are relevant to ensuring high-quality built form outcomes in the TCZ and are separate from considerations under the Building Act.

620. The S42A report recommends retaining TCZ-R13 as notified.

TCZ – R14 Visitor Accommodation Activities and Buildings and Residential Activities in Existing Buildings not meeting Permitted Activity Standards

621. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

622. Despite the support for this rule, Ms Belgrave recommended that the rule be deleted to simplify the TCZ chapter. Discretionary and non-complying activity status for non-compliance with the relevant rules is provided for under TCZ-R7 and TCZ-R8, and therefore, this rule is an unnecessary duplication.

623. The S42A report recommends deleting TCZ-R14.

TCZ – R15 Commercial Activities and Buildings Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height

624. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified.

[139] Chris and Jan Coll (S558.010), Chris J Coll Surveying Limited (S566.010), William McLaughlin (S567.010) and Laura Coll McLaughlin (S574.010) Buller District Council (S538.434)

625. In response to the submission points made by Foodstuffs and the BDC to delete the non-complying activity status, and in the case of the BDC submission, the deletion of TCZ-R15.1, Ms Belgrave recommended deleting the rule in its entirety to simplify the chapter. Discretionary and non-complying activity statuses are already provided for under TCZ-R1-TCZ-R5.

626. In response to the submission points made by BDC and GDC to correct the typo in the rule heading, given that Ms Belgrave recommended to delete the rule, these submission points are recommended to be rejected.

627. The S42A report recommends deleting TCZ-R15.

TCZ – R16 Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards

628. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

629. Despite the support for this rule, Ms Belgrave recommended that the rule be deleted to simplify the TCZ chapter. Discretionary and non-complying activity status for non-compliance with the relevant rules is provided for under TCZ-R10 and TCZ-R11, and therefore, this rule is an unnecessary duplication.

630. The S42A report recommends deleting TCZ-R16.

TCZ – R17 Residential Activities and Buildings in New Buildings

631. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

632. In response to the submission point from BDC to insert a discretionary activity status, Ms Belgrave notes the submission and comments that no amendment is necessary as the notified rule includes a discretionary activity status.

633. Ms Belgrave did recommend amendments to the waste management and outdoor living space part of the rule to achieve consistency with recommended amendments to the equivalent provisions in the COMZ and MUZ chapters. She also recommended deleting *'and Buildings'* from the rule title, as this appears to be an error.

634. The S42A report recommends that TCZ-R17 be amended as follows:

> ***TCZ-R17 Residential Activities ~~and Buildings~~ in New Buildings***
>
> *Where:*
>
> 1. *The ground floor is used for Commercial or Community Activities* ***~~and complies with the Performance Standards for Rule TCZ - R1;~~***
>
> 2. *Each residential unit is provided with* ***~~an outdoor service space of 3m² and~~*** *a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ***~~either~~*** *a private* ***~~or communal~~*** *area* ***or 9m² with a minimum dimension of 2.8 metres in a communal area****;*
>
> *3. …*
>
> *4. …*

5. Each residential unit shall be provided with an outdoor living space of

a. 68**m² minimum area and **1.5** **2** metres minimum dimension **for a studio or 1 bedroom unit;

b. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;

*c. **15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms**.*

TCZ – R18 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards

635. In response to the submission point from BDC that sought to delete the rule, Ms Belgrave supported the relief sought as the rule is unnecessary following recommended amendments to TCZ-R1 and TCZ-R15.

636. Given the recommendation to delete the rule, Ms Belgrave did not support the relief sought by the other submitters.

637. The S42A report recommends deleting TCZ-R18.

TCZ – R19 Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards

638. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

639. The S42A report recommends retaining TCZ-R19 as notified.

TCZ – R20 Carparking and Vehicle Service Access not meeting the Permitted Activity Standards

640. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

641. Ms Belgrave supports the relief sought by BDC to delete this rule, which would simplify the TCZ Chapter. The non-complying activity status is already provided in relation to this activity under TCZ-R6.

642. The S42A report recommends deleting TCZ-R20.

TCZ – R21 Industrial Activities

643. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

644. The S42A report recommends retaining TCZ-R21 as notified.

Appendix Three: Design Guidelines

645. The technical design evidence from Ms Alicia Lawrie has informed Ms Belgrave's recommendations regarding the Design Guidelines.

646. Ms Belgrave acknowledged the support from Ngāi Tahu that supports the Design Guidelines as notified, particularly those sections that relate to Poutini Ngāi Tahu Cultural Landscapes.

The acknowledgement is subject to recommended amendments that arise from the other submission points.

647. Ms Belgrave did not support the submission point made by the Proprietors of Mawhera Tiamana Mawhera Incorporation that opposed paragraphs in Sections 2.1 and 2.2 of the Design Guidelines. The submitter did not provide reasons for opposing the paragraphs; therefore, Ms Belgrave recommended rejecting the submission.

648. In response to the submission point made by Martin & Co Westport and Lumberland Building Market Westport, which sought to delete the reference to the Mitre 10 building and the supporting statement, Ms Belgrave supported the relief sought. This is because the building is located outside of the TCZ, and its inclusion in the Design Guideline could create confusion.

649. In response to the six submission points[140] that sought various relief in relation to the colour controls, Ms Lawrie considered this in her evidence, and Ms Belgrave has made recommendations based on that evidence.

650. Ms Belgrave agrees with Ms Laurie that the assessment of colour is subjective, and based on this, it creates inefficiencies and a lack of clarity, especially in the cases of Hokitika and Reefton, where the notified rules require compliance with the Design Guidelines to be a permitted activity. Notwithstanding this, implementing the colour controls will be difficult to enforce, regardless of whether the Guidelines are referenced as a permitted activity or an advisory note. Additionally, the colour guidelines would only apply if resource consent were required, so it would not capture a landowner simply painting their commercial building.

651. It is relevant to record that existing heritage buildings are subject to separate provisions in the Historic Heritage Chapter.

652. Ms Belgrave did not support the relief sought by Richard Arlidge to add a new indigenous colour palette specific to all Design Guidelines.

653. Based on the above, Ms Belgrave recommended deleting the colour controls from the Design Guidelines as they were notified. Her recommendation also includes amendments that identify and provide guidance to plan users on how colour may be used and applied to achieve high-quality built form and design outcomes. This includes referring to the existing photograph figures as examples of where colour has been used successfully to highlight specific design elements such as window details and entrances.

654. In response to the four submission points from Foodstuffs that sought to exempt supermarkets from the Design Guidelines, Ms Belgrave did not support the relief sought based on the evidence of Ms Lawrie. They both consider that the management of design outcomes is appropriate due to the scale of these activities and their potential to create effects on character and amenity. Ms Belgrave recommended amendments to the Design Guidelines for Hokitika and Westport/Kawatiri under GF6, and consequential amendments to Greymouth/Māwhera under GF7, to recognise a range of architectural design methods that may be utilised to achieve outcomes related to articulation and detail.

[140] Jan and Heward (S353.002), Grey District Council (S608.483), Kirsty Dittmer (S412.001), Joanne and Ken Dixon (S213.002), Robert Burdekin (S378.008) and Richard Alridge (S419.006)

655. Furthermore, recommending alternative design approaches as an advisory note rather than a rule for the Hokitika and Reefton Guidelines will achieve the desired outcomes, and this will partly address the matters raised by Foodstuffs.

656. In response to the submission point made by Kirsty Dittmer that sought multiple amendments to the Greymouth/Māwhera Guidelines, Ms Belgrave partially supported the relief sought. The specific considerations are set out below:

(a) Ms Belgrave did not support deleting the Existing Built Character from 2.1 Context as it provides relevant context to the Greymouth/Māwhera Town Centre.

(b) Ms Belgrave agreed that GC1 is unclear, and she supports the inclusion of referring to neighbouring properties, although she recommends alternative language.

(c) Ms Belgrave supported the amendment to delete the reference to 'other buildings'. However, she recommended retaining the examples of natural features.

(d) In response to IW6, Ms Belgrave agreed that the guideline is unclear. She recommended amendments to improve clarity in response to this submission point.

(e) Ms Belgrave did not support deleting the second sentence in BF1. However, she recommended minor amendments to refer to '*smaller vertical forms'* in place of '*smaller storefronts.*

(f) Ms Belgrave did not support the requested changes to remove the references to two-story buildings in BF4. She considered that taller buildings would create opportunities for visual interest and contribute to a defined street edge. It is also appropriate in the context of the rules that allow building heights of up to 20m.

(g) Ms Belgrave did not support deleting references to symmetrically located windows in GF1 as this is a design element that contributes to the character of the Town Centre as set out in "2.1 Context". Notwithstanding, minor amendments are recommended to provide greater flexibility to achieve the desired built form outcomes.

(h) In response to GF2, Ms Belgrave agreed that the reference to full glazed facades is unclear, and she supports deleting the reference to requiring vertical solid breaks at frequent intervals at fully glazed facades. However, she recommended retaining the reference to not obscuring glazing or the visual connection from the outside into the building, as this achieves visual permeability.

(i) Ms Belgrave did not support the addition of the words '*where feasible'* to the end of GF3. She considered that an active reception and waiting area should be located on the ground floor and along the main street frontage to be a relevant design consideration.

(j) Ms Belgrave did not support the addition of the words '*is preferred'* in reference to the upper area in GF5, as she noted that symmetry has been identified as a feature that contributes to the character of the Town Centre.

(k) Ms Belgrave supported the inclusion to allow for consideration of sufficient clearance for taller vehicles, and she considered this relevant to the design and location of verandahs within the Town Centre. However, she did not support deleting the bullet point to avoid obscuring windows or architectural details, as this could encourage structures and signage to be located above verandahs.

(l) Ms Belgrave did not support deleting GL1 in its entirety. This is because this guideline identifies location-specific requirements for Mackay Street and Māwhera Quay, which are subject to controls for main street frontage and façade control. Nevertheless, she did recommend some amendments to encourage buildings to achieve cohesiveness with the port warehouse character and to ensure that GL1 reads as a guideline rather than a rule.

657. Consequential to the recommended amendments to the Greymouth/Māwhera Design Guidelines, Ms Belgrave recommended several related amendments to the Hokitika, Reefton, and Westport/Kawatiri Design Guidelines to achieve consistency.

Hearing and Submitter Evidence

658. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission, and she continued to seek the requested amendments to TCZ-R1. She commented that, for operational and functional reasons, it may not always be appropriate for a supermarket to be built up to the front boundary; in such cases, any new supermarket not complying with the setback would be considered a non-complying activity.

659. Ms Booker reiterated the above in relation to TCZ-R2 as well. She also made comments that it is unclear whether the Council will approve licences to occupy airspace for verandahs.

660. Ms Booker accepted the recommended amendments to TCZ-R3 and the deletion of TCZ-R15.

661. Ms Booker reiterates the original submission concerning TCZ-R18, and she continued to seek that the non-complying activity status where non-compliances exist for commercial activities (and in particular supermarkets) be changed to discretionary.

662. Ms Booker accepted the recommended amendments to the Town Centre Urban Design Guidelines.

663. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepted the S42A recommendation not to make any changes to TCZ-R1. They accept the recommendation regarding TCZ-R1.4. While they acknowledged that they will not pursue the submission point relating to the provision of a water supply, it is noted that the Building Act 2004 alone does not adequately provide for the provision of a water supply (including firefighting water supply) to new developments.

664. Mr van Pelt's letter also accepts the recommended wording for TCZ-R10.

665. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the TCZ, a setback of 5m is sought.[141]

666. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network, as it is nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

[141] As set out in evidence for Topic 1, to align with the road boundary setback rules.

667. Despite not making any submissions on the rules of the TCZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to TCZ-R13, Ms Inta raised questions regarding the activity status of restricted discretionary noting that in the other Mixed-Use Zones, there were permitted rules for relocated buildings.

668. Ms Inta also observes that the heading for TCZ-R17 should have the words '*and Buildings'* removed. Ms Belgrave identified this error in the S42A report.

669. Ms Inta disagrees with the S42A recommendation regarding the appropriateness of the green building in GF8 of the Westport/Kawatiri Design Guidelines.

Reporting Officer Reply Evidence

670. In relation to the recommended changes to TCZ-R1 and in response to questions from the Panel regarding the addition of a new rule, Ms Belgrave reconsidered the scope to enable this amendment. She explains that the new rule is consequential to the submission point made by Waka Kotahi. In order to respond to the relief sought to separate performance standards from specific activities a new rule is necessary to provide for the activities listed in the notified version of the rule.

671. Consequential to the separation of COMZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

672. Following questions from the Panel in relation to the interpretation of the glazing requirements at TCZ-R1.4 Ms Belgrave made recommendations to amend the wording to improve the clarity of the rule. She recommended deleting the phrase *'of the building façade at ground level'* as the phase '*ground floor façade'* is in the first part of the rule:

> *4. The ground floor façade of all buildings with a Main Street Frontage must have:*
>
> *a.* ***A minimum of 50%*** ~~***of the building façade at ground level must comprise***~~ ***comprising of clear glazing*** ~~***50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage***~~

673. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself. So, there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

674. Concerning the TCZ, the reporting planners do not support KiwiRail's request for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development and is excessive in this zone. Notwithstanding that the reporting planners consider it more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be set back 1.5m

from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

TCZ-R1

3. Any building or structure is set back:

b. 3m from any RESZ – Residential Zone boundary;

c. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

675. Ms Belgrave has further considered the wording of TCZ-R9 in her Right of Reply with respect to clarifying where the pedestrian weather cover is to be provided. She recommends adding the word '*immediately*' to the rule that will ensure that there is no disruption to the continued provision of verandas for pedestrians.

676. The right of reply considers the question of whether there are provisions in the TCZ that will assist in achieving revitalisation (including in the Greymouth Town Centre) as identified in the section 32 report. Ms Belgrave identifies rules TCZ-R1, TCZ-R3 and TCZ-R9 that, in her opinion, will encourage revitalisation through providing for new development without the need for resource consent. She also considers that rules TCZ-R1 and TCZ-R7 will also encourage residential development in the TCZ.

Town Centre Urban Design Guidelines

677. Ms Belgrave's right of reply outlined some discussion regarding the Design Guidelines in response to questions from the Panel that were asked during the hearing. She confirmed that there are existing '*revitalisation plans'* that apply to both Greymouth and Westport, which act as a form of design guideline. Neither of these plans has any statutory weight. Ms Belgrave understands that a similar plan was being prepared for Hokitika, but that was paused given the progression of the pTTPP.

678. Ms Belgrave comments that the development outcomes achieved in Reefton are the result of voluntary commitments generally made by one landowner who was guided by Design Guidelines prepared by Heritage NZ for Reefton.

679. Ms Belgrave's right of reply addressed the question of whether, if the Design Guidelines are voluntary, an application in Reefton would be assessed, should it pull firmly against the heritage fabric of the town. She notes that there are no scheduled historic heritage areas within the Reefton Town Centre, and that all sites and areas identified in Schedule One are located in the adjoining Residential Zone. Ms Belgrave confirms that the Guidelines would be voluntary in the case of a new build or alteration in the Reefton Town Centre that complies with TCZ-R5. However, in the case of any application requiring resource consent, it will be necessary to consider the Design Guidelines.

680. Ms Belgrave reviewed other District Plans that include supporting Design Guidelines. There is a variety in the approach. Some of these documents are located outside the District Plan and are referenced through advice notes; others are appendices, over which discretion is reserved. Other methods to consider in urban design include requiring an Urban Design Assessment as part of a resource consent application.

681. In her consideration for the most appropriate method for the pTTPP, Ms Belgrave reiterates her support for the approach set out in the notified pTTPP. This includes references to the

Design Guidelines as advice notes for permitted activities, references to them in policies, and as a matter of discretion in relevant rules.

682. The Panel asked questions regarding the relationship between the heritage provisions and the Design Guidelines in Reefton. Ms Belgrave commented that when the desire is to protect historic heritage values, the Historic Heritage Chapter and Schedule One are the more appropriate methods for achieving this. Nevertheless, the Design Guidelines will still provide a helpful guide.

683. In response to questions as to whether guidelines help with assessing resource consent applications, Ms Belgrave advises that, in her experience, they can be a helpful inclusion in the District Plan. This is because they assist in making a quantitative, design-based assessment, and they can provide certainty to both applicants and decision-makers on the anticipated design outcomes.

684. The Panel asked questions regarding the scope for making the recommended changes set out in the S42A report. Ms Belgrave's right of reply advises that the amendments have been recommended in response to, and consequential to, submissions received that addressed the following themes:

(a) Colour controls[142]; and

(b) Not recognising alternative urban design methods[143]; and

(c) Matters of detail in the Greymouth/Māwhera Guidelines[144].

685. Ms Belgrave advises that each of the recommended amendments has been linked to a submission point, and these have been identified by footnote. To achieve consistency across all four Design Guidelines, Ms Belgrave has recommended consequential amendments based on the recommendations responding to Ms Dittmer's submission across the Design Guidelines for Hokitika, Reefton, and Westport/Kawatiri.

686. Ms Belgrave did not recommend any additional amendments to the Design Guidelines as part of her right of reply.

Hearing Panel's Evaluation

TCZ – R1

687. The Panel agree with Ms Belgrave and supports the submission point made by Waka Kotahi to redraft this rule to separate buildings from activities. We acknowledge that this follows our recommendations for the COMZ and the MUZ, and so is a consistent approach. We acknowledge that this involves relocating the maximum height controls from TCZ-R2 to TCZ-R5. We disagree with Ms Belgrave that the scope for enabling this comes from Ms Inta's hearing notes, as neither she nor Buller Conservation Group submitted these rules. Instead, we rely on the submission from Waka Kotahi (S450.221).

688. The Panel agree with Ms Belgrave's recommendation to accept parts of the submission point made by BDC related to glazing. We agree with the wording as set out in the right of reply

[142] Jan and Heward (S353.002), Grey District Council (S608.483), Kirsty Dittmer (S412.001), Joanne and Ken Dixon (S213.002), Robert Burdekin (S378.008)
[143] Foodstuffs (S464.003, S464.053, S464.054, S464.055)
[144] Kirsty Dittmer (S412.001)

evidence at paragraph 56 (as opposed to Attachment 1D). We agree that it is not necessary to repeat at *ground level'* in point (a) of the rule. We also agree to move the exceptions related to obtaining written approval to an advice note in the same manner as addressed in the COMZ and MUZ.

689. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback from the '*rail designation*' rather than the '*rail corridor*' to provide a definitive point of measurement.

690. In relation to the remainder of the submissions on TCZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R2 to TCZ – R5

691. The Panel agree with the consequential changes to these rules as set out in Ms Belgrave's right of reply recommendation. Although we rely on the submission from Waka Kotahi (S450.221) to relocate the provisions to reflect the separation of buildings from activities.

692. In relation to the remainder of the submissions on rules TCZ-R2 to TCZ-R5, the Panel agree that these be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R6

693. The Panel agree that it is appropriate to exclude emergency service facilities from the parking and access design requirements and recommends an addition to the rule to reflect this.

694. In relation to the remainder of the submissions on rule TCZ-R6, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R7

695. The Panel agree with Ms Belgrave's recommendation to make consequential amendments to this rule arising from the BDC submission (S538.411) in relation to waste management. This is consistent with the recommendations made in the COMZ and MUZ chapters.

696. The Panel disagrees with Ms Belgrave's right of reply recommendation that a non-complying activity status should be added to the rule when standard 1 is not complied with. Ms Belgrave's recommendation for this rule is consequential to her recommendation to delete the corresponding discretionary and non-complying rules for the same activity. As outlined in the COMZ and MUZ, the fundamental structure of the rules in the Plan necessitates the inclusion of corresponding rules when an activity status is escalated, and we recommend incorporating these rules into the Plan. Therefore, in this case, any non-compliance with the standards of this rule will result in the activity status being escalated to discretionary. Then, from that rule, it will be determined if the activity becomes non-compliant.

697. In relation to the remainder of the submissions on MUZ-R7, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R8

698. The Panel agree with Ms Belgrave's recommendation to make consequential amendments for TCZ-R8, except for TUZ-R8(5), where it appears that the word '*visitor*' has been transposed for '*residential*'. This is clearly a typographical error in the context of the rule.

699. The Panel disagrees with Ms Belgrave's right of reply recommendation that a non-complying activity status should be added to the rule when standard 1 is not complied with. This is for the same reasons as set out above in relation to TCZ-R7.

700. In relation to the remainder of the submissions on MUZ-R8, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R9

701. The Panel agrees with the minor amendments recommended by Ms Belgrave to this rule in response to the BDC submission, including those set out in her right of reply. The amended wording simplifies the rule, and we also recommend these amendments.

TCZ – R10

702. The Panel agree with the recommendation to make an addition to the rule in response to the submission point from FENZ to provide for hose drying towers. We acknowledge that FENZ accept the wording in their letter presented at the hearing.

TCZ – R11

703. The Panel agree that the submission points to retain this rule should be accepted, and that no amendments be made to the rule based on the conclusions reached by Ms Belgrave.

TCZ – R12 and TCZ – R13

704. The Panel notes that as part of a Plan-wide amendment stemming from a submission by Manawa (S438.100) references to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of control and discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter. We recommend that this amendment be made to both these rules.

TCZ – R14, TCZ – R15 and TCZ – R16

705. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is due to the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules to retain them.

706. As a consequence of retaining the rules, and due to the recommendations to amend the permitted activity rules separating buildings from activities, it is necessary to make similar amendments to TCZ-R15. We rely on the submission from Waka Kotahi to make these amendments.

TCZ – R17

707. The Panel agree with Ms Belgrave's recommendation to amend the waste management and outdoor living space part of the rule to achieve consistency with recommended amendments to the equivalent provisions in the COMZ and MUZ chapters.

708. We also agree with the recommendation to delete "*and Buildings*" from the title of the rule, as we agree it appears to be an error.

709. In the case of this rule, the Panel disagrees that the reference to TCZ-R1 should be deleted. We consider that 'new buildings' primarily associated with a residential activity would need to address the standards in Rule 1. We consider that if reference to Rule 1 is removed, a building, in this case, would be able to be undertaken without meeting the Rule 1 standards.

710. The Panel also notes that there appears to be an error in Clause 4, which references compliance TCZ-R8. We consider this should be TCZ-R7 and recommend this amendment be made using Clause 16(2) of the RMA.

TCZ - R18

711. The Panel notes that BDC sought to delete the rule, which Ms Belgrave supported, considering it unnecessary following recommended amendments to TCZ-R1 and TCZ-R15. Given the recommendation to delete the rule, Ms Belgrave did not support the relief sought by the other submitters.

712. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules which were all to retain them.

713. The Panel agrees with BDC that relocated buildings should be included in this rule, as TCZ-R13 defaults to discretionary but then requires meeting TCZ-Rule 1 to maintain this status.

714. The Panel agrees that this rule should remain non-complying.

TCZ – R19

715. The Panel recommends TCZ-R19 be retained as notified.

TCZ – R20

716. As referred to above, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules, which were all to retain them.

TCZ – R21 Industrial Activities

717. The Panel notes that there are two TCZ-R21 rules which is clearly an error. In terms of the first rule relating to Industrial Activities, the Panel recommends it be retained as notified.

TCZ – R21 Any activity not provided for by another Rule in the zone

718. In terms of the second TCZ-R21 rule, the Panel acknowledges that it is a 'catch-all' rule intended to manage activities that have not been specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

Appendix Three: Design Guidelines

719. The Panel has considered the matter of the design guidelines. The fundamental problem we have identified is that a permitted activity rule cannot include a standard that requires subjective assessment. Other than relying on voluntary application, if the Plan were seeking to apply the design guidelines, this could only be achieved by changing the status of the current permitted activity rules to controlled activity or restricted discretionary. Those changed rules would include the design guidelines as a matter to be assessed via a resource consent process. We have reviewed all submissions on this matter and do not consider that any are seeking to elevate the status of the design guidelines beyond a permitted status. We do acknowledge that relocated buildings are subject to consideration of the design guidelines at a restricted discretionary status.

720. The Panel accept that the design guidelines have a place in the Plan and, in our opinion, that can only be as guidance via an advice note given the above. We acknowledge that they play an important role in ensuring retention of the heritage design themes of both Reefton and Hokitika, which supports tourism in those towns. We also accept that they address amenity aspects in all four main centres. Accordingly, we support their retention in the Plan, and we agree with Ms Belgrave that this can only be at the advice note level, given submissions and the Plan structure.

721. The Panel agrees that Mitre 10 building in Westport should be deleted from the guidelines because the building is located outside of the TCZ and its inclusion in the Design Guideline could create confusion.

722. Regarding the remainder of the guidelines, the Panel acknowledges the changes sought, in particular, by submitters K. Dittmers, Foodstuffs, and J. Heward. Many of the changes sought both refinements and limitations. We generally accept the recommendations of Ms Belgrave, which principally stem from, and reflect at least in part, the amendments sought by those submitters, and which were informed by Ms Laurie's expert input.

723. The Panel has made some further refinements to increase the clarity of the guidelines, and we recommend the changes as detailed below.

724. The Panel notes that there are some matters we are unable to amend. In this context, we note that there appear to be guidelines missing in relation to the Westport section, such as Building Signage and Building Entries. We also note that there appears to be a double-up in photos under BF 5 in the Greymouth section.

725. In relation to the remainder of the submissions on the Guidelines, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

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

Town Centre Zone Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.	
Permitted Activities	
TCZ - R1	**New Buildings, External Alterations or Alterations to Existing Buildings** ~~Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities~~[145]
Activity Status Permitted Where: **1. The maximum height above ground level is;** **a. 20 metres in TCZ – PREC1 - Greymouth/Māwhera Town Centre Precinct.** **b. 12 metres in TCZ – PREC2 – Hokitika Town Centre Precinct.** **c. 15 metres in TCZ – PREC3 – Westport/Kawatiri Town Centre Precinct.** **d. 12 metres in TCZ – PREC4 – Reefton Town Centre Precinct.** **Except that hose drying towers at Emergency Service Facilities are exempt from this standard;**[146] 2. Any building is located: a. On the front boundary of the site; b. With no setback from the street boundary, except that a recess of up to 0.5m within the facade of the building is permitted;	**Activity status where compliance not achieved:** Non-complying where standards ~~1~~ **2**-3 are not complied with. Discretionary where standards **1 and** 4 to **5** ~~6~~ are not ~~met~~ **complied with**.[154]

[145] Waka Kotahi (S450.221)
[146] Consequential to Waka Kotahi (S450.221)
[154] Ministry of Education (S456.036)

3. Any building is setback a minimum of a. 3m from any RESZ - Residential Zone boundary; b. **1.5m from the railway corridor designation, excluding accessory buildings and structures**[147] ~~3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~[148] 4. The ground floor facade of all buildings with a Main Street Frontage must have: a. ~~50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage~~ **A minimum of 50% comprising of clear glazing**;[149] and b. One public entrance with glazing comprising at least 40% of the doors; except that Any Heritage Building in Schedule One is exempt from this requirement. ~~5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m;~~[150] 5. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~[151]. This standard does not apply to: a. Road boundaries; b. Buildings on adjoining sites that have a common wall along the boundary; c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and	

[147] KiwiRail (S442.093)
[148] Consequential to Waka Kotahi (S450.221)
[149] Buller District Council (S538.424)
[150] Buller District Council (S538.424)
[151] Buller District Council (S538.424)

e. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** **1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**[152] **2. When designing new buildings or additions and alterations to existing buildings in the Town Centre Zone, developers are encouraged to use the relevant Design Guidelines:** **a. the Hokitika Town Centre Urban Design Guidelines; or** **b. Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines; or** **c. Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines; or** **d. Reefton Town Centre Urban Design Guidelines**.[153]	
TCZ – R2	**Commercial Activities ~~and Buildings~~[155], Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ [156] 1. Any commercial activity on a Main Street Frontage does not include: a. Motor vehicle sales yards; b. Service stations; c. Yard based retail; d. Trade retail and trade suppliers;	**Activity status where compliance not achieved:** ~~Discretionary where standard 3 is not complied with.~~ [161] Non-complying ~~where standards 2, 4 and 5 are not complied with.~~ [162] ~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~[163]

[152] Buller District Council (S538.424)
[153] Consequential to Waka Kotahi (S450.221)
[155] Waka Kotahi (S450.221)
[156] Waka Kotahi (S450.221)
[161] Consequential to Waka Kotahi (S450.221)
[162] Consequential to Foodstuffs (S464.053)
[163] Waka Kotahi (S450.221)

e. Drive through restaurants. ~~3. The maximum height above ground level is 12 metres except that hose drying towers at an Emergency Service Facility are exempt from this standard;~~ [157] 2. ~~Every~~ **New** buildings **and additions and alterations to any building**[158] with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and **3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** [159] ~~**5.** New buildings and additions and alterations to any Main Street Frontage facade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.~~[160]	
TCZ – R3	**Commercial Activities** ~~and Buildings~~[164]**, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC1 Greymouth/Māwhera Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ [165] ~~2. The maximum height above ground level is 20 metres~~[166]; 1. ~~Every~~ **New** buildings **and additions and alterations to any building**[167] with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One**; and**	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 is not complied with.~~ [170] Non-complying ~~where standard 3 is not complied with.~~ **[171]** ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~[172]

[157] Consequential to Waka Kotahi (S450.221)
[158] Consequential to Foodstuffs (S464.030)
[159] Consequential to Waka Kotahi (S450.221)
[160] Consequential to Foodstuffs (S464.053)
[164] Waka Kotahi (S450.221)
[165] Waka Kotahi (S450.221)
[166] Consequential to Waka Kotahi (S450.221)
[167] Consequential to Foodstuffs (S464.030)
[170] Consequential to Waka Kotahi (S450.221)
[171] Consequential to Foodstuffs (S464.053)
[172] Waka Kotahi (S450.221)

2. <u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u> [168] **Advice Note:** 1. The verandah shall extend from the shop frontage to be 400mm inside the kerbline. The verandah, if on a corner, shall be splayed so as to be 400mm back from the kerbline. ~~**2.** When designing new buildings in Greymouth/Māwhera Town Centre developers are encouraged to use the Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines.~~ [169]	
TCZ – R4	**Commercial Activities ~~and Buildings~~[173], Community Facilities and Emergency Service Facilities in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ [174] 1. Any commercial activity on a Main Street Frontage does not include: a. Motor vehicle sales yards; b. Service stations; c. Yard based retail; d. Trade retail and trade suppliers; e. Drive through restaurants. ~~3. The maximum height above ground level is 15 metres~~[175]; 2. Every building with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath. This requirement to provide a verandah does not apply to Heritage Buildings identified in Schedule One**<u>; and</u>**	**Activity status where compliance not achieved:** ~~Discretionary where standards 3 is not complied with~~[178] Non-complying ~~where standard 2 or 4 is not complied with~~**[179]** ~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~[180]

[168] Consequential to Waka Kotahi (S450.221)
[169] Consequential to Waka Kotahi (S450.221)
[173] Waka Kotahi (S450.221)
[174] Waka Kotahi (S450.221)
[175] Consequential to Waka Kotahi (S450.221)
[178] Consequential to Waka Kotahi (S450.221)
[179] Consequential to Foodstuffs (S464.053)
[180] Waka Kotahi (S450.221)

3. <u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u>[176] **Advice Note:** 1. When erecting a cantilevered verandah, poles are encouraged for decorative purposes. 2. ~~When designing new buildings for the Westport/Kawatiri Town Centre developers are encouraged to use the Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines~~[177].	
TCZ – R5	**Commercial Activities ~~and Buildings~~[181], Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC4 - Reefton Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~[182] ~~2. The maximum height above ground level is 12 metres except that hose drying towers at Emergency Service Facilities are exempt from this standard~~[183]; 1. Every building with a frontage to SH7 (Broadway) must erect a continuous verandah to cover the full width of the footpath with a timber frame and a roof supported on timber poles; 2. Any commercial activity does not include: a. Car sales yards; b. Service stations; c. Yard based retail; d. Trade retail and trade suppliers; e. Drive through restaurants; ~~and~~	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 aisre not complied with.~~ [185] Non-complying ~~where standards 3, 4 and 5 are not complied with.~~ [186] ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~ [187]

[176] Consequential to Waka Kotahi (S450.221)
[177] Consequential to Waka Kotahi (S450.21)
[181] Waka Kotahi (S450.221)
[182] Waka Kotahi (S450.221)
[183] Consequential to Waka Kotahi (S450.221)
[185] Consequential to Waka Kotahi (S450.221)
[186] Consequential to Foodstuffs (S464.053)
[187] Waka Kotahi (S450.221)

~~5. New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.~~[184]	
TCZ – R6	**Carparking and Vehicle Service Access**
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Main Street Frontage; 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; and 6. Where the entire site is developed as a carpark, this must incorporate pedestrian wet weather cover for the footpath, planting and landscape measures which have been assessed as meeting the requirements of the relevant Town Centre Design Guidelines **7. <u>Emergency service facilities are excluded from Standards 1 to 6 of Rule TCZ-R6.</u>**[188] **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
TCZ – R7	**Residential Activities in Existing Buildings**
Activity Status Permitted Where: 1. The residential activity is located a. Above street level; except b. Where this is a Heritage Building listed in Schedule One, then the activity may occur at street level; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum	**Activity status where compliance not achieved:** Discretionary

[184] Consequential to Foodstuffs (S464.053)
[188] Fire and Emergency New Zealand (S573.706)

dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8m in a communal area**;[189] 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres. 4. Residential accommodation entrances are clearly separated and distinguished from commercial entrances; and 5. **The principal residential** ~~Residential~~ accommodation entrance~~s are~~ **shall be** provided directly from **a** ~~the~~ public street **or open space**.[190] **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
TCZ – R8	**Visitor Accommodation Activities** ~~and Buildings~~[191]
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~[192] 1. The visitor accommodation activity is located; a. Above street level; except b. At street level and above street level in any Heritage Building listed in Schedule One; 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances are clearly separated and distinguished from commercial entrances; and	**Activity status where compliance not achieved:** Discretionary

[189] Consequential to Buller District Council submission (S538.411)
[190] Consequential to Davis Ogilvie & Partners Ltd (S465.034), Buller District Council (S538.411)
[191] Waka Kotahi (S450.221)
[192] Waka Kotahi (S450.221)

4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ **shall be** provide**d** ~~pedestrian access~~ directly from **a** ~~the~~ public street **or open space**.[193] **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
TCZ – R9	**Demolition of Existing Buildings**
Activity Status Permitted Where: 1. These are not Heritage Buildings identified in Schedule One; 2. Where the building is not replaced within 12 months: a. Then the site is completely cleared of demolition materials and a level surface with cover sufficient to ensure no dust nuisance created within 3 months of demolition; and b. A landscaping strip of 1.5m width is provided; 3. If the building to be demolished is on a Main Street Frontage ~~that~~ **then** a pedestrian weather cover must be provided over the **immediately** adjacent footpath ~~for 80% of the frontage~~[194]. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.	**Activity status where compliance not achieved:** Controlled where Standards 2 and 3 are not complied with. Refer to Rule HH - R9 for Demolition of Historic Heritage buildings listed in Schedule One.
TCZ – R10	**Minor Structures**
Activity Status Permitted **Where:** 1. Masts, poles, aerials and pou whenua does not exceed 7m in height; 2. Any antenna dish is less than 1m in diameter; 3. Any ornamental structure does not exceed 2.4m in height; ~~and~~ 4. **Hose drying towers do not exceed 15m in height; and**[195]	**Activity status where compliance not achieved:** Discretionary

[193] Consequential to Davis Ogilvie & Partners Ltd (S465.034), Buller District Council (S538.411)
[194] Buller District Council (S538.430)
[195] Fire and Emergency New Zealand (S573.101)

5. Any other structure does not exceed 10m² and 2m in height.	
TCZ – R11 Fences, Walls and Retaining Walls	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.	**Activity status where compliance not achieved:** Discretionary
Controlled Activities	
TCZ – R12 Demolition of Buildings not meeting Permitted Activity Standards	
Activity Status Controlled Where: 1. These are not Heritage Buildings identified in Schedule One. **Matters of control are:** a. Site rehabilitation and ~~landscape measures~~ **measures to mitigate landscape effects**[196]; and b. Weather protection for pedestrians.	**Activity status where compliance not achieved:** Discretionary under Rule HH – R9.
Restricted Discretionary Activities	
TCZ – R13 Relocated Buildings	
Activity Status Restricted Discretionary Where: 1. Permitted Activity performance standards for TCZ - R1 are complied with; and 2. Relevant Permitted Activity performance standards for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Appearance of buildings;	**Activity status where compliance not achieved:** Discretionary

[196] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

c. The extent to which the building meets any relevant Town Centre Design Guidelines; and d. ~~Landscape Measures~~ **Measures to mitigate landscape effects**.[197]	
Discretionary Activities	
TCZ – R14	**Visitor Accommodation Activities ~~and Buildings~~[198] and Residential Activities in Existing Buildings not meeting Permitted Activity Standards**
Activity Status Discretionary Where: 1. Except where this is Heritage Building listed in Schedule One, the ground floor is used for Commercial or Community Activities. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Non-complying
TCZ – R15	~~Commercial Activities and~~ **New Buildings, External Alterations or Alterations to Existing Buildings** ~~Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities~~[199] **and Relocated Buildings**[200] **not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height**
Activity Status Discretionary Where: 1. All other performance standards for Rule TCZ - R1 ~~and where relevant for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5~~[201] are complied with.	**Activity status where compliance not achieved:** Non-complying
TCZ – R16	**Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
TCZ – R17	**Residential Activities ~~and Buildings~~[202] in New Buildings**

[197] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[198] Waka Kotahi (S450.221)
[199] Waka Kotahi (S450.221)
[200] Grey District Council (S608.099)
[201] Waka Kotahi (S450.221)
[202] Clause 16(2) of the RMA

Activity Status Discretionary Where: 1. The ground floor is used for Commercial or Community Activities and complies with the Performance Standards for Rule TCZ - R1; 2. Each residential unit is provided with ~~an outdoor service space of 3m² and~~ a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8 metres in a communal area**;[203] 3. Each residential unit is provided with a single indoor storage space of 4m² with a minimum dimension of 1 metre; 4. All performance standards for Rule TCZ - R~~8~~**7**[204] are complied with; and 5. Each residential unit shall be provided with an outdoor living space of **8m²minimum area and 2 metres minimum dimension;** a. ~~6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;~~ b. ~~10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~ c. ~~15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms.~~[205]	**Activity status where compliance not achieved:** Non-complying
TCZ – R18	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A[206]
Non-complying Activities	
TCZ – R1~~8~~9	**Commercial Activities and Relocated[207] Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	

[203] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[204] Clause 16(2) of the RMA
[205] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[206] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335), Vance and Carol Boyd (S447.003)
[207] Grey District Council (S608.100)

TCZ – R~~19~~20	**Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
TCZ – R2~~0~~1	**Carparking and Vehicle Service Access not meeting the Permitted Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**	
TCZ – R2~~1~~2	**Industrial Activities**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
~~**TCZ –R21**~~	~~**Any activity not provided for by another Rule in the zone**~~
~~**Activity Status Non-complying**~~ ~~**Activity status where compliance not achieved:** N/A~~[208]	

727. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to **Appendix 3: Design Guidelines**:

Greymouth/Māwhera Town Centre and Mixed Use Zone Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Greymouth/Māwhera town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

[208] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335), Vance and Carol Boyd (S447.003)

Under Te Tai o Poutini Plan rules, all new buildings within the Greymouth/Māwhera Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged**[209] to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Greymouth/Māwhera Design Guidelines

2.1 Context

Connection with the Natural Environment

The Grey/Māwhera River provides a natural edge to the town centre and a link to its cultural heritage. The vegetated hills behind Greymouth/Māwhera are an important backdrop to the town and an acknowledged outstanding natural landscape. Keeping access to the Grey/Māwhera River and a visual link between the town centre and the surrounding hills is essential.

Existing built character

The core of Greymouth/ Māwhera's town centre retains a coherent collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the West Coast/Te Tai o Poutini.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone and Façade Control Streets in the Mixed-Use Zone which provide shelter for pedestrians.
- Main Street frontage streets in the Greymouth/Māwhera Town Centre Zone are: Māwhera Quay, Mackay Street, Tainui Street, Guiness Street, Albert Street, Werita Street, Custom Street and Tarapuhi Street
- Façade Control Streets in the Greymouth/Māwhera Mixed Use Zone are: Mackay Street,Boundary Street, Richmond Quay, Gresson Street, Herbert Street, Guiness Street and Tarapuhi Street.
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Rhythm and repetition – windows are often at regular intervals, symmetry of façade features
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

[209] Foodstuffs (S464.053)

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Greymouth/Māwhera's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Greymouth/Māwhera is solely located within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Greymouth/Māwhera.

Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, Pokeka Environmental =their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as scheduled historic heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these scheduled buildings and structures.[210]

GC2 Take into account the wider surroundings, including natural features, such as views to ~~other buildings,~~ the mountains and the Māwhera/Grey River.[211]

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

[210] Kirsty Dittmer (S412.001)
[211] Kirsty Dittmer (S412.001)

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork. ~~and~~ Te Rūnanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~[212].

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale - New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms** – something commonly used in the existing Greymouth/Māwhera building stock. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.[213]



This long low building shape should be avoided. Two storey rather than one storey buildings give better containment to the streetscape. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of

[212] Kirsty Dittmer (S412.001)
[213] Kirsty Dittmer (S412.001)

character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary.

BF3 Continuity – on Main Street Frontage and Façade Control Streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage and Façade Control Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, shall appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade are to be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets, cornice, pediment or similar features that wrap around the building.



This building expresses well to the corner with a specific corner facade.



This building does not include any corner features to emphasise its position.

Location Specific Guidance

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes shall have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs/Down pipes – Roofs are encouraged to sit below the height of the parapet and not be visible from the street. Drainpipes should be designed so they are a discrete part of the building and not visually intrusive.

Facades

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. ~~Symmetrically located windows~~ **Create visual interest and symmetry by positioning windows at regular intervals** ~~are required~~ above ground level, and main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.[214]

GF2 Visual permeability – The ground floor window of buildings (including glazed doors) in Main Street Frontages must be no less than 50% of the frontage in the Town Centre Zone and on Façade Control Streets in the Mixed Use Zone must have a minimum 20% glazing. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.[215]

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity in Main Street Frontage Streets, the display area immediately behind the windows should be designed as reception and waiting areas.

GF4 Shop fronts and entries – Building entries and shop fronts in Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF5 Four elements – Building facades are to show the following distinct elements:

[214] Kirsty Dittmer (S412.001)
[215] Kirsty Dittmer (S412.001)

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF6)

Upper Area – symmetrical placement of windows.

Parapet/Top – top outline of the façade extended or modulated by elements reflecting the building structure and roof form, and generally masking the roof.

GF6 Verandah/canopy/balcony -Verandahs are a requirement in Main Street Frontage Streets and Façade Control Streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**[216]
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Be fully cantilevered with no decorative poles or obstructions of the footpath
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage or Façade Control Street).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF7 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing**, such as**~~. Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping.** ~~etc.~~ Building facades should have detail and depth and not be on a flat plane.[217]

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre and be consistent with the Pounamu and Māori Heritage colour palette developed as part of the CBD Redevelopment Plan.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~

[216] Kirsty Dittmer (S412.001)
[217] Foodstuffs (464.055)

- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~[218]



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional colour palette suitable for other buildings in the town centre. ~~The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.~~[219]



~~Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.~~ **The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.**[220]

GF9 Building Signage - Signage should not project above the roofline or obscure architectural features.

GF10 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF 11 Building entries (non-Main Street Frontage or Façade Control Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF12 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

[218] Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)
[219] Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)
[220] Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Location Specific Requirements

GL1 Mackay Street and Māwhera Quay ~~a~~ focus ~~is~~ on restoration and repurposing of existing buildings. **Any replacement** ~~Replacement~~ buildings should **consider** ~~have~~ a scale and style that reflects port warehouses in keeping with **Mackay Street and Mawhera Quay's** ~~the~~ riverfront position.[221]

Hokitika Town Centre Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, designing and reviewing development proposals in the Hokitika town centre. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account CPTED principles and the Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Hokitika Town Centre Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.[222]

2.0 Hokitika Design Guidelines

2.1 Context

Hokitika means 'return directly' in Māori. The name embraces the story of a battle of control of the pounamu source. Invading Ngāi Tahu who wanted control of the pounamu source were devastatingly defeated at Lake Mahinapua by local tribe Ngāti Wairangi. The sole surviving chief Hikatutae turned back here and 'returned directly' to Kaiapoi. Several battles later Ngāi Tahu won,

[221] Kirsty Dittmer (S412.001)
[222] Foodstuffs (464.055)

but at a truly heavy price. Today Poutini Ngāi Tahu honour their role as rangatira, carvers and traders of this revered stone.

The town of Hokitika grew from the discovery of another precious resource - gold. The West Coast's gold rushes, many led by Maori, attracted thousands of gold-seekers. Between 1864 and 1867 ships brought 37,000 seekers into Hokitika Port through its treacherous river mouth resulting in countless shipwrecks. Carved out of the rainforest wilderness, Hokitika grew from the 'Crooked Mile' of Revell Street on the dunes to a wide-streeted goldfields capital,

Defined Centre

Hokitika is a well defined centre with a grid layout and natural edges from the Hokitika River and Hokitika Beach and a human edge created by the railway line. There is a strongly defined entrance into the town, with the town clock creating a core focal point.

Connection with the Natural Environment

The Hokitika River/Gibson Quay and Beachfront provide natural edges to the town centre and a link to its cultural and natural heritage. Alongside this Hokitika is notable for its views towards the Southern Alps. Maintaining visual connections and improving access to the beach and Gibson Quay are essential.

Existing built character

Hokitika Town Centre has an interesting mix of historic nineteenth and early twentieth century buildings as well as more modern, but largely sympathetic, buildings. The historic heritage represents an important part of the historic heritage resource of Westland and the West Coast and is centred around Revell Street.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone which provide shelter for pedestrians.
    - Main Street frontage streets in the Hokitika Town Centre Zone are: Weld Street, Sewell Street, Hamilton Street, Revell Street, Tancred Street, Camp Street, Wharf Street, Gibson Quay
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet

- Visual interest – although commonalities exist between buildings, each building expresses an individual character

- Active frontage – windows exist on all floor levels of a building's façade

Revell Street Heritage Character Area

The Revell Street Heritage Area (From Ocean View/110 Revell Street to Camp Street) is characterised by having a large number of late nineteenth and early twentieth century buildings which recall the late Victorian era mining town character.



Revell Street Heritage Character Area Buildings

While only a handful of these are listed historic buildings, retaining the other character buildings from this era, and ensuring that new buildings are sympathetic to the area is very important.

In terms of character, buildings that contribute positively to the character of Revell Street

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although some of the large hotels do not and historically many did not)
- Have similar alignment of parapets and shopfronts
- Are constructed of timber with timber shopfronts

The shop front design of buildings contributing to the character of Revell Street also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located

- A bulkhead, or base to the shopfront, which is panelled on the older shops

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Hokitika's colonial and settler history, however there is limited representation of a much longer iwi history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Ngāti Waewae and Ngāti Māhaki oMakaawhio, Pokeka Environmental - their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** buil**dings**~~.t context with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.[223]

GC2 Take into account the wider surroundings, including natural features, such as views to Ngā Tiritiri-o-te-Moana/Southern Alps and links to the beach and the river.

Poutini Ngāi Tahu

IW1 Cultural Landscapes – A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with the relevant Poutini Ngāi Tahu Papatipu Rūnanga on the use of appropriate ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives approved by Poutini Ngāi Tahu

[223] Kirsty Dittmer (S412.001)

are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When iwi** ~~Iwi~~/hapū narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~**and**~~ Poutini Ngāi Tahu Papatipu Rūnanga mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~.[224]

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings should relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories should be stepped back from the line of view from the street.[225]



This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity

[224] Kirsty Dittmer (S412.001)
[225] Kirsty Dittmer (S412.001)



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Main Street Frontage streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, should appear similar in height to the existing neighbouring buildings

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the window facing into the corner.

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes should have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs– Roof form in Hokitika town centre is variable with some below the parapet and others pitched and visible from the street. Either is acceptable except there are some specific requirements for the Revell Street heritage area



Rooflines hidden behind a parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e. not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Main Street Frontage must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.[226]

GF3 Shop fronts and entries – Building entries and shop fronts on Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF4 Four elements – Building facades are to show the following distinct elements:

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF5)

Upper Area –windows if building is more than 1 storey in height.

Parapet/Roof – Parapet with top outline of the façade extended or modulated by elements reflecting the building structure and roof form masking the roof, or roof form clearly evident.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Main Street Frontage streets and are subject to performance standards in the rules. Verandahs should:

[226] Kirsty Dittmer (S412.001)

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**[227]
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.[228]

GF7 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~ [229]



Before **After**

Colour and Signage are key to achieving a good design outcomes. This building has been transformed by the change to a sympathetic colour and incorporation of a well designed sign reflecting Poutini Ngāi Tahu values.

[227] Kirsty Dittmer (S412.001)
[228] Foodstuffs (464.055)
[229] J & R Heward (353.002)



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***<u>suitable for other buildings in the town centre</u>***.[230]





~~Colour has been inappropriately used on these shops. They are not in keeping with the surrounding area, and also being used as a "sign" to advertise a product~~. **<u>The colours used on these buildings are very bold and not consistent with the other building colours in the vicinity.</u>**[231]

GF8 Building Signage -Signage should not project above the roofline or obscure architectural features.

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Building entries (non-Main Street Frontage Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF11 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF12 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

[230] J & R Heward (353.002)
[231] J & R Heward (353.002)

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Revell Street Heritage Character Area

GR1 Adapting existing historic buildings – when making additions, these should be on elevations not visible from the street and compatible with the architectural character of the building. Additions should not dominate the original building or contrast harshly with the original materials, building and roof form, proportions, colour or scale.

GR2 New Buildings - New buildings should be in sympathy with the historic building stock. Key aspects that will assist this are:

- Building to the street (footpath boundary)
- Above verandah having a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street
- The parapet should be simple with simplified or modern interpretation of existing detailing
- The verandah should extend the full width of the footpath
- Awnings are discouraged
- Shopfronts should be made of timber
- Entries should be recessed and angled
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

GR3 - New Two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor.

Reefton Heritage Town Design Guidelines

1.0 Introduction

This document has been developed to provide guidance to those preparing and reviewing development proposals in the Reefton town centre. This guide seeks to achieve high quality building design that:

- Responds to the historical context
- Is visually interesting and in sympathy with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules within the Reefton Town Centre Zone, all new buildings and alterations to the exterior facade of existing buildings are ~~required~~ **encouraged**[232] to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

These guidelines however have been developed to support the wider heritage character of Reefton and developers of new buildings or those undertaking alterations of existing character buildings are encouraged to use them.

2.0 Reefton Heritage Town Design Guidelines

2.1 Context

The historic significance of Reefton and its heritage values is recognised by the registration of parts of Reefton as an historic area under the Historic Places – Pouhere Taonga Act. The main commercial street, Broadway, retains a number of mid to late nineteenth and early twentieth century buildings contributing to its late Victorian era mining town character.

Reefton has such high heritage and recreation values that retaining the existing heritage buildings is essential and any new buildings should be designed to be sympathetic with and enhance the existing character and values.

Within this design guide there are three main categories of building – each with a different approach to new building works.

- Historic buildings - these include listed historic heritage buildings [refer Schedule 1 of Te Tai o Poutini Plan] but also unscheduled historic buildings centred around Bridge St and Broadway such as the BNZ Bank, Broadway Supplies Building, Caples/Conlon Villa (Bellbird Motel), Homemakers Hardware Shop, Old National Bank, Wilson's Hotel and Hotel Reefton. These should be retained, with modifications kept to a minimum.
- Contributory buildings – these should be retained but can be modified to a greater degree in a sympathetic manner.
- Non-contributory – which are neutral or intrusive in the street and can be demolished or modified to be more in sympathy with the character of the street (a nod to the past).

Broadway Character

Broadway is a long wide, open street with single and two storied commercial buildings lining it. Generally the buildings that contribute positively to the character of Broadway

- Are built to the street boundary

[232] Foodstuffs (S464.053)

- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although one or two do not and historically many did not)
- Are connected or are joined by fences on the street boundary
- Are long and narrow
- Are of different heights, with little or no alignment of parapets or shopfronts
- Are constructed of timber with timber shopfronts

Verandahs are of different designs:

- Unadorned or decorated posts
- With or without brackets
- With or without signage on the fascia
- With or without fascias
- With or without cheeks
- Skillion or bullnosed roofs

The shop front design of buildings contributing to the character of Broadway also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

2.2 Design Guidelines

2.2.1 Historic buildings





1. **General Principles:** Generally visible external work should be limited to repairs, maintenance, restoration or reconstruction. Key principles are:

    - To maintain rather than repair

- To repair rather than replace
- If replacement is essential try and use materials that match the original as closely as possible (like for like)
- Use a date stamp so that replacements can be identifiable on close inspection.
- Restore original colour schemes where possible [Refer to Resene heritage colours for the period pre – 1920 and note this does not include blue].
- Painting the whole building one block colour as a "sign" to brand the building is not acceptable.

2. **Adaptation:** When adapting the exterior of a historic building:

- Retain, repair and maintain all significant external fabric
- Avoid removal or obscuring significant external fabric, elements and features
- Respect the style, form, planning, materials, craftsmanship, scale and patina of the building

3. **Additions:** When making additions, these should

- Be on elevations not visible from the street
- Avoid additions on significant elevations, including the roof
- Be compatible with the architectural character of the building
- Not dominate the original building
- Not contrast harshly with original materials, building and roof form, proportions, colour or scale
- Maintain the same orientation and proportions of building composition as the original
- If a large addition, be separate from the original building and follow the guidelines for new buildings

4. **New Elements:** Where removal or replacement of non-original elements is proposed try and restore or reconstrut the original elements.

5. **Strengthening** Strengthening work for earthquake protection should be installed on the interior or within the existing structure. Where this is not possible locate it away from the front elevation.

2.2.2 Contributory Buildings



1. **General Principles:** The general principles are similar to those of heritage buildings except that retention of original fabric on non-visible elevations is less important.

2. **Additions:** When additions are proposed, these should:

   - Be on elevations not visible from the street
   - Be compatible with the architectural character of the building
   - Not dominate the original building
   - Not contrast harshly with original materials, building and roof form, proportions, colour, or scale
   - Maintain the same orientation, proportions and rhythm of building composition as the original
   - If a large addition, be separate from the original building and follow the guidelines for new buildings
   - Not negatively affect the setting of or views to or from the building
   - Should be of a respectful new design based on a simplified modern interpretation of the original
   - Where the original verandah design is suspended or cantilevered from the wall, do not install “dummy” verandah posts.

2.2.3 Non-contributory buildings

Demolition is acceptable and encouraged when possible. The design guides for new buildings and for additions and alterations to existing buildings should be followed. Where additions and alterations are to be carried out, the intention is to design modifications to regain greater consistency with the existing significant and heritage buildings.



2.2.4 New single storied buildings

1. **Location**

- The building should be constructed up to the street (footpath) boundary
- Where the building does not extend the full width of the site there should be a fence from the building to the boundary.
- If there is an existing neighbouring building, it is acceptable to locate the new building against the existing building.

2. **Form**

- The building should be rectangular in plan and face the street
- The façade of the building should be rectangular with the proportion elongated or tall.

3. **Above verandah design**

- The building should have a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street,
- Where the building is to be constructed alongside an existing building, the parapet should be of a different height to the neighbouring building but no taller than existing Victorian or Edwardian buildings.
- The parapet for single story buildings should be between one-third to one half the total elevation height.
- The parapet should be simple with simplified or modern interpretation of existing detailing and not copy original detailing.

4. **Verandah**

- Buildings on Broadway are required to have a verandah (refer Plan rules) which should have a timber frame with a roof supported on timber posts

- The verandah should extend the full width of the footpath **Setback the verandah to allow clearance for taller vehicles**.[233]
- Awnings are discouraged.
- Cast iron filigree is discouraged.
- Non-alignment of verandahs with neighbouring buildings is encouraged.

5. Shopfront design.

- Shopfronts should be made of timber.
- Entries should be recessed and angled.
- In wide shops entries should be central, in narrow shops entries next to the side boundary wall is preferred.
- The stall board should be 300-600mm high,
- Windows should extend from the stall board to the underside of the verandah framing. The street pane should be divided vertically and horizontally with glazing bars.
- Recessed entry glazing should match the design of street glazing.
- The door should be glazed and panelled with a toplight.
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

6. Roofs

- The roof should be hidden behind a parapet. A pitch of between 30-45 degrees is ideal, with corrugated metal or timber shingles.

7. Materials

- Wall materials should be painted corrugated metal or timber weatherboard.
- Joinery should be timber

8. Corner buildings

- Corner buildings can be chamfered or square
- Parapets to corner buildings should return around the corner for the full length of the building.
- Entries to corner buildings should be at the corner.

9. Signage

- Signage on buildings should be symmetrical about the face of the element on which it is located and generally extend the full width.
- Signage in upper case lettering is encouraged.
- Signage should relate to the business or owner- not advertising products.
- Antique, Fat Clarendon, San serif lettering styles or similar are encouraged so as to give the impression of traditional hand sign writing.

[233] Kirsty Dittmer (S412.001)

- Other acceptable styles are Tuscan, Fat -faces, Fat Italics, Fat Gothic and Sans Serif compressed.

10.Fencing

- Fencing should be sympathetic to the era.

11.Colours

- Colours should be taken from the Resene or Aalto Heritage colour chart and be a three or four colour scheme. Note these should be the pre-1920s colours.

12.Lights

- Lighting should highlight the architectural character and lighting under the verandah is encouraged.

2.2.5 New two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor. One of the openings should be a door and this can be wider than other openings.

Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Westport/Kawatiri town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Westport/Kawatiri Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged**[234] to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

[234] Foodstuffs (S464.055)

2.0 Westport/Kawatiri Design Guidelines

2.1 Context

Connection with the Natural Environment

The Buller/Kawatiri River provides a natural edge to the town centre and a link to its cultural heritage and the Kawatiri River Trail. Improving access to the Buller/Kawatiri River is important. Victoria Park lies directly behind the town centre - visual and access links through to Victoria Park should be improved.

Existing built character

Palmerston Street retains a mixed collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the Buller and West Coast.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs of similar heights and shapes with decorative poles – this is a key feature in Palmerston Street which provides shelter for pedestrians.
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Poutini Ngāi Tahu Cultural Landscape

Many buildings within the town centre reflect Westport/Kawatiri's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future. Westport/Kawatiri is entirely within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Westport/Kawatiri.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, their mandated

design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complement, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.[235]

GC2 Take into account the wider surroundings, including natural features, such as views to ~~buildings,~~ the mountains and the river.[236]

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression –**When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~and~~ Te Runanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in **this** ~~such~~ process~~es~~.[237]

[235] Kirsty Dittmer (S412.001)
[236] Kirsty Dittmer (S412.001)
[237] Kirsty Dittmer (S412.001)

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions into several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.[238]



~~*This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity and are part of a sign to brand the building.*~~[239]

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Palmerston Street buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. Beyond Palmerston Street, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are encouraged to be visually emphasised with architectural elements such as taller forms, or parapets.

[238] Kirsty Dittmer (S412.001)
[239] Martin and Co Westport Ltd and Lumberland Building Market Westport (S543.002)



This building expresses well to the corner with the second story providing height, and the door facing into the corner.



This building was not built with any corner features to emphasise its position. The more recent sign and verandah modifications have tried to address its corner position.

BF6 Roofs– Westport/Kawatiri has a variable range of rooflines with some below the height of the parapet and others pitched and visible from the street. Either is acceptable.



Roofline hidden behind parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum 50% glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations

that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Palmerston Street must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.[240]

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity on Palmerston Street, the display area immediately behind the windows should be designed as reception and waiting areas.

GF4 Shop fronts and entries – Building entries and shop fronts in Palmerston Street should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance. Glazed areas should be partitioned with glazing bars rather than single sheet/plate glass display windows.

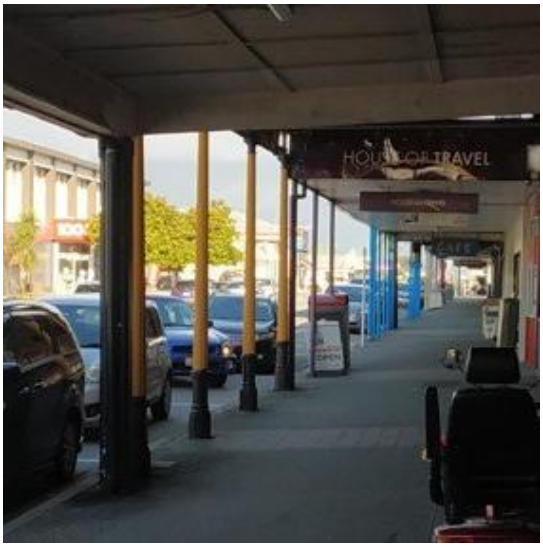


Window facades with glazing bars are a typical feature of the Westport shop frontages.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Palmerston Street and are subject to performance standards in the rules. Verandahs should:

- Complement the style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**[241]
- Include decorative poles where possible
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages.

[240] Kirsty Dittmer (S412.001)
[241] Kirsty Dittmer (S412.001)



Decorative Street Poles from the verandahs give a sense of safety and enclosure and are a particular character of Westport town centre

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies**, and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.[242]

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~[243]



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***suitable for other buildings in the town centre.***[244]

[242] Foodstuffs (464.005)
[243] J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)
[244] J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)



~~*Colour has been used inappropriately on this building. It does not fit with the character of the town and also is used to brand the building for sale of a particular product*~~. ***The colours on this building are very bold and not consistent with other building colours in the vicinity.***[245]

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout needs to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows or modulation.

GS2 -Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings where possible. Keep the new structure below the façade height and give the visual appearance of retained floors.

7. NEIGHBOURHOOD CENTRE ZONE

7.1. Neighbourhood Centre Zone Rules

Submissions and Further Submissions

728. One submission point relating generally to the **NCZ Rules** was summarised in a Table on page 129 of the S42A Report. The submission sought amendments to the rules.

729. Five submission points relating to **NCZ-R1** were summarised in a Table on pages 130-134 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments.

[245] J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)

730. Two submission points and one further submission relating to **NCZ-R2** were summarised in a Table on page 136 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

731. One submission point relating to **NCZ-R3** was summarised in a Table on page 137 of the S42A Report. The submission point supported the retention of the rule as notified.

732. Eight submission points and one further submission relating to **NCZ-R4** were summarised in a Table on pages 137-138 of the S42A Report. Three submission points supported the retention of the rule as notified. Four submission points sought to delete the rule, and one submission point sought amendments.

733. One submission point relating to **NCZ-R5** was summarised in a Table on page 139 of the S42A Report. The submission point supported the retention of the rule as notified.

734. One submission point relating to **NCZ-R6** was summarised in a Table on page 139 of the S42A Report. The submission point supported the retention of the rule as notified.

735. Five submission points relating to **NCZ-R7** were summarised in a Table on page 140 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought it be deleted.

736. One submission point relating to **NCZ-R8** was summarised in a Table on page 141 of the S42A Report. The submission point supported the retention of the rule as notified.

737. Two submission points relating to **NCZ-R9** were summarised in a Table on page 141 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

738. One submission point relating to **NCZ-R10** was summarised in a Table on page 142 of the S42A Report. The submission point supported the retention of the rule as notified.

739. Two submission points relating to **NCZ-R11** were summarised in a Table on page 143 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

740. Five submission points relating to **NCZ-R12** were summarised in a Table on page 144 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought it be deleted.

741. One submission point relating to **NCZ-R13** was summarised in a Table on page 144 of the S42A Report. The submission point supported the retention of the rule as notified.

742. One submission point relating to **NCZ-R14** was summarised in a Table on page 145 of the S42A Report. The submission point supported the retention of the rule as notified.

743. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

NCZ – General- Overview

744. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values considered as part of the urban environment and as part of controlled and restricted discretionary activities, Ms Belgrave noted that this is a common submission point across multiple hearing streams and for other zones in this stream. She reiterated her opinion regarding the previous zones and did not support the relief sought in the submission point.

745. The S42A report recommends that no amendments be made to the NCZ chapter in response to this submission.

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

746. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

747. Ms Belgrave reiterated her recommendations from previous zones in response to the submission point made by Waka Kotahi. The submission sought clarification on whether the rule's requirements should be considered performance standards. They requested that the performance standards under NCZ-R1 are included in a separate rule or relocated as standards. Ms Belgrave supported amendments to NCZ-R1 so that the rule applies to all new buildings, additions and alterations to existing buildings, external and heavy vehicle storage, and hours of operation. She recommended that these be transferred to a new rule to improve clarity and differentiate between NCZ-R1 and the new rule NCZ-R5A

748. In response to the submission point made by the Ministry of Education that sought to include education facilities as a permitted activity and that a restricted discretionary activity status applies to all non-compliances with the rule, Ms Belgrave supported the relief sought in part. She recommended including education facilities as a permitted activity in a new rule (NCZ-R4A), provided the activity does not exceed 250m² GFA. Ms Belgrave reiterated previous recommendations to retain a discretionary activity status for non-compliances for those standards where there is a greater range of potential effects on character and amenity, particularly to adjacent residential zones.

749. In response to the submission point made by Foodstuffs that sought to increase the permitted GFA for supermarkets to 1,000m², Ms Belgrave did not support the relief sought. This is because larger-scale activities may have potential effects, such as those associated with building bulk and scale, and the character and amenity of adjacent residential areas, which can be assessed through the resource consent process, particularly given the spatial extent and purpose of the NCZ.

750. Ms Belgrave supported the relief sought by FENZ to exclude vehicles associated with emergency service activities from the restrictions placed on the number of heavy vehicles stored on a site, which she recommended be included in the new rule NCZ-R5A.

751. Ms Belgrave acknowledged and recommended consequential changes to notified NCZ-R1.11 in response to a submission point by BDC that sought amendments related to when a written approval is obtained. Ms Belgrave reiterated the recommendations she made on the same matter for the other zones. That is to move the detail to an advice note.

752. Ms Belgrave recommended that NCZ-R1 is amended as follows:

NCZ-R1 New Buildings, External Additions or Alterations to Existing Buildings, and External Storage ~~Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities~~

Activity Status Permitted

Activity status where compliance not achieved:

*Restricted discretionary where **~~standards~~** **rules** **~~9 to 11~~** **3 to 11** are not complied with.*

*Discretionary where **~~standards~~** **rules** 1-**2** **~~to 8~~** are not complied with.*

Where:

1. ***Education Facilities**, Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m2 gross floor area per activity provided;*

~~2. The activity does not include:~~

~~i. Drive through restaurants;~~

~~ii. Service stations;~~

~~iii. Motor vehicle sales;~~

~~iv. Yard-based retail activities;~~

~~v. Trade retail and trade suppliers; or~~

~~vi. Bars/taverns~~

…

5. *No more than one heavy vehicle is stored on the site, **excluding heavy vehicles ancillary to emergency service facilities**;*

…

10. *No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary **~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~**. This standard does not apply to:*

…

Advice Note:

1. ***Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***

~~2. The acoustic insulation requirements for noise sensitive activities set out in Rule NOISE – R3 also apply.~~

753. The S42A report also recommends the addition of a new rule as follows:

NCZ-R5A Commercial Activities and Buildings, Community Facilities, Education Facilities and Emergency Service Facilities

Activity status Permitted

Activity status when compliance not achieved:

Restricted Discretionary where standard 1 is not complied with

Non-complying where standard 2 is not complied with

Where:

1. ***All performance standards for Rule NCZ - R1 are complied with, and***
2. ***The activity does not include:***

i. Drive through restaurants;

ii. Service stations;

iii. Motor vehicle sales;

iv. Yard-based retail activities;

v. Trade retail and trade suppliers; or

vi. Bars/taverns

Advice Notes:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply

NCZ – R2 Minor Structures

754. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

755. In response to the submission point made by FENZ that sought amendments to enable hose drying towers up to a maximum height of 15m, Ms Belgrave supported the relief sought in part. She agreed that the inclusion of a maximum height for hose drying towers under NCZ-R2 will provide helpful clarification. Ms Belgrave considered the requested maximum height of 15m to be inappropriate in this zone and instead recommends a height of 12m. She considered this appropriate, having regard to the maximum permitted building height of 10m within the NCZ, the spatial extent of the zone, the proximity of residential areas and that the establishment of emergency service facilities in the Zone will be limited.

756. Ms Belgrave acknowledged and recommended consequential changes to NCZ-R2.1 to refer to the relevant rule in NCZ-R1 that relates to the required setbacks for buildings and structures. She notes that this will achieve consistency with submission points made by BDC. The S42A report recommends that NCZ-R2 be amended as follows:

NCZ-R2 Minor Structures

~~All performance standards for~~ *Rule NCZ - R1****.9 is ~~are~~*** *complied with;*

…

5. Hose drying towers do not exceed 12m in height; and

…

However, we note that until the final form of NCZ-R1 is finalised, other rule numbers and cross-references will change.

NCZ – R3 Fences, Walls and Retaining Walls

757. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

758. The S42A report recommends retaining NCZ-R3 as notified.

NCZ – R4 Relocated Buildings

759. In response to the four submission points[246] that sought to delete NCZ-R4, Ms Belgrave supported the relief sought. She reiterated the reasons set out regarding the Relocated Building rules for the previous zones. She agreed with the submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with the Building Act.

760. As a consequence of the recommendation to delete this rule, Ms Belgrave did not support the relief sought from the other four submission points to either amend or retain the rule.

761. The S42A report recommends that NCZ-R4 be deleted.

NCZ – R5 Residential Activities and Residential Units

762. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

763. Ms Belgrave recommended consequential changes to delete NCZ-R5.1, as the listed performance standards in NCZ-R5.1 are no longer relevant due to the recommended changes to NCZ-R1.

764. The S42A report recommends making consequential changes to NCZ-R5 as follows:

> ***NCZ-R5 Residential Activities and Residential Units***
>
> ***Activity status Permitted***
>
> *Where:*
>
> *1.* ~~***Performance standards 1, 3 and 6 of Rule NCZ - R1 are complied with***~~*;*
>
> *…*

NCZ – R6 Demolition of Buildings

765. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

766. The S42A report recommended retaining NCZ-R6 as notified.

NCZ – R7 Relocated Buildings not meeting Permitted Activity Standards

767. In response to the four submission points[247] that sought to delete NCZ-R7, and consequential to the recommendation to delete NCZ-R4, Ms Belgrave supported the relief sought.

768. As a consequence of the recommendation to delete this rule, Ms Belgrave did not support the relief sought from the other submission point to retain the rule.

769. The S42A report recommends that NCZ-R7 be deleted.

NCZ – R8 Demolition of Buildings not meeting Permitted Activity Standards

[246] Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007) and Laura Coll McLaughlin (S574.007)

[247] Chris and Jan Coll (S558.008), Chris J Coll Surveying Limited (S566.008), William McLaughlin (S567.008), and Laura Coll McLaughlin (S574.008)

770. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

771. The S42A report recommends retaining NCZ-R8 as notified.

NCZ – R9 Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities not meeting Permitted Activity Standards

772. Ms Belgrave acknowledged the support from Te Mana Ora of the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

773. In response to the submission point made by Foodstuffs that sought to increase the permitted GFA for supermarkets to 1,000m², Ms Belgrave did not support the relief sought for the same reasons as set out with respect to NCZ-R1.

774. Ms Belgrave recommended amendments to NCZ-R9 that are consequential to the amendments sought by the Ministry of Education to apply a restricted discretionary activity status to non-compliances under NCZ-R1. As such, Ms Belgrave recommended additions to the matters for discretion.

775. Ms Belgrave also recommended amending the title of the rule, which is consequential to the changes recommended to NCZ-R1.

776. The S42A report recommends making consequential changes to NCZ-R9 as follows:

> ***NCZ-R9 ~~Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 ~~Permitted Activity Standards~~***
>
> ***Activity status Restricted Discretionary***
>
> *Where:*
>
> 1. ***~~The gross floor area is greater than 250m2 per activity but all other Performance Standards for 1- 8 for~~*** *Rule NCZ - R1**.1 and NCZ – R1.2** are complied with.*
>
> ***Discretion is restricted to:***
>
> ***~~a. Design and location of buildings;~~***
>
> ***~~b. Design and location of parking, loading and access areas; and~~***
>
> ***~~c. Landscape measures~~***
>
> ***a. Bulk, location and design of storage, buildings and structures;***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places;***
>
> ***c. Visual dominance, privacy and shading, and nuisance effects on neighbouring sites; and***
>
> ***d. Materials being stored and the period of time for storage.***

NCZ – R10 Residential Activities and Residential Units not meeting Permitted Activity Standards

777. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

778. The S42A report recommends retaining NCZ-R10 as notified.

NCZ – R11 Commercial Activities, Community Facilities, Emergency Service Activities and Visitor Accommodation Activities not meeting the Permitted or Restricted Discretionary Activity Standards

779. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified. However, the acknowledgement is subject to the recommendation to delete the rule.

780. Ms Belgrave sets out that the recommendation to separate the notified version of NCZ-R1 into two rules (one for activities, and one for buildings), in response to the submission by Waka Kotahi, will ensure that the activities identified in NCZ-R11.2 will be non-complying if compliance is not met.

781. In response to the submission point made by Foodstuffs that sought to exclude expansions or redevelopment of supermarkets from NCZ-R11.1, Ms Belgrave partially supported the relief sought. Foodstuffs considers that a non-complying activity status for a supermarket exceeding 250m² is inappropriate. They noted that this would effectively render all supermarkets a non-complying activity due to the gross floor area restrictions. Ms Belgrave noted that there is an inconsistency between the notified versions of rules NCZ-R1 and NCZ-R11, where non-compliance with the GFA would be a discretionary activity in NCZ-R1 and non-compliant under NCZ-R11. She considered that a discretionary activity status is appropriate to evaluate potential effects associated with building bulk and scale in the NCZ and potential effects on the character and amenity of adjacent residential areas. Therefore, she recommended deleting NCZ-R11 and retaining NCZ-R1.

782. The S42A report recommends deleting NCZ-R11 as notified.

NCZ – R12 Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards

783. Ms Belgrave acknowledged the support from Te Mana Ora of the rule as notified. However, the acknowledgement is subject to the recommendation to delete the rule. Ms Belgrave noted that a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10

784. As a consequence of the recommendation to delete this rule, Ms Belgrave partially supported the relief sought from the four submission points[248] to delete part of the rule heading.

785. The S42A report recommends that NCZ-R12 be deleted.

NCZ – R13 Industrial Activities

786. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

787. The S42A report recommends retaining NCZ-R13 as notified.

NCZ – R14 Any activity not provided for by another Rule in the zone

788. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

789. The S42A report recommends retaining NCZ-R14 as notified.

Hearing and Submitter Evidence

790. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission to allow a 1,000m² GFA for supermarkets, and she continues to seek the requested

[248] Chris and Jan Coll (S558.009), Chris J Coll Surveying Limited (S566.009), William McLaughlin (S567.009), and Laura Coll McLaughlin (S574.009)

amendments to NCZ-R1 and NCZ-R9. She commented that a supermarket cannot operate with a GFA of 250m² or less.

791. Ms Booker does accept the S42A recommendation to delete NCZ-R11.

792. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation to NCZ-R1 as initially sought in the submission.

793. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter does not explicitly refer to the NCZ rules, but it does accept the separation of COMZ-R1 into two rules (one for buildings and one for activities). It also continues to seek an exemption for educational facilities in reference to the advice note and the need to consider NOISE-R3. It is assumed that the same applies to the NCZ.

794. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the NCZ a setback of 5m is sought[249].

795. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network, as it is nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

796. Despite not making any submissions on the rules of the NCZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to NCZ-R1, Ms Inta observed that, despite the reporting officer recommending separating activities from performance standards (as sought by Waka Kotahi), the S42A recommendation for the rule continues to refer to both. In particular, she suggests that references to vehicle storage and hours of operation be relocated to the new rule.

797. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The evidence sets out that the Association does not support the deletion of rules relating to relocated buildings.

798. Mr Bhana-Thomson's evidence sets out the process for relocating a building. It states that, in his experience, relocating a building generally involves less construction disturbance than on-site construction. Other benefits include lower labour costs and the reuse of existing buildings. Additionally, he advises that there is no requirement in the Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

Reporting Officer Reply Evidence

799. Consequent to the separation of NCZ-R1 into two rules (one for building controls and one for activities) and in response to Waka Kotahi's submission and to Ms Inta's statement that was presented at the hearing, which sought to simplify plan provisions, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the

[249] As set out in evidence for Topic 1, to align with the road boundary setback rules.

wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

800. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself. Therefore, an effective buffer already exists between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

801. Concerning the NCZ, the reporting planners do not support the relief sought by KiwiRail for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development and is excessive in this zone. Notwithstanding that the reporting planners consider it more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be set back 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

NCZ-R1

4. *Any building or structure, **excluding buildings for residential activities and residential units**, is set back:*

   iv. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

5. *Buildings for residential activities and residential units, are set back:*

   ii. ***1.5m from the railway corridor boundary, excluding accessory buildings; and***

802. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association, Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

803. On the understanding that the purpose of NCZ-R4 (and similar rules in COMZ and MUZ) is to address amenity effects, particularly through standards that require the timely completion of building works, Ms Belgrave agrees that the standards can address the existing concerns regarding relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

804. Ms Belgrave recommends it is appropriate to retain NCZ-R4 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

805. The recommended wording is as follows:

NCZ-R4 Relocated Buildings

Activity Status Permitted

Where:

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

806. Consequent to the above recommendation to retain NCZ-R4, Ms Belgrave also recommends retaining NCZ-R7. She recommends additions to the matters of control that respond to Mr Bhana-Thomson's letter.

807. The recommended wording is as follows:

NCZ-R7 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

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

Matters of control are:

d. *Design and location of structures;*

e. *Landscape measures; and*

f. *Appearance of buildings **and the completion of any building reinstatement works identified in a building inspection report***

808. In response to the discussion during the hearing regarding Airbnb, Ms Belgrave reviewed the S32 report on the Commercial and Mixed Zones. She did not identify any specific issues relating to them. Notwithstanding, she did identify a need to reinforce a hierarchy of West Coast centres that are suitable for visitor accommodation.

809. Additionally, she identified an error in the NCZ chapter where, as notified, NCZ-R11 provides for visitor accommodation activities that do not meet the permitted standard. However, there is no permitted standard for visitor accommodation in the NCZ. Furthermore, it is recommended that NCZ-R11 be deleted to reduce duplication across the rules. At the time of the hearing, the rules did not provide for visitor accommodation in the NCZ, and so visitor accommodation would default to a non-complying activity under NCZ-R14.

810. Ms Belgrave considers it relevant to provide for visitor accommodation as a permitted activity in the NCZ, subject to performance standards, similar to those in the COMZ, MUZ and TCZ. She has therefore recommended a new rule to make provision for this. The recommended wording is as follows:

NCZ-R5A Visitor Accommodation

Activity Status Permitted

Where:

1. *The visitor accommodation is located*
    i. *In a Heritage Building listed in Schedule One; or*
    ii. *Above street level; or*
    iii. *At street level but with no frontage to public open spaces or streets except for access*
2. *Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres;*
3. *Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and*
4. *The principal residential accommodation entrance shall be provided directly from a public street or open space.*

Advice Note

1. *The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.*

Activity status where compliance not achieved: *Discretionary*

811. Overall, Ms Belgrave considers that the pTTPP includes several provisions that adequately manage the potential design and amenity effects of Airbnb and visitor accommodation.

812. The right of reply considers the question of whether there are provisions in the NCZ that will create opportunities for greater residential development. Ms Belgrave identifies rules NCZ-R1 and NCZ-R5 that provide for new buildings and residential activities in existing buildings as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with the resource consent process.

813. The right of reply considers the letter tabled by Ms Williams on behalf of the Ministry of Education, and specifically the relief sought to include an exclusion from the noise provisions for education facilities. Ms Belgrave maintains her view that such an exclusion is not necessary. She does not consider it efficient to reiterate the exclusions that apply to designations, and that if education facilities are established outside of a designated site, then the noise provisions should be relevant for consideration.

Hearing Panel's Evaluation

Overview

814. In relation to the Overview, the Panel agrees, for the reasons provided by Ms Belgrave, that no amendments to the Overview are required and recommends that the Overview be retained as notified.

NCZ-R1

815. In relation to NCZ-R1, Ms Belgrave recommends many amendments to that rule, as well as creating a new rule and recommending additional changes to other rules. We have carefully

considered the scope available to support making those amendments. We consider the Waka Kotahi submission s450.220 to provide sufficient scope. We note the submission seeks to;

Amend the rule to clarify the intent of the rule as to whether these are considered as performance standards, and if so, a new separate rule should be created for the activities listed in the heading, or move the standards for the zone into a separate standards table, with all rules referring to those standards.

816. In particular, we consider that part of the Waka Kotahi submission, which addresses moving the standards for the zone into a separate table with all rules referring to those standards, provides significant flexibility in moving standards from the various rules. We agree with her that her reply recommendations do not alter the intent of the rules, nor does the shifting of multiple standards between the rules make complying with the rules more onerous.

817. In reaching our recommendations, we have given more weight to the Waka Kotahi submission than to the evidence provided by Ms Inta at the hearing. We do accept, though, that the evidence did reference the Waka Kotahi submission, and it was critical that the Officer had not recommended sufficient changes to give effect to that submission. Additionally, Ms Initas' own submission, albeit a general one, sought to simplify Plan provisions, and to a limited extent, we rely on that submission to support our recommendations set out below.

818. Taking into account the above and Ms Belgrave's reasons, particularly those in her reply, we recommend that NCZ-R1 be amended as set out below, including the removal of standards to other rules and the addition of standards from different rules, as well as including new rules.

819. Given the issue addressed in submissions from Foodstuffs, we record that we agree with Ms Belgrave that the maximum gross floor area for a supermarket should be 250 m², even though that standard ultimately resides in NCZ-R4A.

820. The Panel agrees with Ms Belgrave's recommendation and supporting reasons to reposition advice note 2 to another rule consequent upon the recommended changes to NCZ-R1 and the transfer of notified standards between rules, noting this repositioning of advice notes occurs in the equivalent rules in COMZ, MUZ, and TCZ chapters.

NCZ-R2

821. In relation to NCZ-R2, the Panel agrees with Ms Belgrave's recommendation, for the reasons she provides, to include a new standard 5. relating to hose drying towers as sought by Fire and Emergency. We agree with the consequential amendment to standard 1. arising from the recommended amendments to NCZ-R1 for the reasons Ms Belgrave provides.

NCZ-R3

822. In relation to NCZ-R3, the Panel agrees with Ms Belgrave's recommendation, for the reasons she provides, that this rule be retained as notified.

NCZ-R4

823. In relation to NCZ-R4, the Panel agrees with Ms Belgrave's recommendation, as outlined in her reply, paragraphs 100 to 115, to reverse her earlier recommendation to delete this rule and retain it, including other notified rules for this zone related to relocated buildings.

824. However, The Panel records that we have already addressed relocated buildings in other chapters in the Plan. Ms Easton, as reporting for those other chapters has already provided revised wording for the rules dealing with relocated buildings. We consider we should utilise her wording for Plan consistency while at the same time addressing the submission of New Zealand Heavy Haulage Association. The full discussion on this issue is covered in the Settlement chapter recommendation.

New Rule

825. In relation to NCZ-4A, the Panel agrees with Ms Belgrave's recommendations to amend this rule, which are consequential on the amendments to NCZ-R1. We agree with the recommendation to include Education facilities up to a maximum of 250m^2. In relation to the inclusion of education facilities, we note that the purpose of the NCZ is to serve surrounding residential areas by providing for the day-to-day needs of residents. In our view, the location of small-scale education facilities, such as childcare services, within the NCZ is appropriate and will have comparable effects to community facilities, which are provided for as a permitted activity. The remaining amendments to this rule result from the relocation of standards previously included in NCZ-R1 at the time of notification. We agree with Ms Belgrave's recommendations and her reasons to relocate them to this rule.

826. The Panel notes however that we have had to address the activity status cascade of as a result of these amendments which has resulted in the Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities defaulting to discretionary and/or non-complying depending on which standards are not met. We have identified a particular concern with the non-complying status which is driven from the notified Plan – in short, the notified Plan contained a major error in that a list of activities in NCZ-R1 - Standard 2 defaulted to discretionary and then straight to non-complying. We consider this major error has had flow on effects in Ms Belgrave's assessment which has not been identified. We also note that there is very little within the policy framework which would support a non-complying status for these activities.

827. On the basis of the above, the Panel considers that the activities in notified NCZ-R1 - Standard 2 should default to discretionary status and we recommend this amendment.

*NCZ-R*5

828. In relation to NCZ-R5, the Panel agrees with Ms Belgrave's recommendations and the reasons for them, which result from recommended amendments to NCZ-R1 and relocation of standards between this rule and NCZ-R1.

New Rule

829. In relation to NCZ-R5A, the Panel agrees with Ms Belgrave's recommendation and her reasons to include a new rule addressing visitor accommodation. She noted that visitor accommodation is permitted in the COMZ R1 as notified and in COMZ-R5A as recommended, permitted in the MUZ at R5, and in the TCZ as per rule 8. She advised that it was an error to notify the NCZ chapter, as NCZ-R11 provided for visitor accommodation that did not meet permitted activity standards, but there were no notified rules providing for visitor accommodation as a permitted activity. She further informed us that the intention is to delete NCZ-R11 due to duplication, with the result that NCZ-R14 would apply to visitor accommodation with a status of non-compliant. Including a permitted activity status rule for

visitor accommodation would result in a consistent approach to that activity across NCZ, COMZ, MUZ, and TCZ, which would be appropriate.

NCZ-R6

830. In relation to NCZ-R6, the Panel agree with Ms Belgrave's recommendation and her reasons for recommending this rule be retained as notified.

NCZ-R7

831. In relation to NCZ-R7, the Panel agrees with Ms Belgrave's recommendation and her reasons detailed in her reply at paragraphs 110 to 115 that retaining this rule in the NCZ and in COMZ and MUZ, however we did not agree with the amended matters of control, in particular to ensure completion of building reinstatement works. We have amended the matters of control to include landscape mitigation and to refer to the reasons for non-compliance with Standards 3 and 4 of NCZ-R4 as a matter of control.

NCZ-R8

832. In relation to NCZ-R8, the Panel agrees with Ms Belgrave's recommendation and her reasons for it that this rule be retained as notified.

NCZ-R9

833. In relation to NCZ-R9, the Panel agrees with Ms Belgrave's recommendation and her reasons for it that this rule be amended consequent to the amendments sought by the Ministry of Education (S456.036) to apply a restricted discretionary activity status to non-compliances with NCZ-R1. Similar to the COMZ and MUZ, we consider that the following matters of discretion will ensure that the relevant effects of non-compliance with the rules under NCZ-R1, excluding infringements to maximum gross floor area and building height and the activities not provided for, can be addressed through the resource consent process:

- Bulk, location, and design of storage, building and structures;
- Effects on the safety, amenity and attractiveness of the street or public places;
- Visual dominance, privacy and shading, and nuisance effects on neighbouring sites; and
- Materials being stored and the period of time for storage.

834. We support the recommendation to delete the notified clauses a to c and replace them with the above assessment matters. Consequently, we also recommend that NCZ-R9 be applied to new buildings and external additions and alterations to existing buildings not meeting NCZ-R1. This recommendation results in an amendment to the rule heading.

New Rule

835. In regard to NCZ-R9A, the Panel agrees with Ms Belgrave's recommendation and her reasons for adding this new rule. Effectively, this new rule serves as the default rule when NCZ-R5A is not complied with, drawing on NCZ-R9 and NCZ-R4 for the relevant matters.

NCZ-R10

836. In regard to NCZ-R10, the Panel agrees with Ms Belgrave's recommendation, and her reasons for it, to retain this rule as notified, with the exception of adding the word '*building*' to clause 3. Immediately after the word maximum and before the word height so as to ensure rule clarity. We accept this recommendation as a clause 16 amendment.

NCZ-R11

837. In regard to NCZ-R11 (now NCZ-R14), the Panel notes Ms Belgrave's recommendation within her s42A is to delete this rule to simplify the NCZ chapter, as a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10. However, we disagree and recommend retaining this rule to ensure consistency across the Plan, where a default rule is provided.

838. The Panel also note that Education Facilities was missing from the original rule and we have added it in as a Clause 16(2) of the RMA recommendation.

839. The Panel has also deleted reference to the list of activities previously referred to and contained in new NCZ-R5. We consider the way the rules are now structured referencing these activities is unnecessary because the default activity status in Rule NCZ-R5 for these activities is discretionary.

NCZ-R12

840. In regard to NCZ-R12 (now NCZ-R15), the Panel again notes Ms Belgrave's recommendation within her s42A is to delete this rule to simplify the NCZ chapter, as a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10. However, we disagree and recommend retaining this rule to ensure consistency across the Plan, where a default rule is provided.

NCZ-R13

841. In regard to NCZ-R13 (now NCZ-R17), the Panel agrees with Ms Belgrave's recommendation, and her reasons for it, as detailed in her s42A, to retain this rule as notified.

NCZ-R14

842. The Panel acknowledges that NCZ-R14 (now NCZ-R16) is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter.

Hearing Panel's Recommendation

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

Neighbourhood Centre Zone

Overview

The NCZ - Neighbourhood Centre Zone provides for a range of small-scale commercial, retail and community activities that provide for day-to-day needs of the surrounding residential neighbourhood. Neighbourhood Centres provide a limited range of services, employment and living opportunities at a scale appropriate to the residential neighbourhood they are located in. In general, Neighbourhood Centres are of low to medium density.

Neighbourhood Centres are generally located near the street edge, sometimes with verandahs and retail display windows along the frontage. Typically, buildings are 1-2 storeys high. Parking is usually available on the street.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Neighbourhood Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Neighbourhood Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Neighbourhood Centre Zone.

Neighbourhood Centre Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

NCZ - R1	**New Buildings, External Additions and Alterations to Existing Buildings ~~Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities~~**[250]

Activity Status Permitted

Where:

~~1. Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity provided;~~

2. ~~The activity does not include:~~

   ~~i. Drive through restaurants;~~

   ~~ii. Service stations;~~

   ~~iii. Motor vehicle sales;~~

   ~~iv. Yard-based retail activities;~~

   ~~v. Trade retail and trade suppliers; or~~

   ~~vi. Bars/taverns;~~

1. The maximum height above ground level is 10 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;

~~2. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place;~~

2. Maximum site coverage is 60%;

~~3. No more than one heavy vehicle is stored on the site;~~

~~4. Activities other than Emergency Services shall be limited to the following hours of operation:~~

   ~~i. 6am – 11pm weekdays; and~~

   ~~ii. 7am – 10 pm weekends and public holidays; except where~~

      ~~a. The entire activity is located within a building; and~~

      ~~b. There are no visitors, customers or deliveries outside the above hours.~~[251]

3. The maximum building length is 20m where this abuts a RESZ - Residential Zone;

4. Any building or structure**, excluding buildings for residential activities and residential units** [252]is set back

   i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;

   ii. 3m from the road boundary; or

   iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:

[250] Waka Kotahi (S450.220)
[251] Waka Kotahi (S450.220)
[252] Waka Kotahi (S450.220) consequent on relocate of NCZ-R5

a. 3m on one road boundary; and

b. 1.5m on the other road boundary;

iv. 1.5m from the railway designation boundary, excluding accessory buildings and structures [253]

5. Buildings for residential activities and residential units are set back:

i. 5m from road boundaries, except that a roof overhang may encroach 750mm into the setback

ii. 1 m from all other site boundaries, except that Duplexes do not require a setback from the side boundary of the other duplex unit; and[254]

iii. 1.5m from the railway designation boundary, excluding accessory buildings; and[255]

6. A landscape buffer of 1m width must be provided along the frontage between the street and any car parking, loading or service areas which are visible from the street frontage. This rule excludes access points;

7. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~.[256] This standard does not apply to:

i. Road boundaries;

ii. Buildings on adjoining sites that have a common wall along the boundary;

iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

~~1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~[257]

1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.[258]

Activity status where compliance not achieved:

[253] KiwiRail (S442.51)
[254] Waka Kotahi (S450.220) consequent relocation from NCZ-R5
[255] KiwiRail (S442.51)
[256] Buller District Council (S538.458)
[257] Waka Kotahi (S450.220)
[258] Buller District Council (S538.458)

Discretionary where standards 1 to **2** ~~8~~ are not complied with.

Restricted Discretionary where standards **3 to 7** ~~9-11~~ are not complied with.[259]

NCZ – R2	Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1**.6** ~~are~~ **is** [260]complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
5. Any other structure must not exceed 10m² and 2m in height**; and**
6. **Hose drying towers must not exceed 12m in height.**[261]

Activity status where compliance not achieved: Discretionary

NCZ – R3	Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

NCZ – R4	Relocated Buildings

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling; [262]

[259] Waka Kotahi (S450.220)
[260] Consequent stemming from Buller District Council (S538.413)
[261] Fire and Emergency New Zealand (S573.092)
[262] New Zealand Heavy Haulage Association Inc (S616.003)

3. A building pre-inspection report **in accordance with Appendix 11**[263] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and** [264]

4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[265]

Activity status where compliance not achieved: Controlled

NCZ – R5	**Commercial Activities, Community Facilities, Education Facilities**[266] **and Emergency Service Facilities**[267]

Activity Status Permitted

Where:

1. **Education Facilities,**[268] **Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity;**
2. **The activity does not include:**
   i. **Drive through restaurants;**
   ii. **Service stations;**
   iii. **Motor vehicle sales;**
   iv. **Yard-based retail activities;**
   v. **Trade retail and trade suppliers; or**
   vi. **Bars/taverns**
3. **External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place**
4. **No more than one heavy vehicle is stored on the site, excluding heavy vehicles ancillary to emergency service facilities**[269]
5. **Activities other than Emergency Services shall be limited to the following hours of operation:**

[263] New Zealand Heavy Haulage Association Inc (S616.003)
[264] Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007), Laura Coll McLaughlin (S574.007)
[265] Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007), Laura Coll McLaughlin (S574.007)
[266] Ministry of Education (S456.036)
[267] Consequential to Waka Kotahi (S450.220)
[268] Ministry of Education (S450.036)
[269] Fire and Emergency New Zealand (S573.091)

i. **6am – 11pm weekdays; and**

ii. **7am – 10 pm weekends and public holidays; except where**

a. **The entire activity is located within a building; and**

b. **There are no visitors, customers or deliveries outside the above hours.**

Advice Note:

1. **The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**

Activity status where compliance not achieved:

Restricted Discretionary where standards 3 to 5 are not complied with.

Discretionary where standard 1 and 2 is not complied with[270]

NCZ – R6	**Visitor Accommodation**

Activity Status Permitted

Where:

1. **The visitor accommodation is located**

i. **In a Heritage Building listed in Schedule One; or**

ii. **Above street level; or**

iii. **At street level but with no frontage to public open spaces or streets except for access**

2. **Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres;**

3. **Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and**

4. **The principal residential accommodation entrance shall be provided directly from a public street or open space.**

Advice Note

1. **The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**

Activity status where compliance not achieved: Discretionary[271]

NCZ – R~~5~~7	**Residential Activities and Residential Units**

[270] Consequential to Waka Kotahi (S450.220)
[271] Clause 16 Reporting Officer recommendation as Visitor Accommodation omitted in error

Activity Status Permitted

Where:

~~1. Performance standards 1, 3 and 6 of Rule NCZ - R1 are complied with;~~ [272]

1. Residential unit density is no more than

   a. 1 unit per 350m² net site area; or

   b. 1 unit per 300m² net site area where two or more adjoining sites are developed;

~~2. Maximum building height above ground level of 10m;~~

~~3. Maximum site coverage is 60%;~~

~~4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback;~~

~~5. Buildings are setback a minimum of 1m from all other site boundaries, except that:~~

   ~~a. Duplexes do not require a setback from the side boundary of the other duplex unit; and~~

   ~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council 10 working days ahead of the work commencing;~~ [273]

2. There is no more than 1 minor residential unit with a maximum gross floor area of 65m² per 500m² net site area; ~~and~~

3. A minimum of 30m² of outdoor living space is provided per residential unit and 12m² per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; **and**

4. No more than one heavy vehicle is stored on the site. [274]

Activity status where compliance not achieved: Restricted Discretionary

NCZ – R~~6~~8	**Demolition of Buildings**

Activity Status Permitted

Where:

1. There is no redevelopment then the site is completely cleared of demolition materials and re-grassed within 12 months.

Activity status where compliance not achieved: Controlled

Controlled Activities

[272] Consequential to Waka Kotahi (S450.220)
[273] Consequential to Waka Kotahi (S450.220)
[274] Consequential to Waka Kotahi (S450.220)

NCZ – R~~7~~9	**Relocated Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;

b. ~~Landscape measures;~~ **Measures to mitigate landscape effects**[275]

c. Appearance of buildings**; and**

d. Reasons for non-compliance with Standards 3 and 4 of NCZ-R4.[276]

Activity status where compliance not achieved: Discretionary

NCZ – R~~8~~10	**Demolition of Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Matters of control are:

a. Timing and scope of landscape and site reinstatement measures.

Activity status where compliance not achieved: N/A

Restricted Discretionary Activities

NCZ – R~~9~~11	**~~Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 ~~Permitted Activity Standards~~**[277]

Activity Status Restricted Discretionary

Where:

1. ~~The gross floor area is greater than 250m² per activity but all other~~ Performance Standard~~s for~~ 1~~ – 8~~ for Rule NCZ - R1 ~~are~~ is complied with.[278]

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking, loading and access areas; and~~

[275] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[276] NZ Heavy Haulage Association (S616.014)
[277] Consequential to Ministry of Education (S456.036)
[278] Ministry of Education (S456.036)

a. ~~Landscape measures.~~ **Measures to mitigate landscape effects**[279]

b. **Bulk, location and design of storage, buildings and structures;**

c. **Effects on the safety, amenity and attractiveness of the street or public places;**

d. **Visual dominance, and privacy and shading, effects on neighbouring sites;** [280]

Activity status where compliance not achieved: Discretionary

NCZ-R12	**Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities not meeting Permitted Activity Standards 3-5 of NCZ-R5**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Visual dominance and nuisance effects on neighbouring sites;

c. Design and location of parking, loading and access areas;

d. Location and design of storage; and

e. The materials being stored and the period of time for storage.

Activity status where compliance not achieved: N/A[281]

NCZ – R1~~0~~3	**Residential Activities and Residential Units not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

1. The minimum net site area is 200m²;
2. The maximum **building** [282]height is 10m;
3. Maximum building coverage is 50%; and
4. All Permitted Activity performance standards for Rules NOISE - R1, - R2, - R3 and - R6, LIGHT - R4 and SIGN - R17 are complied with.

Discretion is restricted to:

[279] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[280] Consequential to Ministry of Education (S456.036)
[281] Consequential on Waka Kotahi (S450.220)
[282] Clause 16(2) of the RMA

a. The extent to which there is sufficient availability and capacity in the water supply, wastewater, stormwater and transport networks to service the development or the need for development of a suitable alternative;

b. Design and location of parking and access;

c. Design and location of buildings and compliance with the Medium Density Housing Design Guidelines in Appendix Three; and

d. ~~Landscape measures~~ **Measures to mitigate landscape effects** [283].

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NCZ – R1~~1~~4	**Commercial Activities, Community Facilities, Education Facilities** [284] **Emergency Service Activities not meeting Standard 1 or 2 of NCZ-R5 or Visitor Accommodation ~~the Permitted or Restricted Discretionary Activity Standards~~** [285]

Activity Status Discretionary

~~1. Retail and office activities are a maximum of 250m^2 gross floor area per activity;~~

~~2. The activity does not include:~~

~~i. Drive through restaurants;~~

~~ii. Service stations;~~

~~iii. Yard-based retail activities;~~

~~iv. Motor vehicle sales; or~~

v. ~~Trade retail and trade suppliers~~**.** [286]

Activity status where compliance not achieved: N/A

NCZ – R1~~2~~5	**Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NCZ – R1~~4~~6	**Any activity not provided for by another Rule in the zone**

Activity Status Discretionary

[283] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[284] Clause 16(2) of the RMA
[285] Consequential on Waka Kotahi (S450.220)
[286] Consequential on Waka Kotahi (S450.220)

Activity status where compliance not achieved: N/A[287]	
Non-complying Activities	
NCZ – R1~~3~~7	**Industrial Activities**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
~~**NCZ – R14**~~	~~**Any activity not provided for by another Rule in the Zone**~~
~~**Activity Status Non-complying**~~ ~~**Activity status where compliance not achieved:** N/A~~[288]	

8. INDUSTRIAL ZONES

8.1. Industrial Overview

Submissions and Further Submissions

844. One submission point relating to the Overview was summarised in a Table on page 145 of the s42A Report. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

Section 42A Report

845. Ms Belgrave acknowledged the support from Silver Fern Farms that supports the Overview as notified.

846. The S42A report recommends retaining the Industrial Zone Overview as notified.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

848. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

849. The Panel accept that no amendments as necessary as a result of the above submission.

Hearing Panel's Recommendation

850. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **Industrial Zone Overview**.

[287] Consequential amendment stemming from William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)
[288] Consequential amendment stemming from William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)

8.2. General/Whole Chapter

Submissions and Further Submissions

851. Five submissions points and one further submission point concerning the Industrial Zones were summarised in a Table on pages 145-146 of the s42A Report. The Panel adopts these summaries and has considered to all of the relevant submissions and further submissions.

Section 42A Report

852. Ms Belgrave acknowledges the submission point made by Westland District Council that supported the objectives and policies as notified and sought their retention.

853. Ms Belgrave does not support the relief sought in the submission point made by Forest and Bird. The submission sought amendment to the zone provisions to be clear that the Natural Environment and District Wide chapters all apply, and that no lesser standard of effects management is applied, in particular on biodiversity values. Ms Belgrave does not consider amendments necessary as is common for these matters to be managed outside of the zone chapters. Notwithstanding, cross references are included in the Overview text in the GIZ and LIZ.

854. In response to the submission point made by GDC that sought to remove all references to 'Site or Area of Significance to Māori' Ms Belgrave does not support the relief sought as the submitter provides no justification for the request. Ngāi Tahu oppose the submission by way of further submission.

855. In response to the submission points made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and has also been considered in relation to the other zones. Ms Belgrave does not support the relief sought in the submission points.

856. Ms Belgrave did not make any recommendations to amend the INZ provisions in response to these submission points.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

858. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

859. In relation to the Forest and Bird submission the Panel generally agrees with Ms Belgrave. We consider that the word '*including*' in the zone overviews ensures that consideration can be given to any other District wide chapters.

860. In relation to the remainder of the submissions on the General/Whole Chapter, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

861. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the general matters raised in submissions and further submission across the **Industrial Zone**.

8.3. Industrial Objectives

Submissions and Further Submissions

862. Six submission points and three further submission points relating to **INZ-O1** were summarised in a Table on pages 147-148 of the s42A Report. Two submissions supported the retention of the objective as notified, three sought amendments and one sought to add a new policy.

863. Six submission points relating to **INZ-O2** were summarised in a Table on pages 149-150 of the s42A Report. Four submissions supported the retention of the objective as notified, one sought amendment and one sought its deletion.

864. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

Objective 1

865. In relation to INZ-O1, Ms Belgrave acknowledged the support from the submitters that seek to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

866. In response to the submission point made by Silver Ferns Farms that sought to delete the words 'and does not compromise the amenity of adjoining areas' from the end of the objective, Ms Belgrave does not support the relief sought. Silver Fern Farms seeks an objective that enables and promotes the operation of industry in their designated zones by imposing amenity values which are compatible with the purpose of the zoning. Reverse sensitivity concerns are also raised. It is Ms Belgrave's view that the management of the interface with more sensitive zones is a relevant matter under INZ-O1 and the rules of the GIZ and LIZ provide context and certainty to plan users as to the appropriate level of amenity to be achieved. Notwithstanding, Ms Belgrave does recommend amending '*adjoining areas'* to '*adjoining zones'*.

867. In response to the similar submission points made by the Director General and Fire and Emergency NZ that sought additional wording to the objective to provide for compatible non-industrial activities, Ms Belgrave does not support the relief sought of either submitter. She does not consider it necessary for the objective to recognise all permitted activities as the primary purpose of the zone is to provide for industrial activities.

868. Ms Belgrave recommends partly accepting the submission made by Westland Milk Products that sought the addition of a new policy to recognise the economic and employment contributions industrial activities provide. Ms Belgrave acknowledges that the benefits of industrial activities is a relevant matter for consideration in the INZ chapter. However, she considers that the recognition of the benefits is more appropriately provided in INZ-O1 and she recommends the following:

INZ-O1

> ***~~To provide for the efficient and effective operation and development of industrial activities~~ Recognise that industrial activities contribute to economic and social wellbeing, and are enabled*** *in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining* ***~~areas~~ zones****.*

869. After having reviewed Mr Black's evidence for Westland Milk Products, Ms Belgrave acknowledged the relevance of providing for the efficient and effective operation of activities in the INZ. However, she does not consider a new objective is required. She recommends the following wording in response to Mr Black's evidence.

> ***INZ-O1***
>
> ***~~To provide for the efficient and effective operation and development of industrial activities~~ Recognise that industrial activities contribute to economic and social wellbeing, and provide for their efficient and effective operation and development ~~are enabled~*** *in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining* ***zones ~~areas~~.***

Objective 2

870. In response to the submission point made by BDC that sought to delete this objective Ms Belgrave supports the relief sought. She agrees that the objective provides direction for new industrial zoned land, and in that respect is more appropriately located in the Strategic Directions Chapter.

871. In response to the clarification sought by BDC as to what activities constitute '*light*' and *'heavy'* industries, Ms Belgrave explains that the pTTPP does not include a Heavy Industry zone, and that the Planning Standards include a description for each industrial zone which is included in the pTTPP. As such, additional clarification is not necessary.

872. In response to the submission point made by Waka Kotahi that sought to change '*encourage*' to '*require'*, Ms Belgrave supports the relief sought subject to the objective being relocated to the SD Chapter. She agrees that '*require*' provides greater certainty.

873. As a consequence of the recommendation to relocate the objective, Ms Belgrave does not support the relief sought by the submissions to retain the objective as notified.

874. The S42A report recommends deleting INZ-O2 from the INZ Chapter and relocating an amended version in the Strategic Direction Chapter, under Urban Form and Development:

> ***UFD-O6 To require ~~encourage~~ new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.***

Hearing and Submitter Evidence

875. Ms Lucy Smith tabled a letter on behalf of Terra Firma Mining Limited. The letter set out that Terra Firma supported the notified version of INZ-O1 as it referred to the *'efficient and effective operation and development of industrial activities'*. The S42A recommendation deleted this phrase and replaced it with *'recognise that industrial activities contribute to economic and social wellbeing and are enabled'*. Ms Smith considers that both phrases are relevant and they should be included as separate objectives.

876. Mr Steve Tuck's evidence for Silver Fern Farms reiterates the submission point relating to INZ-O1 with reference to the existing meat processing facility in Hokitika. He identifies that the notified version of LIZ-O1 places obligation on industry to manage cross-zone effects. In the case of the Hokitika site where it is also proposed to re-zone adjoining land GRZ, Mr Tuck considers that this obligation overrides the strategic outcomes sought for industrial zones. He considers that the objective prioritises residential amenity considerations despite the existing well established industrial activity. He seeks amendment to the objective to ensure that existing industry is not obliged to adapt to incompatible encroachments. His suggested wording is as follows:

> ***INZ-O1*** *Recognise that industrial activities contribute to economic and social wellbeing, and are enabled in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining zones,* ***excepting amenity effects generated by the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864 on adjacent residential zones.***

877. Mr Tuck's evidence in relation to INZ-O2, he supports relocating the objective to the Strategic Directions chapter. However, he recommends additions to the wording to capture the outcome of the related policy (INZ-P2) regarding natural hazard risk and sites of significance to Māori. His suggested wording is as follows:

> ***~~INZ-O2~~ UFD-O6*** *To* ***require*** ***~~encourage~~*** *new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses****,*** *ensure that this* ***land is free of significant constraints and that*** *development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.*

878. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to INZ-O1, in accordance with what was originally sought in the submission.

879. Mr Richard Black's evidence for Westland Milk Products supports the S42A recognition of economic and social well-being within INZ-O1 (rather than a new policy as sought in the submission). However, he does not support deleting '*the efficient and effective operation and development of industrial activities*' as this is a critical outcome for industrial zones. It is his recommendation to include this wording as a separate objective:

> ***INZ-O3 The contribution of industrial activities to economic and social wellbeing is recognised.***

Reporting Officer Reply Evidence

880. As part of the right of reply, Ms Belgrave has completed a '*wiring assessment*' of the objectives, policies and rules in the INZ, GIZ and LIZ Chapters. She notes that given the recommendation to relocate INZ-O2 to the SD Chapter, the INZ Chapter includes a single objective:

> ***INZ-O1***
>
> ***~~To provide for the efficient and effective operation and development of industrial activities~~ Recognise that industrial activities contribute to economic and social wellbeing, and provide for their efficient and effective operation and development ~~are enabled~~*** *in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining* ***zones ~~areas~~.***

881. Her wiring assessment confirms that the objective is well aligned to the policies and rules relating to the range of industrial activities and managing the effects of these activities, but it does not align with INZ-P5, INZ-P7 and INZ-P11 that are focused on managing sites of significance to Māori, avoiding incompatible activities or managing the effects of stormwater runoff. She also identifies that there is a gap in the policies in terms of managing amenity effects within the INZ.

882. To address the identified gaps, Ms Belgrave recommends the various amendments, (some of which relate to the policies of the INZ and will be addressed in the relevant section of this decision). In terms of the objectives, she recommends the following:

> ***INZ-O1****: Recognise that industrial activities contribute to the economic and social wellbeing, and provide for their efficient and effective operation and development in the INZ- Industrial Zones* ~~***in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining zones areas.***~~
>
> ***INZ-OX: Require activities in the INZ – Industrial Zones to maintain a standard of amenity appropriate to these areas and which does not compromise the amenity of adjoining zones.***
>
> ***INZ-OX: Manage the effects generated by industrial activities on waterbodies and coastal water.***
>
> ***INZ-OX: The role and function of the INZ – Industrial Zones is not compromised through the establishment of incompatible activities.***

883. With respect to scope for the recommended changes, Ms Belgrave considers that the changes fall within the ambit of clause 16(2). Additionally, the amendments will simplify the wording which is within the scope of three submission points[289] that sought the general simplification of the whole Plan.

884. Ms Belgrave's right of reply also provides a response to questions from the Panel regarding the relocation of some objectives to the Strategic Direction Chapter (in this instance INZ-O2). She considers that INZ-O2 is applicable to areas where a new Industrial zoning is proposed through a plan change process and is less applicable to live zoned Industrial land managed by the GIZ and LIZ Chapters. Therefore, she reiterates that the SD Chapter is the appropriate location for the objective, and that the proposed new objective (UFD-OX2) as set out in the CMUZ part of this decision consolidates the intent of INZ-O2. Therefore, it is Ms Belgrave's recommendation that the S42A recommendation to insert UFD-O6 be deleted.

885. A joint right of reply has been prepared in response to the Silver Fern Farms evidence as the issues traverse various hearing streams. The joint right of reply acknowledges that the rationale for many of the submission points made by Silver Fern Farms relate to reverse sensitivity. Notwithstanding that, the reporting planners do not support the specific *'carve out'* provisions that look to provide exemptions for the Hokitika site. This is because it is not in accordance with best practice for plan drafting nor is it considered that it will resolve the issues Silver Fern Farms raise as the subdivision has been approved and the development of houses is already taking place.

886. The joint right of reply also considers the relocation of INZ-O2 to the SD chapter and the amended wording offered by Mr Tuck. It is Ms Belgrave's opinion that the additional words are unnecessary.

[289] Gina Hogart (S304.003), Suzanne Hills (S443.001), Shaun and Carissa du Plessis (S402.001).

Hearing Panel's Evaluation

887. As indicated in the Commercial zones, the Panel does not support moving objectives and/or Policies into the Strategic Directions chapter on the basis that the provisions are too specific to be relocated to that part of the Plan. Regardless of this, we have recommended amendments to the Urban Form and Development section of the Strategic Directions Chapter, which will broadly provide context for the Commercial and Industrial provisions.

888. In terms of INZ-O1, the Panel agree that recognising that benefits of industrial activities in appropriate in the policy framework as sought by Westland Milk Products. We therefore agree with the rewording of the objective as proposed by Ms Belgrave in the s42A report and recommend it be included.

889. The Panel agree with Waka Kotahi's submission to amend 'encourage' to 'require' in Objective 2 and recommend this amendment.

890. In term of Silver fern Farms submissions we note that reserve sensitivity in terms of industrial development has now been addressed in Strategic Direction policy UFD-P1.

Hearing Panel's Recommendation

891. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to the **Industrial Zone Objectives**:

INZ – O1	~~To provide for the~~ **Recognise that industrial activities contribute to economic and social wellbeing and provide for their** efficient and effective operation and development ~~of industrial activities~~[290] in the INZ - Industrial Zones**.** in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining **zones**~~areas.~~[291]
INZ – O2	To ~~encourage~~**require**[292] new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.

8.4. Industrial Policies

Submissions and Further Submissions

892. Six submission points relating to **INZ-P1** were summarised in a Table on pages 150-151 of the s42A Report. One submission point supported the retention of the policy as notified. Five submission points supported the retention of the policy as notified. One submission sought it be deleted.

893. Three submission points relating to **INZ-P2** were summarised in a Table on pages 151-152 of the s42A Report. Two submission points supported the retention of the policy as notified. One submission sought it be deleted.

[290] Westland Milk Products (S63.008)
[291] Silver Firm Farms (S441.043)
[292] Waka Kotahi (S450.225)

894. Five submission points relating to **INZ-P3** were summarised in a Table on page 152 of the s42A Report. Four submission points supported the retention of the policy as notified. One submission sought it be deleted.

895. Five submission points and one further submission points relating to **INZ-P4** were summarised in a Table on page 153 of the s42A Report. Three submission points supported the retention of the policy as notified. Two submission points sought it be deleted.

896. Three submission points relating to **INZ-P5** were summarised in a Table on page 154 of the s42A Report. All submission points supported the retention of the policy as notified.

897. Four submission points relating to **INZ-P6** were summarised in a Table on page 155 of the s42A Report. Three submission points supported the retention of the policy as notified and one submission point sought amendments.

898. Three submission points relating to **INZ-P7** were summarised in a Table on pages 155-156 of the s42A Report. Two submission points supported the retention of the policy as notified and one submission point sought amendments.

899. Three submission points relating to **INZ-P8** were summarised in a Table on page 157 of the s42A Report. One submission point supported the retention of the policy as notified and one submission point sought amendments.

900. Three submission points relating to **INZ-P9** were summarised in a Table on page 158 of the s42A Report. One submission point supported the retention of the policy as notified and two submission points sought amendments.

901. Three submission points relating to **INZ-P10** were summarised in a Table on page 159 of the s42A Report. Two submission points supported the retention of the policy as notified and one submission point sought to delete it.

902. Five submission points and one further submission relating to **INZ-P11** were summarised in a Table on page 160 of the s42A Report. Three submission points supported the retention of the policy as notified and two submission points sought amendment.

903. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

INZ – Policy 1

904. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. She agrees that similar to INZ-O2, INZ-P1 does not relate to the existing Industrial Zones but instead provides direction for new industrial zoned land. Therefore, she recommends it be relocated to the Strategic Directions Chapter.

905. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions to retain the objective as notified.

906. The S42A report recommends deleting INZ-P1 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O7.

INZ – Policy 2

907. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out and she recommends that it be relocated to the Strategic Directions Chapter.

908. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions to retain the objective as notified.

909. The S42A report recommends deleting INZ-P2 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O8.

INZ – Policy 3

910. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out and she recommends that it be relocated to the Strategic Directions Chapter.

911. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions[293] to retain the objective as notified.

912. The S42A report recommends deleting INZ-P3 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O9.

INZ – Policy 4

913. In response to the submission points made by BDC and Westland Farm Services that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out as well as an acknowledgement that the availability of suitable Industrially zoned land is difficult to determine with certainty. In this case it is not recommended that the policy be relocated to the Strategic Directions Chapter.

914. As a consequence of the recommendation to delete the policy, Ms Belgrave does not support the relief sought by the other submissions[294] to retain the objective as notified.

915. The S42A report recommends deleting INZ-P4 from the INZ Chapter.

INZ – Policy 5

916. Ms Belgrave acknowledged the support from Te Mana Ora, Silver Fern Farms and Ngāi Tahu that supports the policy as notified.

917. The S42A report recommends retaining INZ-P5 as notified.

INZ – Policy 6

918. Ms Belgrave acknowledged the support from Te Mana Ora, the Department of Corrections and Terra Firma that supports the rule as notified. This is subject to the recommended amendments that are set out below.

[293] Te Mana Ora (S190.790), Silver Fern Farms (S441.047), Waka Kotahi (S450.227), Grey District Council (S608.709)
[294] Te Mana Ora (S190.791), Silver Fern Farms (S441.048), Waka Kotahi (S450.228)

919. In response to the submission point from Silver Fern Farms that sought to change the wording of the policy on the basis that the word '*acceptable*' is vague, Ms Belgrave does not support the proposed wording. However, she does agree that 'acceptable' does not provide sufficient certainty.

920. The S42A report recommends amending INZ-P6 as follows:

> *Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while* ***maintaining the amenity values of any adjacent RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone*** ~~***ensuring an acceptable level of environmental quality and amenity within the zones.***~~

921. As a result of the statement from Terra Firma, Ms Belgrave reconsidered the wording of INZ-P6 in her addendum to the S42A report. She agrees that a duplication is created by INZ-P6 and INZ-P8, and as such supports the amended wording suggested by Ms Smith (and Silver Ferns Farms) for INZ-P6, which is:

> *Provide for a wide range of industrial and compatible activities* ***and corresponding environmental quality and amenity****, within the INZ – Industrial Zones,* ~~***while ensuring an acceptable level of environmental quality and amenity within the zones.***~~

INZ – Policy 7

922. Ms Belgrave acknowledged the support from Te Mana Ora, and Waka Kotahi that supports the policy as notified. This is subject to the recommended amendments that are set out below.

923. In response to the submission point made by Silver Fern Farms that sought amendments to delete '*other*' industrial activities and to recognise that ancillary residential activities are not to be excluded from the Industrial zones under INZ-P7(a), Ms Belgrave supports the relief sought. However, she recommends alternative wording to clarify the wording.

924. The S42A report recommends amending INZ-P7 as follows:

> *Avoid activities that may be incompatible with* ~~***other***~~ *industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes:*
>
> *(a) Excluding activities (such as residential* ***activities*** *and visitor accommodation* ***that are not ancillary to an industrial activity***~~***,***~~*) that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities;*
>
> *(b) …*
>
> *(c) …*

INZ – Policy 8

925. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. This is subject to the recommended amendments that are set out below.

926. In response to the submission point from Silver Fern Farms that sought to replace INZ-P8 with a policy that seeks to manage the effects of the adverse effects within the zone to maintain the character and amenity of adjoining zones Ms Belgrave supports the relief in part. She considers that the word '*protects*' in the notified policy does not effectively recognise and

provide for the nature of industrial activities. She also does not consider that the notified wording will enable non-compliance with the performance standards to be appropriately managed. As such she has recommended deleting the reference to the performance standards, which aligns with her recommendation for CMUZ-P13.

927. In response to the submission point made by Westland Milk Products that sought to include the words '*where necessary'* to the policy, Ms Belgrave does not support the relief sought. She does not consider the addition appropriate as the requirement to avoid, remedy, or mitigate adverse effects is applicable to all development.

928. The S42A report recommends the following amendments to INZ-P8:

> *INZ-P8*
>
> ***~~Impose performance standards on~~ Avoid, remedy or mitigate adverse effects of*** *development and land use in the INZ - Industrial Zones* ***to maintain ~~that protects~~*** *the amenity values of the commercial, residential and rural areas surrounding the INZ - Industrial Zones.*

929. Consequential to the statement from Terra Firma relating to INZ-P6 and how it duplicates INZ-P8, Ms Belgrave reconsidered the wording of both INZ-P6 and INZ-P8 in her addendum to the S42A report. She recommends amendments to INZ-P8 that are consequential to the recommended changes to INZ-P6. The recommended wording in the addendum is:

> *INZ-P8*
>
> ***~~Impose performance standards on~~ Avoid, remedy or mitigate adverse effects of*** *development and land use in the INZ - Industrial Zones* ***to maintain ~~that protects~~*** *the amenity values of the commercial, residential* ***open space and recreation,*** *and rural areas surrounding the INZ - Industrial Zones.*

INZ – Policy 9

930. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. This is subject to the recommended amendments that are set out below.

931. In response to the submission point made by Silver Fern Farms that sought to clarify the subjectivity of the policy, Ms Belgrave agrees that the policy creates uncertainties for plan users and she recommends amendments to the policy to improve clarity.

932. In response to the submission point made by Waka Kotahi that sought an addition to maintain the safe function of the road, Ms Belgrave supports the relief sought.

933. The S42A report recommends the following amendments to INZ-P9:

> *INZ-P9*
>
> ***~~Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.~~***
>
> ***Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.***

INZ – Policy 10

934. In response to the submission point made by Buller District Council that sought to delete this policy Ms Belgrave supports the relief sought. She agrees that similar to a number of other objectives and policies, INZ-P10 does not relate to the existing Industrial Zones but instead provides direction for new industrial zoned land. Therefore, she recommends it be relocated to the Strategic Directions Chapter.

935. As a consequence of the recommendation to relocate the policy, Ms Belgrave supports the relief in part sought by the other submissions to retain the objective as notified.

936. The S42A report recommends deleting INZ-P10 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O10.

INZ – Policy 11

937. Ms Belgrave acknowledged the support from Te Mana Ora, GDC and Ngāi Tahu that supports the rule as notified. This is subject to the recommended amendments that are set out below.

938. In response to the submission point made by Silver Fern Farms that sought to narrow the focus of the policy so that it focuses on the stormwater network Ms Belgrave considers that INZ-P11 is appropriate and provides for the management of effects that are separate to regional council functions. Nevertheless, Ms Belgrave does recommend minor amendments to refer to the management of adverse effects on any waterbody or coastal water as this will achieve consistency with RMA terminology

939. The proposed additions sought by Westland Milk Products is not supported by Ms Belgrave, as she considers that they have the potential to change the intent of the policy.

940. The S42A report recommends the following amendments to INZ-P11:

> *INZ-P11*
>
> *Require the careful on-site management and treatment of stormwater from industrial buildings and sites* ***so that adverse effects on any waterbody or coastal water are avoided, remedied, or mitigated*** ~~***in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments***~~.

Hearing and Submitter Evidence

941. Mr Steve Tuck's evidence for Silver Fern Farms he supports relocating INZ-P1 to INZ-P3 to the Strategic Directions chapter. However, he recommends that they continue to be policies in which case they will implement UFD-O6.

942. Mr Tuck accepts and supports the deletion of INZ-P4 as he agrees that the policy is redundant given the combination of directions in non-industrial zones discouraging industry and the enabling of industry in GIZ and LIZ.

943. Mr Tuck's evidence regarding INZ-P6 and INZ-P8 makes the same points that he made in relation to INZ-O1. He identifies that the S42A (prior to the addendum) versions of the policies places obligation on industry to manage cross-zone effects. In the case of the Hokitika site where it is also proposed to re-zone adjoining land GRZ, Mr Tuck considers that this obligation overrides the strategic outcomes sought for industrial zones. He considers that the policies

prioritise residential amenity considerations despite the existing well established industrial activity. He seeks amendment to the policies to ensure that existing industry is not obliged to adapt to incompatible encroachments. His suggested wording is as follows:

> ***INZ-P6*** *Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while maintaining the amenity values of any adjacent RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone**, excepting the residential zone located adjacent to the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864.***
>
> ***INZ-P8*** *Avoid, remedy or mitigate adverse effects of development and land use within the INZ – Industrial Zones to maintain the amenity values of the commercial, residential and rural areas adjoining the INZ- Industrial Zones**, excepting the residential zone located adjacent to the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864.***

944. Furthermore, Mr Tuck also proposes a new policy as he considers that there is an absence of management for cross-zone reverse sensitivity effects. The proposed policy will protect strategically important industry from the reverse sensitivity effects of incompatible zones encroaching nearby. He considers this necessary to prevent the erosion of industrial zones by incompatible zones and activities, which would in his view exacerbate the key issues identified in the section 32 report. He suggests the following:

> ***INZ-P(XX) Protect industrial zones and activities from the reverse sensitivity effects of incompatible zones and activities in adjacent locations.***

945. Mr Tuck's evidence generally supports the amendments recommended to INZ-P7. However, he also suggests that the word *'custodial'* be deleted from part (c) of the policy. He considers that this would better align sub-clause (c) with the direction in sub-clause (a). Sub-clause (a) contemplates residential activities ancillary to industry, whether or not they are "*custodial*" residential activities. So to avoid difficulties in applying the relevant rule to non-custodial activities with a residential component that are ancillary to industry, (such as seasonal worker accommodation), the policy would be improved if '*custodial*' is deleted.

946. Mr Tuck's evidence supports the amendments to INZ-P9.

947. In reference to INZ-P10, Mr Tuck supports the deletion of the policy but does not consider it necessary that it be relocated to the SD Chapter.

948. Mr Tuck's evidence accepts that INZ-P11 could be useful in the context of the District Council's role as the operator of the reticulated stormwater network, and at Appendix 1 of his evidence he considers that the policy should be retained as notified.

949. Ms Lucy Smith's statement on behalf of Terra Firma Mining Limited considers that the recommended amendments to INZ-P6 changes the focus of the policy from the environmental quality and amenity within the zones to the amenity of adjacent zones. Ms Smith notes that this duplicates the intent of recommended amendments to INZ-P8. As such, she supports the amended wording sought by Silver Fern Farms in their original submission.

950. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the S42A wording for INZ-P11 despite it not being the same as sought in Westland Milk Products' submission.

Reporting Officer Reply Evidence

951. As set out regarding the INZ Objectives, Ms Belgrave's right of reply responds to questions from the Panel regarding the relocation of some policies to the Strategic Direction Chapter. She considers that INZ-P1, INZ-P2 and INZ-P3 apply to areas where a new Industrial zoning is proposed through a plan change process and are less applicable to live-zoned Industrial land managed by the GIZ and LIZ Chapters. Therefore, she reiterates that the SD Chapter is the appropriate location for these policies, and that the proposed new objective (UFD-OX2) as set out in the CMUZ part of this decision consolidates their intent. Therefore, Ms Belgrave recommends that the S42A recommendation to insert UFD-O7 to UFD-O9 be deleted.

952. As part of the wiring assessment, Ms Belgrave identified that INZ-P5 did not correlate to INZ-O1. As such, she considers it appropriate to delete this policy from the INZ Chapter. She considers that it is appropriate for SASM to be managed within the SASM Chapter, which is in accordance with Section 7 of the National Planning Standards. As both the GIZ and LIZ chapters include a cross-reference to the SASM Chapter, where the outcomes sought under INZ-P5 are provided for in accordance with SASM-P1 – SASM-P4, no other changes are recommended.

953. The wiring assessment also identified a gap in policies relating to the management of amenity effects within the INZ. As such, Ms Belgrave recommends amendments to INZ-P8 to ensure that amenity values within the INZ are managed and to improve the clarity of this policy

954. Like policies INZ-P1 to INZ-P3, Ms Belgrave recommends that INZ-P10 should be relocated to the Strategic Directions Chapter as it is more likely to apply to areas where a new Industrial zoning is proposed through a plan change process than locations where the zoning already exists. Ms Belgrave reconsidered this in her right of reply following questions from the Panel as to the necessity of the policy. She maintains that the policy is relevant, noting that it may apply to resource consent applications that seek to relocate existing activities, or to plan change applications that seek to establish new industrial zoning in appropriate locations to facilitate the relocation of existing activities.

955. A joint right of reply has been prepared in response to the Silver Fern Farms evidence as the issues traverse various hearing streams. The joint right of reply acknowledges that the rationale for many of the submission points made by Silver Fern Farms relate to reverse sensitivity. Notwithstanding that, the reporting planners do not support the specific 'carve out' provisions that look to provide exemptions for the Hokitika site.

956. The joint right of reply points out that including site specific detail in the objectives and policies is not in accordance with best practice plan drafting. Furthermore, as the subdivision of the land adjacent to the Hokitika site has been approved and the development of houses has already taken place, the suggested worded for the objectives and policies is not considered to resolve the issues Silver Fern Farms raised.

957. The joint right of reply supports deleting the word 'custodial' from INZ-P7(c).

958. Ms Belgrave considers in the joint right of reply that INZ-P10 provides high-level strategic direction on the location of industrial activities; therefore, in response to Mr Tuck's view that it is not relocated to the SD Chapter, she remains of the view that its relocation is appropriate. Furthermore, she also considers that the combination of INZ-O1, INZ-OX1, INZ-P6 and INZ-P7 will provide adequate direction to protect industrial zones from incompatible activities, and the additional policy proposed by Mr Tuck is unnecessary.

959. A legal memorandum prepared by Wynn Williams was provided as part of the right of reply to specifically consider and respond to questions from the Panel related to the lawfulness of the stormwater treatment provisions. The memo confirms that it is permissible for there to be overlaps between regional and district plans, provided that each is consistent with the respective council's functions.

Hearing Panel's Evaluation

960. The Panel disagrees with Ms Belgrave regarding the relocation of Policies 1-3 into the Strategic Directions Chapter, as already indicated. We further consider that it is appropriate to have *'rezoning'* type policies contained within the appropriate zone chapters, because a plan change will need to be considered in conjunction with other zone policies.

961. In terms of INZ-P4, the Panel acknowledges that the policy is a little unusual. As we understand it is seeking to encourage industrial activities to locate within industrial zones where suitable land is available. We accept that industrial zones are likely to better provide the necessary infrastructure and enable better management of effects. On this basis we consider the policy has some merit in considerations where activities are seeking to locate out-of-zone. On balance therefore we recommend it should be retained as sought by some submitters.

962. The Panel disagrees with Ms Belgrave in terms of deleting INZ-P5. We note that no submitter sought its deletion so therefore there is no scope for tis deletion. Further, there are a number industrially zoned areas within a SASM. We therefore recommend the policy be retained.

963. In terms of INZ-P6 (and INZ-P8), the Panel agrees with the statement from Terra Firma Mining Ltd that the focus of policy 6 should be environmental quality and amenity within the zones and that it is policy 8 that deals with amenity effects at the zone boundary as sought by Silver Fern Farms. We have therefore made amendments to ensure that this is the case in terms of both INZ-P6 and INZ-P8. We recommended these amendments be adopted.

964. The Panel agrees with the amendment to INZ-P7 proposed by Ms Belgrave in response to the Silver Ferns Farms submission. We accept ancillary residential units are anticipated in the Industrial zones to support industrial activities. We recommend the amendments are adopted.

965. The Panel agrees with the reworded INZ-P9 proposed by Ms Belgrave. We acknowledge that the notified wording is somewhat cumbersome and that the revised wording addresses the submissions of both Silver Fern Farms and Waka Kotahi. We recommend these amendment se included.

966. In terms of INZ-P10, the Panel do not agree with Ms Belgrave that this should be moved to Strategic Directions. We recommend this policy be retained as notified.

967. In relation to INZ-P11, the Panel has closely considered the issue of stormwater management. While we acknowledge the Wynn Williams legal opinion confirming that district plans can regulate stormwater quality prior to discharge district councils, we consider there would be a high level of duplication. We note that Silver Fern Farms has sought that the policy be narrowed so that it focuses on discharges of stormwater into the Council controlled stormwater network. However, in our view these are essentially subdivision and building consent matters.

968. The Panel has considered stormwater alongside the reality of how developments take place, we do not consider there is a need to regulate stormwater within these provisions. When

development such as a subdivision is consented conditions imposed by the Regional Council and District Council relating to stormwater and its quality before discharge will be considered and included. The Panel notes that BDC have sought to delete the rules stemming from this policy and we agree and note that our recommendations are to delete the provisions and related advice notes associated with stormwater.

969. Finally, the Panel does not support the carving out of the Silver Ferns site in terms of policy provisions. We agree with the planners JWS that there is no justification for this approach. We also note that reserve sensitivity in terms of industrial development has been addressed in Strategic Direction policy UFD-P1.

Hearing Panel's Recommendation

970. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to the **Industrial Zone Policies**:

Industrial Zone Policies	
INZ – P1	Recognise the substantial investment in infrastructure by ensuring that any new industrial areas are located where they support the efficient use of infrastructure.
INZ – P2	New industrial areas should not be located in areas subject to significant risks from natural hazards, or in sites and areas of significance to Māori.
INZ – P3	Where new industrial areas are developed the developers of these areas shall fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
INZ – P4	Where suitable land for industrial use is available within INZ - Industrial Zones, industrial activities should in the first instance be located in those zones, and not proliferate through the rural areas and settlements.
INZ – P5	Where sites or areas of significance to Māori are identified in industrial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including: a. Protection of wāhi tapu and taonga sites identified in Schedule Three of the Plan using culturally appropriate methods; and b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Poutini Ngāi Tahu; and c. Protection of the relationship of tangata whenua with freshwater, including cultural use opportunities.
INZ – P6	Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while **maintaining the amenity values.** ~~ensuring an acceptable level of environmental quality and amenity within the zones.~~[295]

[295] Terra Firma Mining Ltd (S537.023), Silver Fern Farms (S441.050)

INZ – P7	Avoid activities that may be incompatible with ~~other~~[296] industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes: a. Excluding activities (such as residential **activities** and visitor accommodation **that are not ancillary to an industrial activity**)[297] that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities; b. Excluding retail and commercial activities from GIZ - General Industrial Zoned land that do not support or are not related to industrial and service activities, and to minimise the development of GIZ - General Industrial Zoned land for non-industrial purposes; and c. Restricting residential activities in the INZ - Industrial Zones to only ~~custodial~~[298] units for people whose duties require them to live on site.
INZ – P8	~~Impose performance standards on~~ **Avoid, remedy or mitigate adverse effects of** development and land use in the INZ - Industrial Zones **to maintain**~~that protects~~ the amenity values of ~~the~~ commercial, residential**, open space and recreation** and rural areas **located at zone boundaries** ~~surrounding the INZ - Industrial Zones~~.[299]
INZ – P9	~~Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.~~ **Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.**[300]
INZ – P10	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in residential, commercial and rural areas to industrial zoned areas.
~~**INZ – P11**~~	~~Require the careful on-site management and treatment of stormwater from industrial buildings and sites in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.~~[301]

8.5. Industrial Zones (General and Light) (Zoning and Rezoning)

Submissions and Further Submissions

971. Nineteen submission points relating to the zoning of land in the General Industrial Zone and Light Industrial Zone were summarised in a Table on pages 161-163 of the s42A Report. Twelve submissions supported the zoning. Seven submissions sought an amendment to the zoning of land.

[296] Silver Fern Farms (S441.051)
[297] Silver Fern Farms (S441.051)
[298] Silver Fern Farms (S441.051)
[299] Silver Fern Farms (S441.052)
[300] Waka Kotahi (S450.230), Silver Fern Farms (S441.053)
[301] Silver Fern Farms (S441.052) and Consequential stemming from Buller District Council (S538.458)

972. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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973. Ms Belgrave's approach to the consideration of these submissions is the same as how she considered the commercial zoning requests. She acknowledges that, as no substantive technical evidence was provided to support any industrial zoning requests, any recommended rezonings reflect clear errors in the zoning maps or where there are clear reasons for achieving the zone objectives, policies, and other higher-order directives.

974. In relation to the zoning of specific properties, Ms Belgrave acknowledged the support from twelve submission points[302] to retain the zoning as notified.

975. Lara Kelly's submission point sought a review of the industrial zoned land in Hokitika to ensure that sufficient land is available to accommodate future growth, specifically querying the industrial zoning of land at Kaniere (Lot 3, DP 2887). She also made requests that alternative sites be considered for rezoning at Adair Road and north of Hokitika, between West Drive and along State Highway 6 to One Mile Line Road. In lieu of any technical evidence, Ms Belgrave recommends that the industrial zoning be retained in Kaniere. Regarding the request to consider alternative locations for industrial zoning at Adair Road, Ms Belgrave advises that the council has consented to rural lifestyle development in this area, which has resulted in land fragmentation and the potential for reverse sensitivity effects. Therefore, she considers that it is not a feasible alternative. Similarly, in the West Drive area, a residential plan change has occurred, which creates the potential for reverse sensitivity effects. Ms Belgrave does not support industrial zoning in this area.

976. In Ms Belgrave's S42A Addendum report, she advises that she has been made aware of a submission from Ngāi Tahu (S620.014) that relates to Lot 3 DP 2887 and which was not previously considered. The submission sought to change the zoning of the property to General Rural to reflect the existing use of the property, which is forestry. Ms Belgrave also identifies topographical constraints on the site, and as such, she agrees with Ngāi Tahu that the site is best zoned GRZ as it would be unlikely to support industrial activities. For clarity, Ms Belgrave continues to support the LIZ zoning along the road on Pt RS 4520.

977. In response to the submission point made by Isaac Construction that sought to split zone Lot 2 DP 508311 between GIZ and LIZ, in the absence of any technical evidence, Ms Belgrave does not support the relief sought.

978. However, in her addendum to the S42A report and after considering the statement and evidence presented in support of the submission made by Isaac Construction, Ms Belgrave agrees that retaining 50m of LIZ on Lot 2 DP 508311 as it adjoins the eastern and southeastern

[302] Isaac Construction (S258.001), Westland Milk Products (S63.001, S63.002, S63.006, S63.005 and S63.007), Peter Haddock (S417.001), Lara Kelly (S421.002), Durham Havill (S431.001), Terra Firma Mining Limited (S537.034), Cape Foulwind Stape 1 Ltd (S557.002), T Croft (S460.001)

boundary and rezoning the remainder of the property as GIZ would provide more flexibility and consistency with the application of industrial zones than is currently proposed.

979. In response to the submission point made by Neville Higgs that sought to rezone Pt Lot 116 DP 359532 on the western side of Marsden Road south of Pope Road and between Marsden Road and Sawyers Creek from GIZ to SPZ- FUZ, Ms Belgrave does not support the relief sought. This is because there is a lack of technical information to support the request, and the requested rezoning would create an unusual zoning pattern. Notwithstanding the recommendation, Ms Belgrave acknowledges that the shape of the property is unlikely to be used for industrial purposes; it could potentially create some reverse sensitivity issues with the surrounding residential uses, and the adjoining waterbody also creates potential concerns. Therefore, she acknowledges that the request to rezone the property to FUZ has potential merit and she suggests that the submitter provide technical evidence to allow further consideration.

980. In response to the submission points made by Terra Firma Mining Limited that sought to rezone the access lot adjacent to Reefton Engineering, being Sec 3 SO 12150 to GIZ, Ms Belgrave supports the relief sought. This is because the land is in the same ownership as the surrounding GIZ land, and the existing use means that it is more appropriate for the land to be GIZ than GRZ.

981. In response to the submission point made by Westland Milk Products that sought to rezone Lots 1 and 2 DP 1431 (66 Livingstone Street, Hokitika) from GRZ to LIZ, Ms Belgrave does not support the relief sought. Notwithstanding, she acknowledges that a dairy currently occupies the property, and while not owned by Westland Milk Products, is surrounded by the company's operations on two sides. Ms Belgrave considers that the NCZ would more appropriately align with the existing use of the site. However, she believes that there is currently insufficient information to recommend changing the zone of the property.

982. Ms Belgrave supports the submission point made by Westdrest Limited, which sought to rezone RT WS3A/2 from GIZ to LIZ, on the basis that activities associated with LIZ are likely to have a lesser effect on the adjoining residential land.

983. In response to the submission point made by Joan Blacktopp, which sought amendments to have Lots 2, 3, and 4 DP 459988 zoned either GIZ or LIZ, Ms Belgrave notes that the land is proposed to be zoned LIZ in the pTTPP and, as such, records that no amendment is necessary.

Hearing and Submitter Evidence

984. Isaac Construction Limited presented evidence at the hearing from Ms Kim Seaton and a statement from their Chief Executive Officer, Mr Robert Kinney, in support of their submission to rezone part of the site in Kaiata from LIZ to GIZ. The evidence reiterated the relief sought in the submission, namely that the majority of the site be rezoned to GIZ, while retaining a 50m wide strip on the eastern and southeastern boundaries as LIZ. Mr Kinney's statement set out the existing and anticipated future activities for the site, all of which best align with the GIZ. While Ms Seaton's evidence, which included a S32 evaluation, confirms that the change from LIZ to GIZ is an efficient and effective proposal, with the benefits of rezoning to GIZ outweighing the potential costs, and that GIZ is the more appropriate option for the majority of the site. Her evidence also considers that the retention of a 50m strip of land as LIZ on the eastern and southeastern boundaries will avoid the potential for GIZ activities to generate reverse sensitivity effects on the neighbouring more sensitive zones.

985. Mr Black's evidence for Westland Milk Products provides additional detail about the land at 66 Livingstone Street in Hokitika. The submission sought to rezone this land to LIZ (from GRZ), while Ms Belgrave's S42A report suggested that the NCZ may be more appropriate given the existing use of the property (a corner dairy). Mr Black has considered the S42A suggestion and agrees that NCZ is the most appropriate zone for the land at 66 Livingston Street.

Reporting Officer Reply Evidence

986. In response to Mr Black's evidence for Westland Milk Products relating to 66 Livingstone Street, Ms Belgrave's recommendation to retain the notified zoning of the property is unchanged. She advises that this is because there is no technical evidence to support rezoning or any advice (from the property owner) as to the aspirations for the site.

Hearing Panel's Evaluation

987. In relation to Lara Kelly's submission point that sought a review of the industrial zoned land in Hokitika to ensure that sufficient land is available to accommodate future growth, specifically querying the industrial zoning of land at Kaniere (Lot 3, DP 2887) and her requests that alternative sites be considered for rezoning at Adair Road and north of Hokitika, between West Drive and along State Highway 6 to One Mile Line Road, the Panel agrees with Ms Belgrave not to support the submission in particular we agree that the industrial zoning be retained in Kaniere. We accept Ms Belgrave's reasons for not rezoning the additional land the submitter sought to be rezoned.

988. In relation to the submission from Ngāi Tahu (S620.014) that relates to Lot 3 DP 2887 and sought to change the zoning of the property to General Rural to reflect the existing use of the property, which is forestry, the Panel agrees with Ms Belgrave's recommendation and the reasons for it that Lot 3 DP 2887 be rezoned to GRZ.

989. In relation to the submission point made by Isaac Construction that sought to split zone Lot 2 DP 508311 between GIZ and LIZ the Panel agrees with Ms Belgraves' recommendation and the reasons for it to rezone Lot 2 DP 508311, as detailed in Ms Seaton's evidence, to GIZ and LIZ with the retention of a 50m strip of land as LIZ on the eastern and southeastern boundaries, which will avoid the potential for GIZ activities to generate reverse sensitivity effects on the neighbouring more sensitive zones.

990. In relation to the submission point made by Neville Higgs that sought to rezone Pt Lot 116 DP 359532 on the western side of Marsden Road south of Pope Road and between Marsden Road and Sawyers Creek from GIZ to SPZ-FUZ, the Panel agrees with Ms Belgrave that there is merit for this site in considering rezoning to SPZ-FUZ. We appreciate Ms Belgrave expressed concern about the sufficiency of information available to support the request; however, taking the context of the site into account, we considered we had sufficient information to support the rezoning request and recommend it.

991. In relation to the submission points made by Terra Firma Mining Limited, which sought to rezone the access lot adjacent to Reefton Engineering, being Section 3, SO 12150, to GIZ, Ms Belgrave supports the relief sought. This is because the land is in the same ownership as the surrounding GIZ land, and the existing use makes it more suitable for the land to be used by GIZ than GRZ. The Panel agrees with that recommendation and reasoning.

992. In relation to the submission point made by Westland Milk Products that sought to rezone Lots 1 and 2 DP 1431 (66 Livingstone Street, Hokitika) from GRZ to LIZ, the Panel accepts Mr

Blacks evidence provides sufficient information to support rezoning the site to NCZ. We have therefore recommended the site be rezoned.

993. In relation to the submission point made by Westdrest Limited that sought to rezone RT WS3A/2 from GIZ to LIZ on the basis that activities associated with LIZ are likely to have a lesser effect on the adjoining residential land, the Panel agrees with Ms Belgrave's recommendation to rezone the site for the reasons she provides.

994. In relation to the submission point made by Joan Blacktopp, which sought amendments to have Lots 2, 3, and 4 DP 459988 zoned either GIZ or LIZ, Ms Belgrave notes that the land is proposed to be zoned LIZ in the pTTPP and, as such, records that no amendment is necessary. The Panel agrees with her recommendation for the reasons she provides.

Hearing Panel's Recommendation

995. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and recommends the following changes to the **Planning Maps**:

Zoning	
Kaniere (Lot 3 DP 2887)	Rezone to GRZ[303]
Fairhall Road, Kaiata, Greymouth	Rezone to GIZ retaining a 50m wide strip LIZ[304]
Marsden Road, Greymouth (Pt Lot 116 DP 359532)	Rezone from LIZ to FUZ[305]
Elizabeth Street, Reefton (Sec 3 SO 12150)	Rezone to GIZ from GRZ [306]
66 Livingstone Street, Hokitika	Rezone from GRZ to NCZ.[307]
West Drive, Arahura Valley, Hokitika (Pt RS 1151)	Rezone from GIZ to LIZ[308]

8.6. General Industrial Zone Overview

Submissions and Further Submissions

[303]Poutini Ngāi Tahu (S620.014)
[304] Isaac Construction (S258.002)
[305] Neville Higgs (S329.002)
[306] Terria Firma Ltd (S537.034)
[307] Westland Milk Products (63.003)
[308] Westdrest Ltd (S93.001)

996. Two submission points relating to the Overview of the General Industrial Zone were summarised in a Table on page 169 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

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997. In response to the submission points made by Silver Fern Farms and Ngāi Tahu that both sought to retain the Overview text as notified for the General Industrial Zone, Ms Belgrave acknowledges the support.

998. The S42A report recommends that the GIZ Overview text be retained as notified.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

1000. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

1001. The Panel accepts Ms Belgrave's recommendation for the reasons she provides to retain the General Industrial Zone overview as notified.

Hearing Panel's Recommendation

1002. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **General Industrial Zone Overview**.

8.7. General Industrial Zone Rules

Submissions and Further Submissions

1003. Three submission points relating generally to the **GIZ Rules** were summarised in a Table on page 170 of the S42A Report. One submission sought amendments to the rules, and two submissions supported the discretionary activities.

1004. Twenty submission points and eleven further submission points relating to **GIZ – R1** were summarised in a Table on pages 170-174 of the s42A Report. Five submission points supported the retention of the rule as notified. Fifteen submissions sought amendments. Nine further submissions support the amendments sought by the submissions, and two further submissions oppose the amendments sought by the submissions.

1005. Eight submission points relating to **GIZ–R2** were summarised in a Table on page 177 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submissions sought amendments. One submission sought the deletion of the rule.

1006. Seven submission points relating to **GIZ–R3** were summarised in a Table on page 178 of the s42A Report. All submission points supported the retention of the rule as notified.

1007. Eleven submission points relating to **GIZ–R4** were summarised in a Table on pages 179-180 of the s42A Report. Two submission points supported the retention of the rule as notified. Nine submissions sought amendments.

1008. Thirteen submission points relating to **GI - R5** were summarised in a Table on pages 181-182 of the s42A Report. Three submission points supported the retention of the rule as notified. Ten submissions sought amendments.

1009. Eight submission points and three further submissions relating to **GIZ – R6** were summarised in a Table on pages 183-184 of the s42A Report. Three submission points supported the retention of the rule as notified. Five submissions sought amendments.

1010. Six submission points relating to **GIZ – R7** were summarised in a Table on pages 184-185 of the s42A Report. One submission point supported the retention of the rule as notified. Five submissions sought amendments.

1011. Six submission points relating to **GIZ – R8** were summarised in a Table on page 186 of the s42A Report. One submission point supported the retention of the rule as notified. Five submissions sought amendments.

1012. Ten submission points and two further submissions relating to **GIZ – R9** were summarised in a Table on pages 187-189 of the s42A Report. Three submission points supported the retention of the rule as notified. Six submissions sought amendments. One submission sought that the rule be deleted.

1013. Seven submission points and one further submission relating to **GIZ – R10** were summarised in a Table on page 190 of the s42A Report. Five submission points supported the retention of the rule as notified. One submission sought amendments, while another sought its deletion.

1014. Two submission points relating to **GIZ – R11** were summarised in a Table on page 191 of the s42A Report. One submission point supported the retention of the rule as notified. One submission sought amendments.

1015. Six submission points relating to **GIZ – R12** were summarised in a Table on pages 191-192 of the s42A Report. Five submission points supported the retention of the rule as notified. One submission sought amendments.

1016. Two submission points relating to **GIZ – R13** were summarised in a Table on page 193 of the s42A Report. One submission point supported the retention of the rule as notified, while another sought to delete it.

1017. Four submission points and one further submission relating to **GIZ – R14** were summarised in a Table on pages 193-194 of the s42A Report. Three submission points supported the retention of the rule as notified, and one submission sought to delete it.

1018. Six submission points and two further submissions relating to **GIZ – R15** were summarised in a Table on pages 194-195 of the s42A Report. One submission point supported the retention of the rule as notified, and five submissions sought to amend it.

1019. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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GIZ - General

1020. Ms Belgrave acknowledged the support from William McLaughlin and Laura Coll McLaughlin who both support the discretionary activity rules in the GIZ as notified.

1021. In response to the submission point from Ngāi Tahu that sought to include a new matter of discretion to consider the effects on sites and areas of significance to Māori for all restricted discretionary activities, Ms Belgrave does not support the relief sought. This is because new buildings and structures within sites and areas of significance to Māori require resource consent under SASM-R6 unless a written approval is provided. Therefore, the concerns raised in the submission from Ngāi Tahu are managed by SASM-R6, and the inclusion of the requested matter of discretion is not necessary in the GIZ.

1022. The S42A report recommends no changes in response to these submissions.

GIZ – R1 Industrial Activities and Industrial Buildings

1023. Ms Belgrave acknowledged the support from the five submission points[309] who support the rule as notified. This is subject to the recommended amendments outlined below.

1024. Ms Belgrave acknowledges the submission point from GDC that sought to ensure the standards do not create unrealistic or unsuitable requirements. She recommends various amendments to the rule based on other submissions and notes this submission.

1025. In response to the submission point made by Waka Kotahi, which sought clarification on whether the requirements of the rule should be considered performance standards, and if so, whether the activities part of the rule should be separate from the buildings, Ms Belgrave generally supports the relief sought. The submission is similar to others made by Waka Kotahi in other zones, and Ms Belgrave's recommendation for a new rule that provides for the activities referred to in GIZ-R1 aligns with her previous recommendations.

1026. In response to the submission point made by Westland Milk Products that sought to make non-compliance with GIZ-R1(8) a restricted discretionary activity, Ms Belgrave supports the relief sought in part. Four further submissions also support the submission[310]. This is because the potential effects associated with non-compliance with GIZ-R1(2)-(8) can be readily identified. However, she maintains that any non-compliance with the height rule (GIZ-R1(1)) should remain as a discretionary activity. Because of this recommendation, Ms Belgrave has recommended that additional matters of discretion be included at GIZ-R9.

1027. As a result of the evidence from Mr Richard Black, Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule. She revised her position on the basis that there is a functional need for industrial activities to exceed the permitted height limit. Additionally, other rules will manage the potential effects associated with building bulk and industrial sites, which generally tend to be larger in size, thereby providing opportunities to internalise potential effects. Consequential amendments to GIZ-R9 are also proposed in the form of matters of discretion.

1028. In response to the submission points made by Westland Milk Products and BDC, which sought various amendments to the building setback rules, Ms Belgrave supports the reduction in the

[309] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.800), Chris & Jan Coll (S558.364), Chris J Coll Surveying Limited (S566.364), William McLaughlin (S567.421), and Laura Coll Mclaughlin (S574.364)
[310] Silver Fern Farms (FS.101.034), Isaac Construction Ltd. (FS106.004), and CMP Kokiri (FS135.001, FS135.011)

setback from a road boundary from 5m to 2m, as sought by Westland Milk Products. Consequently, she does not support the increase in setback from roads from 5m to 10m, as sought by BDC. The BDC submission also sought to increase the setback from 5m to 10m with respect to adjoining sensitive zones. Ms Belgrave does not support this relief either.

1029. In response to the submission point from BDC that sought to make amendments to GIZ-R1(4), adding a minimum fence height and ensuring it is solid, Ms Belgrave does not support the relief sought.

1030. Ms Belgrave supports the relief sought by BDC concerning GIZ-R1(5) to delete the words '*beyond the zone boundary'* as it will improve the clarity of the rule.

1031. In response to the three submission points[311] that sought to delete GIZ-R1(6) on the basis that air discharges are a regional council function, Ms Belgrave supports the relief sought. This recommendation will also address the submission points from BDC and Birchfield Mining Limited, which sought a correction to the LIZ reference. Consequent to the recommendation to delete GIZ-R1(6), Ms Belgrave does not support the relief sought in the submission points made by Buller Conservation Group and Frida Inta to make additions relating to odour or air pollution.

1032. Ms Belgrave supports the relief sought by Westland Milk Products to amend GIZ-R1(7) to exclude access points from the landscaping requirements.

1033. In response to the submission points[312] that relate to GIZ-R1(8) Ms Belgrave agrees that the discharge of stormwater is a regional council function. However, the rule relates to the treatment of stormwater prior to discharge and is therefore relevant under the district plan. Nevertheless, she recommends amendments to the wording of the rule.

1034. As a result of the evidence from Mr Richard Black regarding the management of stormwater, Ms Belgrave reconsidered her recommendation for the wording of GIZ-R1(8) in her addendum to the S42A report. She agrees that stormwater treatment can be required by other rules in the pTTPP and that GIZ-R1(8) should not create unnecessary duplication. On that basis, she recommends amendments to confirm that treatment is required for car parking areas greater than 1,000m² and to exclude areas that discharge lawfully into a trade waste system. While Ms Belgrave does not support excluding the treatment of stormwater from roof areas, she does recommend deleting the word '*contaminated*' as it creates uncertainty for when treatment is necessary.

1035. In response to the submission point made by BDC, which sought amendments to GIZ-R1(9) to include a reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word '*setbacks*' be replaced by '*rules*'.

1036. Ms Belgrave also makes a recommendation that is consequential to the submission made by BDC in relation to LIZ-R1(9) to include a reference to Appendix 2 instead of a 35 degree recession plane.

1037. In response to the submission points made by Fire and Emergency NZ that sought the inclusion of two new rules relating to water supply servicing, Ms Belgrave does not support the relief

[311] Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.073), and Whyte Gold Limited (S607.058)
[312] Silver Fern Farms (S441.057), Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.120), and Whyte Gold Limited (S607.094)

sought. This is for the same reasons set out with respect to other zones in this decision that respond to similar submissions from FENZ.

1038. The S42A report (including the addendum) recommends amending GIZ-R1 as follows:

> ***GIZ-R1 New Buildings and External Additions and Alterations to Existing Buildings, Landscaping, External Storage, and Blasting and Vibration ~~Industrial Activities and Industrial Buildings~~***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***~~Discretionary where Standards 1-8 are not complied with.~~***
>
> *Restricted discretionary where **Rules 1-8 are ~~Standard 9~~** is not complied with.*
>
> *Where:*
>
> *…*
>
> *3. Buildings are setback a minimum:*
>
> *a. 10m from State Highways; **~~and~~***
>
> ***b. 2m from road boundaries; and***
>
> *c. 5m from **~~road boundaries~~**, any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor.*
>
> *…*
>
> *5. No blasting or vibration **~~beyond the zone boundary~~** shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;*
>
> ***~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~***
>
> *7. The area adjoining the road frontage of all sites **(excluding access points),** and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;*
>
> *8. **~~Contaminated~~** stormwater run-off associated with any industrial activity**, ~~or~~** building, **and associated impermeable parking areas greater than 1,000m² ~~including stormwater runoff from any earthworks,~~** shall be collected and treated prior to discharge**. This rule does not apply to areas that discharge lawfully into an authorised trade waste system. ~~to ensure there are no significant adverse effects on water quality~~**;*
>
> *9. No building shall project beyond a building envelope **in accordance with Appendix Two ~~defined by a 35 degree recession plane~~** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ – Mixed Use or SETZ - Settlement Zone boundary **~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~**. This standard does not apply to:*
>
> *a. …*
>
> *…*
>
> *Advice Notes:*
>
> *…*
>
> ***4. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***

1039. The S42A report also recommends the addition of a new rule as follows:

> ***GIZ-R2A Industrial Activities***
>
> ***Activity Status Permitted***
>
> ***Activity status where compliance not achieved: Restricted Discretionary***
>
> ***Where:***
>
> ***1. All performance standards for Rule GIZ - R1 are complied with.***

GIZ – R2 Minor Structures

1040. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments outlined below.

1041. In response to the five submission points[313] that sought GIZ-R2(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of structures can be appropriately managed through the other rules for maximum height and area, and that compliance with the rules within GIZ-R1 is not necessary or applicable. Additionally, GIZ-R2.1 specifically excludes any setback requirement.

1042. In response to the submission point made by Silver Fern Farms that sought to delete GIZ-R2 in full, Ms Belgrave does not support the relief sought. The submitter considers that the implementation of the rule is unclear in the context of GIZ-R1. Ms Belgrave considers that the rule provides exemptions for minor structures and is helpful in this context.

1043. The S42A report recommends amending GIZ-R2 as follows

> ***GIZ-R2 Minor Structures***
>
> *Activity Status permitted*
>
> *Activity status where compliance not achieved: Restricted Discretionary*
>
> *Where:*
>
> ~~***1. All performance standards for Rule GIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.***~~
>
> *…*

GIZ – R3 Fences, Walls and Retaining Walls

1044. Ms Belgrave acknowledged the support from the submitters[314] who support the rule as notified.

1045. The S42A report recommends retaining GIZ-R3 as notified.

GIZ – R4 Commercial Activities

[313] Buller District Council (S538.444), Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

[314] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.802), Chris & Jan Coll (S558.366), Buller District Council (S538.445), Chris J Coll Surveying Limited (S566.366), William McLaughlin (S567.423), Fire and Emergency New Zealand (S573.106), and Laura Coll McLaughlin (S574.366)

1046. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments that are set out below.

1047. In response to the five submission points[315] that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. She recommends retaining the non-complying activity status for GIZ-R4(2) which seeks to limit the scale of commercial activities in the GIZ, as large-scale commercial activities have the potential to undermine the primary purpose of the zone. With respect to non-compliance with GIZ-R4(1), Ms Belgrave recommends a restricted discretionary activity status which is consequential to the relief sought by Westland Milk Products in relation to GIZ-R1.

1048. Ms Belgrave does not support the relief sought by the four submission points[316] that sought to amend GIZ-R4(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent. Her recommendation aligns with similar submissions in relation to COMZ-R6.

1049. The S42A report recommends amending GIZ-R4 as follows, noting that these recommendations also include consequential changes related to the recommendations to GIZ-R1:

> ***GIZ-R4 Commercial Activities***
>
> *Activity Status permitted*
>
> *Activity status where compliance not achieved:*
>
> ***Restricted Discretionary where standard 1 is not complied with***
>
> *Non-complying* ***where standard 2 is not complied with***
>
> *Where:*
>
> *1. All performance standards for Rule GIZ - R1****.4 to GIZ – R1.7*** *are complied with; and*
>
> …

GIZ – R5 Ancillary Residential Activities

1050. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and FENZ who support the rule as notified. This is subject to the recommended amendments outlined below.

1051. In response to the submission point made by BDC that sought to delete the word '*single*' from GIZ-R5(2), Ms Belgrave supports the relief sought as it simplifies the rule.

1052. Ms Belgrave does not support the submission point made by Silver Fern Farms that sought to delete GIZ-R5(2), which limits ancillary residential units to one per site. She considers that the restriction is appropriate as it will ensure that any residential units are of a scale and intensity that is ancillary to a commercial or industrial activity.

[315] Buller District Council (S538.446), Chris & Jan Coll (S558.368), Chris J Coll Surveying Limited (S566.368), William McLaughlin (S567.425), and Laura Coll McLaughlin (S574.368)
[316] Chris & Jan Coll (S558.367), Chris J Coll Surveying Limited (S566.367), William McLaughlin (S567.424), and Laura Coll McLaughlin (S574.367)

1053. In response to the four submission points[317] that sought to amend GIZ-R5(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to GIZ-R4 (and other rules).

1054. In response to the four submission points[318] that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. This is because she considers a non-complying activity status is appropriate as large-scale residential activities, or a proliferation of residential activities have the potential to undermine the purpose of the GIZ and are not anticipated within the GIZ.

1055. The S42A report recommends amending GIZ-R5 as follows:

> ***GIZ-R5 Ancillary Residential Activities***
>
> *Activity Status permitted*
>
> *Activity status where compliance not achieved: Non-complying*
>
> *Where:*
>
> *1. …*
>
> *2. One* ~~***single***~~ *residential unit per site is provided; and*
>
> *3. …*

GIZ – R6 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

1056. Ms Belgrave acknowledged the support from Te Mana Ora, Department of Corrections and FENZ, who support the rule as notified.

1057. In response to the submission point made by BDC that sought to add a definition for '*public transport facility*', Ms Belgrave does not support the relief sought on the basis that the ordinary meaning of the term provides sufficient certainty.

1058. In response to the four submission points and three further submission points[319] that sought to amend GIZ-R6(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1059. The S42A report recommends retaining GIZ-R6 as notified.

GIZ – R7 Agricultural, Pastoral and Horticultural Activities

1060. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified.

1061. In response to the four submission points[320] that sought to amend GIZ-R7(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant

[317] Chris & Jan Coll (S558.369), Chris J Coll Surveying Limited (S566.369), William McLaughlin (S567.426), and Laura Coll McLaughlin (S574.369)
[318] Chris & Jan Coll (S558.370), Chris J Coll Surveying Limited (S566.370), William McLaughlin (S567.427), and Laura Coll McLaughlin (S574.370)
[319] Chris & Jan Coll (S558.371), Chris J Coll Surveying Limited (S566.371), William McLaughlin (S567.428), and Laura Coll McLaughlin (S574.371), International Panel and Lumber (West Coast) Ltd (FS98.002, FS98.003, FS98.004)
[320] Chris & Jan Coll (S558.372), Chris J Coll Surveying Limited (S566.372), William McLaughlin (S567.429), and Laura Coll McLaughlin (S574.372)

performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous similar rules.

1062. In response to the submission point made by BDC that sought to add definitions to the pTTPP, Ms Belgrave comments that the terms do not apply to this rule.

1063. The S42A report recommends retaining GIZ-R7 as notified.

GIZ – R8 Aquacultural Activities

1064. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified.

1065. In response to the submission point made by BDC that sought to add a definition for '*aquaculture activities'*, Ms Belgrave does not support the relief sought on the basis that the term is defined in the RMA, and duplication in the pTTPP is not considered necessary.

1066. In response to the four submission points[321] that sought to amend GIZ-R8(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1067. The S42A report recommends retaining GIZ-R8 as notified.

GIZ – R9 Industrial Activities and Buildings not meeting Permitted Activity Standards

1068. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and Grey District Council who support the rule as notified. This is subject to the recommended amendments outlined below.

1069. In response to the submission points[322] that sought to change details relating to the activity status for non-compliance with this rule, Ms Belgrave considers that a restricted discretionary activity status is appropriate, except for building height. As such, Ms Belgrave does not support BDC's submission to have all non-compliances assessed as a discretionary activity. Furthermore, she does partially support Westland Milk Products' submission to have the restricted discretionary activity status apply to most non-compliances with GIZ-R1 (the only exception being height). However, she does not support the addition of the matters of discretion sought by Westland Milk Products, and instead recommends the following matters:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- *Visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*

1070. As a result of the evidence from Mr Richard Black for Westland Milk Products, (and as set out in relation to GIZ-R1), Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule, and ultimately has recommended that as there is a functional need for industrial activities to exceed the permitted height limit it is appropriate in this zone to include all non-compliances with GIZ-R1 as a restricted discretionary activity.

[321] Chris & Jan Coll (S558.374), Chris J Coll Surveying Limited (S566.374), William McLaughlin (S567.430), and Laura Coll McLaughlin (S574.374)
[322] Westland Milk Products (S63.012) & Buller District Council (S538.451)

Consequential amendments to GIZ-R9 are also proposed in the form of matters of discretion as follows:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- ***Amenity,*** *visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*
- ***Characteristics of the site and development that are relevant to the rule.***

1071. In response to the submission point made by Silver Fern Farms that sought to delete the matter of discretion relating to hazardous substances (GIZ-R9(c)), Ms Belgrave supports the deletion as it does not have a clear relationship with the rules as notified in GIZ-R1.

1072. In response to the four submission points[323] that sought to amend GIZ-R9(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1073. The S42A report (including the addendum) recommends amending GIZ-R9 as follows:

GIZ-R9 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Activity status where compliance not achieved: Discretionary

Where:

~~1. The building projects in the recession plane; and~~

2. ***~~All other performance standards for~~*** *Rule GIZ – R1****.1 ~~are~~ is*** *complied with.*

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access;~~

~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~

~~d. Landscape treatment.~~

a. Bulk, location, and design of buildings.

b. Effects on the safety, amenity and attractiveness of the street and public places.

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.

d. Design and location of parking and access.

e. Landscape treatment.

f. Characteristics of the site and development that are relevant to the rule

GIZ – R10 Minor Structures not meeting Permitted Activity Standards

[323] Chris & Jan Coll (S558.375), Chris J Coll Surveying Limited (S566.375), William McLaughlin (S567.431), and Laura Coll McLaughlin (S574.375)

1074. Ms Belgrave acknowledged the support from five submitters[324] who support the rule as notified.

1075. In response to the submission point made by Silver Fern Farms that sought to delete GIZ-R10 as a consequence of their submission to delete GIZ-R2, Ms Belgrave does not support the submission as her recommendation regarding GIZ-R2 is to retain the rule.

1076. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion to be sufficiently clear and the amendment unnecessary.

1077. The S42A report recommends retaining GIZ-R10 as notified.

GIZ – R11 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

1078. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1079. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion to be sufficiently clear and the amendment unnecessary.

1080. The S42A report recommends retaining GIZ-R11 as notified.

GIZ – R12 Industrial Activities and Buildings, Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards

1081. Ms Belgrave acknowledged the support from the five submitters[325] who support the rule as notified. This is subject to the recommended amendments outlined below.

1082. In response to the submission point made by BDC that sought to delete GRZ-R12, Ms Belgrave supports the relief sought, given the recommendations to amend GIZ-R1 and GRZ-R9. Additionally, a discretionary activity status is already provided for under GIZ-R7 and GIZ-R8 for those particular activities.

1083. The S42A report recommends deleting GIZ-R12.

GIZ – R13 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards

1084. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1085. In response to the submission point made by BDC that sought to delete GRZ-R13, Ms Belgrave supports the relief sought, as a discretionary activity status is already provided for under GIZ-R6 for these activities.

1086. The S42A report recommends deleting GIZ-R13.

[324] Te Mana Ora (S190.809), Chris & Jan Coll (S558.376), Chris J Coll Surveying Limited (S566.376), William McLaughlin (S567.432), and Laura Coll McLaughlin (S574.376)
[325] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.811), Chris & Jan Coll (S558.377), Chris J Coll Surveying Limited (S566.377), William McLaughlin (S567.433), and Laura Coll McLaughlin (S574.377)

GIZ – R14 Community Facilities and Educational Facilities

1087. Ms Belgrave acknowledged the support from Te Mana Ora, the Ministry of Education and Chris & Jan Coll, who support the rule as notified. This is subject to the recommended amendments outlined below.

1088. In response to the submission point from BDC that sought to delete GRZ-R14 and replace it with an alternative rule that would result in Community Facilities and Educational Activities being non-complying activities, Ms Belgrave supports the relief sought in part. She considers that in some instances, some educational facilities may have an operational need to locate within the GIZ and be close to other industrial activities. However, she agrees with the BDC that community facilities are generally not anticipated in the GIZ, and she recommends that the catch-all rule under GIZ-R15 be used to manage this activity.

1089. In Ms Belgrave's addendum report, she acknowledges the evidence of Mr Tuck for Silver Fern Farms, who made a further submission to support the retention of the rule partially. The matter raised was with respect to educational activities, and Ms Belgrave agrees that the terminology should be amended to '*educational facilities'* to be in line with the National Planning Standards. Furthermore, the addition of '*tertiary*' to describe the type of educational facilities that might be appropriate in the GIZ responds to the concerns in Mr Tuck's evidence.

1090. The S42A report (including the addendum) recommends amending GIZ-R14 as follows:

> ***GIZ-R14 ~~Community Facilities~~ and Tertiary Education Facilities ~~Activities~~***
>
> *Activity Status Discretionary*
>
> *Activity status where compliance not achieved: N/A*

GIZ – R15 Any Activities not provided for by another Rule in the zone

1091. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified. This is subject to the recommended amendments outlined below.

1092. In response to the four submission points[326] that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought as she considers a non-complying activity status is more appropriate to manage activities that are not anticipated within the GIZ. This also addresses the consequential matter of the BDC submission, which sought to amend the non-complying rule to apply only to residential activities, community facilities, education facilities, and health facilities, while all other activities would remain discretionary. As set out in relation to GIZ-R14, Ms Belgrave agrees that some educational facilities are discretionary, but she considers all others are non-compliant with the GIZ.

1093. The S42A report recommends retaining GIZ-R15 as notified.

Hearing and Submitter Evidence

1094. Ms Richard Black's evidence for Westland Milk Products acknowledges that the S42A report accepts in part the change in activity status for any non-compliance with rules in GIZ-R1. He comments on the S42A recommendation for GIZ-R9. While he generally agrees with the recommendation, he reiterates the submission point that a restricted discretionary activity

[326] Chris & Jan Coll (S558.379), Chris J Coll Surveying Limited (S566.379), William McLaughlin (S567.435), and Laura Coll McLaughlin (S574.379)

status should also apply to any non-compliance with the height limit. He accepts the amended list of matters that discretion is restricted to, but seeks to add one additional matter being:

- *Effects on built form and character of the surrounding area.*

1095. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the amendments to the stormwater standard as it provides for the appropriate management of contaminated stormwater runoff. However, he remains concerned that the rule may require treating stormwater where the risk of contaminants entering stormwater runoff is no greater than that for non-industrial uses. Therefore, he suggests the following wording for GIZ-R1(8):

> *Contaminated stormwater run-off associated with any industrial activity or building, **~~including stormwater runoff from any earthworks,~~** shall be collected and treated prior to discharge **~~to ensure there are no significant adverse effects on water quality.~~** **This requirement applies only in areas where an activity may result in the discharge of environmentally hazardous substances and excludes the following areas:***
>
> - ***all areas that discharge lawfully into an authorised trade waste system;***
> - ***areas not used for the industrial or trade process, including vehicle access and car parking areas; and***
> - ***building roof areas.***

1096. Mr Steve Tuck's evidence for Silver Fern Farms discusses the stormwater management controls of GIZ-R1(8)[327]. He reiterates that the management of stormwater discharges is regulated by the Regional Council and, as such, supports deleting GIZ-R1(8) in its entirety to avoid duplication of regulation.

1097. Mr Tuck's evidence discusses GIZ-R14 and whether educational activities/facilities should be a discretionary or non-complying activity in the GIZ. His position comes from managing reverse sensitivity effects. He acknowledges that in some instances it could be appropriate for educational facilities to be in the GIZ, but a non-complying activity status is an efficient way to manage these activities. Nevertheless, he does offer an alternative that would apply a discretionary activity status to specific educational facilities, such as trade training or laboratories.

1098. Mr Tuck's evidence also suggests using the term '*educational facilities'*, which is in line with the National Planning Standards.

1099. Mr Tuck's evidence for Silver Fern Farms accepts the S42A recommendation with respect to GIZ-R5, GIZ-R9, GIZ-R10 and GIZ-R15.

1100. The joint statement presented by Ms Frida Inta and Buller Conservation Group reiterates their previous comments regarding the confusion between the matters GIZ-R1 seeks to control. The statement notes that, despite the intention to separate spatial controls (activities) from performance standards (building controls), this has not been completely achieved.

1101. Ms Inta's statement also reiterates her submission that odour should be included in GIZ-R1(6). She considers that both dust and odour can result from activities taking place in the GIZ, and therefore it is appropriate for a district plan to include rules to manage these effects.

[327] Renumbered to GIZ-R1(7) in the S42A report

1102. Mr Tuck's evidence for Silver Fern Farms accepts the S42A report recommendation concerning GIZ-R2.

1103. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. While the letter acknowledges that they will not pursue the submission point relating to the provision of water supply, it does note that the Building Act 2004 alone does not adequately provide for the provision of water supply (including firefighting water supply) to new development.

Reporting Officer Reply Evidence

1104. Consequential to the separation of GIZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

1105. For the amendments to GIZ-R1, as with the Commercial and Industrial chapters, Ms Belgrave has relied upon the Waka Kotahi submissions, which for this chapter is, S450.231, to bring about significant changes to GIZ-R1 and subsequent rules, particularly the reallocation of standards between the rules in this chapter. which sought,

However, the rule has been identified as the performance standards for subsequent rules, but R1 does not state that it is a performance standard and only relates to the activities listed in the heading. The subsequent rules don't always relate back to the activities in the headings, e.g., minor structures, fences, walls, or retaining walls. It is recommended that GIZ-R1 be amended to clarify the intent of the rule as to whether these are considered as performance standards, and if so, a new separate rule should be created for the activities listed in the heading.

1106. In response to the Panel's discussion and questions regarding whether odour can be an amenity issue and therefore a matter for consideration in the pTTPP, Ms Belgrave advises that she considers it to be relevant. Notwithstanding that, she does not think it appropriate to manage these effects in the GIZ (or the LIZ) as the purpose of these zones is to accommodate industrial activities that are recognised to generate adverse amenity effects, including odour. Therefore, Ms Belgrave continues to support the deletion of GIZ-R1(6) and rejecting the submission points made by Ms Frida Inta and Buller Conservation Group. She notes that the environmental effects of air discharges are appropriately managed under the West Coast Regional Air Quality Plan.

1107. During the hearing, the Panel queried the lawfulness of the stormwater rules as well as whether a definition of '*contaminated*' was needed. As set out in the right of reply, Ms Belgrave confirms that Wynn Williams has confirmed it is lawful for there to be an overlap in provisions between the pTTPP and the Regional Land and Water Plan. Specifically, as GIZ-R1(7) seeks to manage the effects of land use on water quality (rather than the actual discharge), the rule is lawful.

1108. Ms Belgrave's right of reply sets out that she considers rules related to stormwater in the GIZ are appropriate, particularly as impervious areas within the Industrial Zones have the most significant risk of pollutants entering the reticulated network through stormwater runoff flows when compared to other urban zones. She confirms that she considers that the rule will not create duplication with the Regional Plan. Further, she believes that the rule gives effect to

provisions related to water quality in the NPS-FW and the West Coast Regional Policy Statement.

1109. In response to the Panel's question as to the need for a definition of *'contaminated'*, Ms Belgrave advises that the reworded stormwater rule no longer includes the word, negating the need (or otherwise) for a definition. It is her view that the revised wording improves the clarity of the rule.

1110. In her right of reply, Ms Belgrave offered additional assessment and consideration of the term '*residential unit'* concerning GIZ-R5 (and LIZ-R3). She reiterates that, in her opinion, only one residential unit should be permitted in the GIZ.

1111. Ms Belgrave's right of reply reconsiders the activity status for '*community facilities'* and '*educational facilities'* in the GIZ (and the LIZ) and whether they are equal in terms of effects. Ms Belgrave has recommended that only tertiary educational facilities be provided for as a discretionary activity where there is an operational need to do so. It is Ms Belgrave's opinion that all other educational facilities and community facilities could have reverse sensitivity effects in the GIZ. As such she reiterates that a non-complying activity status is appropriate.

1112. Ms Belgrave's recommended wording for GIZ-R9 includes a correction consequential to Mr Black's evidence on behalf of Westland Milk Products to delete GIZ-R9(2) completely.

Hearing Panel's Evaluation

GRZ-R1

1113. In relation to GIZ-R1, Ms Belgrave recommends many amendments to that rule, as well as creating a new rule and recommending additional changes to other rules. We have carefully considered the scope available to support making those amendments. We consider the Waka Kotahi submission s450.231the Waka Kotahi submission, which addresses moving the standards for the zone into a separate table with all rules referring to those standards, provides significant flexibility in moving standards from the various rules. We agree with her that her reply recommendations do not alter the intent of the rules, nor does the shifting of multiple standards between the rules make complying with the rules more onerous.

1114. In reaching our recommendations, we have given more weight to the Waka Kotahi submission than to the evidence provided by Ms Inta at the hearing. We do accept, though, that the evidence did reference the Waka Kotahi submission, and it was critical that the Officer had not recommended sufficient changes to give effect to that submission. Additionally, Ms Initas' own submission, albeit a general one, sought to simplify Plan provisions, and to a limited extent, we rely on that submission to support our recommendations set out below.

1115. Taking into account the above and Ms Belgrave's reasons, particularly those in her reply, the Panel recommend that GIZ-R1 be amended, including its heading, as set out below, including the removal of standards to other rules and the addition of standards from different rules, as well as including new rules. We consider the approach of differentiating between Industrial and Commercial activities and building is appropriate in the context of the Industrial zones. We note that this generates a number of amendments to the rules.

1116. In relation to the setback rules the submission points made by Westland Milk Products and BDC, sought various amendments. Ms Belgrave supported the reduction in the setback from a road boundary from 5m to 2m, as sought by Westland Milk Products. Consequently, she does not support the increase in setback from roads from 5m to 10m, as sought by BDC. The

BDC submission also sought to increase the setback from 5m to 10m with respect to adjoining sensitive zones. Ms Belgrave does not support this relief either. The Panel agrees with her recommendations on setbacks for the reasons she provides.

1117. The Panel agrees with Ms Belgrave's recommendation to relocate both standards 4 and 5, as notified, to GIZ-R3A and GIZ-R4, respectively. She recommends relocation to address the submission point made by Waka Kotahi.

1118. In response to the three submission points[328] that sought to delete GIZ-R1(6), as notified, on the basis that air discharges are a regional council function, Ms Belgrave supports the relief sought. This recommendation will also address the submission points from BDC and Birchfield Mining Limited, which sought a correction to the LIZ reference. Consequent to the recommendation to delete GIZ-R1(6), Ms Belgrave does not support the relief sought in the submission points made by Buller Conservation Group and Frida Inta to make additions relating to odour or air pollution. The Panel agrees with this recommendation and the reasons Ms Belgrave provides to support it.

1119. The Panel agrees with Ms Belgrave's recommendation to support the relief sought by Westland Milk Products to amend GIZ-R1(7), as notified, to exclude access points from the landscaping requirements as a practical outcome.

1120. The Panel acknowledges Ms Belgrave's recommendation arising from her consideration of the evidence from Mr Richard Black regarding the management of stormwater. We also acknowledge the Wynn Williams legal opinion confirming that a district plan can regulate stormwater quality prior to discharge.

1121. However, when the Panel considers the proposed rules which deal with stormwater alongside the reality of how developments take place, we do not consider there is a need to regulate stormwater. When development such as a subdivision is consented conditions imposed by the Regional Council and District Council relating to stormwater and its quality before discharged will be considered and included. If the recommended rule remained in place that would result in further resource consents in some cases being required to discharge stormwater from building and hard stand development following subdivisions. This causes a doubling up leading to inefficiencies. In this context we agree with Buller District Council and recommend that the provisions and related advice notes associated with stormwater be deleted.

1122. In response to the submission point made by BDC, which sought amendments to GIZ-R1(9), as notified, to include a reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word '*setbacks*' be replaced by '*rules*'. Ms Belgrave also recommends that, as a consequence of the submission made by BDC in relation to LIZ-R1(9), a reference to Appendix 2 instead of a 35-degree recession plane be included. The Panel agrees with these recommendations for amendment for the reasons Ms Belgrave provides

GIZ-R2

1123. In relation to GIZ-R2 in response to the five submission points[329] that sought GIZ-R2(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of

[328] Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.073), and Whyte Gold Limited (S607.058)
[329] Buller District Council (S538.444), Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

structures can be appropriately managed through the other rules for maximum height and area, and compliance with the rules within GIZ-R1 is not necessary or applicable. Additionally, GIZ-R2.1 specifically excludes any setback requirement. The Panel agrees with these recommendations for the reasons Ms Belgrave provides.

GIZ-R3 and New Rule

1124. In relation to GIZ-R3, the Panel agrees with Ms Belgrave for the reasons she provides that this rule be retained as notified.

1125. In relation to proposed new rule GIZ-R3A (now GIZ-R4), the Panel agrees with Ms Belgrave's recommendation for the rule heading to be *'Industrial Activities'* this stems from the changes referred to in GIZ-R1. Additionally, the Panel agrees there is no need to include the requirement to meet the performance standards in GIZ-R1 and the inclusion of the relevant Standards from GIZ-R1 that apply to Industrial Activities all of which are consequent upon the relief Waka Kotahi sought in its submission S450.231.

1126. The Panel agrees with the amendment to Standard 1 sought by Buller District Council to include a solid fence as an option.

1127. The Panel recommends the above amendment be adopted.

GIZ-R4

1128. In relation to rule GIZ-R4 (now GIZ-R5), the Panel generally agrees with Ms Belgrave's recommendation to delete the notified Standard 1 with the relevant Standards that apply to commercial activities being included as new Standards. However, the Panel considers blasting is extremely unlikely to occur in conjunction with a Commercial Activity in the GIZ and therefore we do not recommend it is included in these provisions. Therefore, we consider Standard 1 (a) and (b), be included with Standard 3 (renumbered Standard 2) being retained. We consider this gives effect to the relief sought by Waka Kotahi.

GIZ-R5

1129. In relation to rule GIZ-R5 (now GIZ-R6), the Panel agrees to the deletion of the word '*single*' from Standard 2, as sought by BDC, for the reasons provided by Ms Belgrade, namely that the deletion simplifies the rule.

GIZ-R6

1130. In relation to rule GIZ-R6 (now GIZ-R7), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

GIZ-R7

1131. In relation to rule GIZ-R7 (now GIZ-R8), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

GIZ-R8

1132. In relation to rule GIZ-R8 (now GIZ-R9), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

GIZ-R9

1133. In relation to rule GIZ-R9 (now GIZ-R10), the Panel agrees with Ms Belgrave's recommendations to amend the rule. We note that she has given close consideration to the evidence presented by Mr Black on behalf of Westland Milk Products, particularly as it relates to changes in the matters of discretion. We agree with those changes for the reasons she provides, including the new suite of matters of discretion numbered (a) to (f), which result in the deletion of notified clauses (a) and (b). We consider these matters to be appropriate for assessment matters associated with building development. We agree with Ms Belgrave when she supports the submission of Siver Fern Farms to delete the notified clause (c), as hazardous substances do not have a clear relationship with the rules as notified in GIZ-R1. We therefore recommend that the revised rule be adopted.

1134. The Panel notes that new rule GIZ-R11 is a consequential amendment associated with the changes above which introduces a restricted discretionary status for Industrial and Commercial activities and we recommend it be adopted.

GIZ-R10

1135. The Panel notes in terms of GIZ-R10 (now GIZ-R12) that Ms Belgrave does not support deleting the rule as sought by Silver Fern Farms based on her recommendation to retain GIZ-R2. We note that Mr Tuck for Silver Fern Farms supports the recommendation.

1136. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter.

GIZ-R11

1137. Other than the amendment to landscape treatment referred to above no amendments to GIZ-R11 (now GIZ-R13) are recommended.

GIZ-R12 and GIZ-R13

1138. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address the activities where one or more of the performance standards in the corresponding permitted rule are not complied with. Therefore, we accept the submission points made regarding these rules which were all to retain them.

1139. The Panel notes the removal of Industrial Activities from rule GIZ-R12 (now GIZ-R14) as they are recommended to be covered in new rule GIZ-R11 and default is to restricted discretionary activities where compliance is not achieved.

GIZ-R14 (now GIZ-R16)

1140. The Panel accept Ms Belgrave's contention that some educational facilities may have an operational need to locate within the GIZ and be close to industrial activities particularly for training purposes. However, we agree with BDC that Community Facilities are not an anticipated activity within the GIZ and have the potential to create reverse sensitivity effects

on existing industrial activities. We also accept that the addition of the term 'tertiary' to describe the types of educational facilities, such as some trade training facilities or laboratories that might be appropriate in the GIZ responds to the concerns expressed by Mr Tuck's in evidence. We recommend Community Facilities be deleted from the rule and tertiary be added to Education Facilities.

GIZ-R15

1141. The Panel acknowledges that GIZ-R15 is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter (now GIZ-R17).

GIZ-R18 New Rule

1142. The Panel has recommended the inclusion of a new rule GIZ-R18 to provide for those non-complying activities (Residential and larger Retail) which are identified in the previous rules in line with our determination that such rules are required in terms of the Plan's structure. We also agree with Ms Belgrave that a non-complying status is appropriate for Community Facilities, Non-Tertiary Education Facilities which are not anticipated or appropriate within the General Industrial zone, particularly for reasons of reverse sensitivity. In that category we have also included Health Facilities as sought by BDC.

Hearing Panel's Recommendation

1143. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **General Industrial Zone Rules**:

General Industrial Zone Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.	
Permitted Activities	
GIZ - R1	**New Buildings, External Additions and Alterations to Existing Buildings ~~Industrial Activities and Industrial Buildings~~** [330]
Activity Status Permitted	
Where:	
1. The maximum building height above ground level is 20m;	

[330] Waka Kotahi (S450.231)

2. Maximum site coverage is 80%;

3. Buildings are setback a minimum:

    a. 10m from State Highways; ~~and~~

    b. **2m from road boundaries; and**[331]

    c. 5m from ~~road boundaries,~~[332] any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor;

~~4. All external storage and car parking areas shall be screened by a fence or landscaping so that:~~

~~a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

~~b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration beyond the zone boundary shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;~~ [333]

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~[334]

4. The area adjoining the road frontage of all sites **(excluding access points)**,[335] and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;

~~7. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~[336]

5. No building shall project beyond a building envelope ~~defined by a 35 degree recession plane~~ **in accordance with Appendix Two** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:[337]

    a. Road boundaries;

    b. Buildings on adjoining sites that have a common wall along the boundary;

[331] Westland Milk Products (S63.013)
[332] Westland Milk Products (S63.013)
[333] Waka Kotahi (S450.231)
[334] Buller District Council (538.443), Birchfield Ross Mining Ltd (S604.073), Whyte Gold Ltd (S607.058)
[335] Westland Milk Products (S63.014)
[336] Buller District Council (538.443), Westland Milk Products (S63.011)
[337] Buller District Council (538.443)

c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

d. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and

e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~[338]

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.[339]

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with.~~[340]

GIZ – R2 Minor Structures

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~[341]

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;

2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;

3. Any ornamental or garden structure must not exceed 2.4 m in height; and

[338] Buller District Council (538.443), Westland Milk Products (S63.011)
[339] Buller District Council (538.443)
[340] Waka Kotahi (S450.231)
[341] Buller District (538.444) Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

4. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall**.**

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R4 Industrial Activities

Activity Status Permitted

Where:

1. All external storage and car parking areas shall be screened by a minimum 1.8m high solid fence[342] **or landscaping so that:**

   a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

   b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;

Activity status where compliance not achieved: Restricted Discretionary[343]

GIZ – R45 Commercial Activities

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with; and~~

1. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:

   a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

[342] Buller District Council (538.443)
[343] Consequential to Waka Kotahi (S440.231), Buller District Council (538.443)

b. <u>The fence or landscaping is set back from the road boundary so that it does not restrict visibility;</u>

2. Any retail activity shall occupy no more than 250m² or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved:

<u>Restricted Discretionary where standard 1 is not complied with</u>

Non-complying **<u>where standard 2 is not complied with</u>**[344]

GIZ – R~~5~~<u>6</u> Ancillary Residential Activities

Activity Status Permitted

Where:

1. All performance standards for Rule GIZ - R1 are complied with;
2. One ~~single~~ residential unit per site is provided; and[345]
3. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

GIZ – R~~6~~<u>7</u> Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

GIZ – R~~7~~<u>8</u> Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

[344] Consequential to Waka Kotahi (S440.231)
[345] Buller District Council (538.447)

Activity status where compliance not achieved: Discretionary

GIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

GIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Permitted Activity standards[346]

Activity Status Restricted Discretionary

Where:

~~1. The building projects into the recession plane; and~~

1. ~~All other performance standards for Rule GIZ - R1 are complied with~~.

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access;~~

~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~

~~d. Landscape treatment.~~

a. Bulk, location, and design of buildings;

b. Effects on the safety, amenity and attractiveness of the street or public places;

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;

d. Design and location of parking and access;

e. Measures to mitigate landscape effects; and

f. Characteristics of the site and development that are relevant to the rule.

Activity status where compliance not achieved: ~~Discretionary~~ **N/A**[347]

[346] Waka Kotahi (450.231)
[347] Westland Milk Products (63.012)

GIZ – R11	**Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places.

b. Amenity and nuisance effects on neighbouring sites.

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A[348]

GIZ – R10~~0~~2	**Minor Structures not meeting Permitted Activity standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.[349]

Activity status where compliance not achieved: N/A

GIZ – R11~~3~~	**Fences, Walls and Retaining Walls not meeting Permitted Activity standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.[350]

Activity status where compliance not achieved: N/A

Discretionary Activities

GIZ – R12~~4~~	**~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings, Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**[351]

Activity Status Discretionary

[348] Waka Kotahi (450.231)
[349] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[350] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[351] Waka Kotahi (450.231)

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R1~~3~~5	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards**

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R14~~6~~	**~~Community Facilities and~~ Tertiary Educational Facilities ~~Activities~~**[352]

Activity Status Discretionary

Activity status where compliance not achieved: N/A

GIZ – 17	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary

Activity status where compliance not achieved: N/A[353]

Non-complying Activities

GIZ – R1~~5~~8	**Residential Activities, Community Facilities, Non-Tertiary Education Facilities Retail Activities (greater than 250m^2 or 25% of the gross area of the building on the site whichever is the lesser) and Health Facilities**

Activity Status Non-complying

Activity status where compliance not achieved: N/A[354]

8.8. Light Industrial Zone Rules

Submissions and Further Submissions

1144. Six submission points relating generally to the **LIZ Rules** was summarised in a Table on pages 195-196 of the S42A Report. Four submission points sought amendments to the rules and two submission points supported the discretionary activities.

1145. Fourteen submission points and four further submission points relating to **LIZ – R1** were summarised in a Table on pages 197-200 of the s42A Report. Five submission points supported the retention of the rule as notified. Nine submission points sought amendments.

[352] Silver Fern Farms (FS101.035)
[353] William McLaughlin (S567.435), Chris & Jan Coll (S558.379), Chris J Coll Surveying Limited (S566.379) Laura Coll McLaughlin (574.379)
[354] Consequential Amendment resulting from Waka Kotahi (450.231), Buller District Council (538.457)

1146. Seven submission points relating to **LIZ – R2** were summarised in a Table on pages 202-203 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points sought amendments.

1147. Eleven submission points relating to **LIZ – R3** were summarised in a Table on pages 204-205 of the s42A Report. Two submission points supported the retention of the rule as notified. Nine submission points sought amendments.

1148. Eight submission points relating to **LIZ – R4** were summarised in a Table on pages 206-207 of the s42A Report. Four submission points supported the retention of the rule as notified. Four submissions sought amendments.

1149. Six submission points relating to **LIZ – R5** were summarised in a Table on page 207 of the s42A Report. One submission point supported the retention of the rule as notified. Five submission points sought amendments.

1150. Six submission points relating to **LIZ – R6** were summarised in a Table on page 208 of the s42A Report. All submission points supported the retention of the rule as notified.

1151. Six submission points relating to **LIZ – R7** were summarised in a Table on page 209 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.

1152. Six submission points relating to **LIZ – R8** were summarised in a Table on page 210 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.

1153. Eight submission points and two further submission points relating to **LIZ – R9** were summarised in a Table on pages 211-212 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points sought amendments. One submission point sought the rule be deleted.

1154. Seven submission points relating to **LIZ – R10** were summarised in a Table on page 213 of the s42A Report. Six submission points supported the retention of the rule as notified. One submission point sought amendments.

1155. Seven submission points relating to **LIZ – R11** were summarised in a Table on page 214 of the s42A Report. Six submission points supported the retention of the rule as notified. One submission point sought amendments.

1156. Two submission points relating to **LIZ – R12** were summarised in a Table on page 215 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

1157. Two submission points relating to **LIZ – R13** were summarised in a Table on page 216 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

1158. Three submission points relating to **LIZ – R14** were summarised in a Table on pages 216-217 of the s42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments.

1159. Six submission points relating to **LIZ – R15** were summarised in a Table on page 218 of the s42A Report. One submission point supported the retention of the rule as notified. Five submission points sought amendments.

1160. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

LIZ - General

1161. Ms Belgrave acknowledged the support from William McLaughlin and Laura Coll McLaughlin who both support the discretionary activity rules in the GIZ as notified.

1162. In response to the submission point made by GDC that sought to delete the references to a Heavy Industrial Zone, Ms Belgrave supports the relief sought, as this zone does not exist in the pTTPP and is therefore an error.

1163. In response to the submission points made by Ngāi Tahu[355] that sought amendments to include 'effects on sites and areas of significance to Māori' as a matter of discretion for all restricted discretionary rules, Ms Belgrave does not support the relief sought. This is because she refers to SASM-R6 which requires all buildings and structures within sites and areas of significance to Māori to obtain written approval from the relevant Poutini Ngāi Tahu rūnanga. She considers that any relevant effects generated by activities in the LIZ can be managed under SASM-R6 where necessary.

1164. In response to the submission point made by the New Zealand Motor Caravan Association that sought to provide for campgrounds and camping as a restricted discretionary activity, Ms Belgrave does not support the relief sought. This is because she considers the activity may generate reverse sensitivity effects that have the potential to undermine the integrity of the INZ/LIZ.

1165. The S42A report states that it makes no amendments in response to these submissions. However, the tracked changes in the appendix delete the reference to HIZ in the Overview.

LIZ – R1 Industrial Activities and Industrial Buildings

1166. Ms Belgrave acknowledged the support from the five submission points[356] who support the rule as notified. This is subject to the recommended amendments outlined below.

1167. Ms Belgrave acknowledges the submission point from GDC that sought to ensure the standards do not create unrealistic or unsuitable requirements. She recommends various amendments to the rule based on other submissions and notes this submission.

1168. In response to the submission point made by Waka Kotahi that sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities part of the rule should be separate from the buildings, Ms Belgrave generally supports the relief sought. The submission is similar to others made by Waka Kotahi in other

[355] Ngāi Tahu (S620.232, S620.233)
[356] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.816), Chris & Jan Coll (S558.380), Chris J Coll Surveying Limited (S566.380), William McLaughlin (S567.436), and Laura Coll Mclaughlin (S574.380)

zones, and Ms Belgrave's recommendation for a new rule that provides for the activities referred to in LIZ-R1 aligns with her previous recommendations.

1169. In response to the submission point made by Westland Milk Products that sought to make non-compliance with LIZ-R1(8) a restricted discretionary activity, Ms Belgrave supports the relief sought in part. The submission is also supported by a further submission from Isaac Construction. This submission point is like that made in relation to GIZ-R1(8) and Ms Belgrave makes the same recommendation. She considers that because the potential effects associated with non-compliance with LIZ-R1(2)-(8) can be readily identified, non-compliance with these rules should be restricted discretionary. She maintains that any no-compliance with the height rule (LIZ-R1(1)) should remain as a discretionary activity. As a consequence of this recommendation, Ms Belgrave has recommended additional matters of discretion be included at LIZ-R9.

1170. As a result of the evidence from Mr Richard Black, Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule. She revised her position on the basis that there is a functional need for industrial activities to exceed the permitted height limit. Additionally, there are other rules that will manage the potential effects associated with building bulk and industrial sites generally tend to be larger in size so there are opportunities to internalise potential effects. Consequential amendments to LIZ-R9 are also proposed in the form of matters of discretion.

1171. In response to the submission points made by Westland Milk Products and BDC that sought amendments to the building setbacks, Ms Belgrave supports the reduction in the road boundary setback as sought by Westland Milk Products. This is because a 2m setback aligns with the landscaping requirements and enables the efficient use of LIZ land. However, she does not support increasing the building setback from a residential zone from 5m to 10m as sought by BDC.

1172. In response to the submission point from BDC that sought to make amendments to LIZ-R1(4) adding a minimum fence height and ensuring it be solid, Ms Belgrave does not support the relief sought.

1173. In response to the submission points from BDC and Birchfield Ross Mining Limited that sought to delete LIZ-R1(6) on the basis that air discharges are a regional council function Ms Belgrave supports the relief sought, and recommends the rule be deleted.

1174. Ms Belgrave supports the relief sought by Westland Milk Products to amend LIZ-R1(7) to exclude access points from the landscaping requirements.

1175. Ms Belgrave supports in part the submission point made by BDC that sought to delete LIZ-R1(7)(a) in relation to tree planting on the basis that the term 'encourages' does not provide sufficient certainty. Rather than deleting the rule, Ms Belgrave recommends replacing 'encourages' with 'required' which is consistent with the CMUZ provisions.

1176. In response to the submission point from Birchfield Coal Mines Limited that relate to LIZ-R1(8) Ms Belgrave agrees that the discharge of stormwater is a regional council function. However, (and as discussed with reference to the similar rule in the GIZ), the rule relates to the treatment of stormwater prior to discharge and is therefore relevant under the district plan. Nevertheless, she recommends amendments to the wording of the rule.

1177. As a result of the evidence from Mr Richard Black for Westland Milk Products regarding the management of stormwater in the GIZ, Ms Belgrave reconsidered her recommendation for the wording of LIZ-R1(8) as a consequential amendment in her addendum to the S42A report. She agrees that stormwater treatment can be requirement by other rules in the pTTPP and that LIZ-R1(8) should not create unnecessary duplication. On this basis she recommends amendments to confirm that treatment is required for car parking areas greater than 1,000m² and to exclude areas that discharge lawfully into a trade waste system. While Ms Belgrave does not support excluding the treatment of stormwater from roof areas she does recommend deleting the word 'contaminated' as it creates uncertainty for when treatment is necessary.

1178. In response to the submission point made by BDC that sought amendments to LIZ-R1(9) to include the reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word 'setbacks' be replaced by 'rules'.

1179. In response to the submission point made by the BDC that sought to include a reference to Appendix 2 instead of a 35 degree recession plane, Ms Belgrave comments that LIZ-R1(9) already includes this reference and so no amendment is necessary.

1180. In response to the submission points made by Fire and Emergency NZ (FENZ) that sought the inclusion of two new rules relating to water supply servicing, Ms Belgrave does not support the relief sought. This is for the same reasons set out with respect to other zones in this decision that responds to similar submissions from FENZ.

1181. The S42A report (including the addendum) recommends amending LIZ-R1 as follows:

> ***LIZ-R1 New Buildings, External Additions and Alterations to Existing Buildings, Landscaping, External Storage, and Blasting and Vibration ~~Industrial Activities and Industrial Buildings~~***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***~~Discretionary where Standards 1-8 are is not complied with~~**.*
>
> *Restricted discretionary where **Rules 1-8 are ~~Standard 9 is~~** not complied with.*
>
> *Where:*
>
> *…*
>
> *3. Buildings are setback a minimum:*
>
> *i. 10m from state Highways; **~~and~~***
> ***i. 2m from road boundaries; and***
> *ii. 5m from **~~road boundaries~~**, any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor.*
>
> *…*
>
> ***~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ – Light Industrial Zone boundary as result of the activity.~~***
>
> *6. The area adjoining the road frontage of all sites **(excluding access points),** and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:*
>
> *…*

*c. The planting of 1 tree per 20 carparking spaces is **required** ~~**encouraged**~~ within any carparking area.*

*7. ~~**Contaminated**~~ stormwater run-off associated with any industrial activity ~~**or**~~ building **and associated impermeable parking areas greater than 1,000m²** , ~~**including stormwater runoff from earthworks**~~, shall be collected and treated prior to discharge. **This rule does not apply to areas that discharge lawfully into an authorised trade wate system.** ~~**to ensure there are no significant adverse effects on water quality**~~; and*

*8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~**except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing**~~. This standard does not apply to:*

…

Advice Notes:

…

4. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

1182. The S42A report also recommends the addition of a new rule as follows:

LIZ-R2A Industrial Activities

Activity Status Permitted

Activity status where compliance not achieved: Restricted Discretionary

Where:

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

LIZ – R2 Commercial Activities

1183. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments that are set out below.

1184. In response to the submission made by BDC that sought to replace '*retail*' with '*commercial*' in LIZ-R2(2), on the basis that some of the activities in the list are specifically excluded from the definition of '*retail activity*'. Ms Belgrave supports the relief sought by deleting the word 'retail'. She does not support its replacement with '*commercial*'.

1185. Ms Belgrave does not support the four submission points[357] that sought to amend LIZ-R2(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent. Her recommendation aligns with similar submissions in relation to COMZ-R6 and rules in the GIZ.

1186. Ms Belgrave recommends consequential amendments to the activity status for non-compliances with the rules as a result of the Westland Milk Products submission to LIZ-R1.

[357] Chris & Jan Coll (S558.381), Chris J Coll Surveying Limited (S566.381), William McLaughlin (S567.437), and Laura Coll McLaughlin (S574.381)

1187. The S42A report recommends amending LIZ-R2 as follows:

> ***LIZ-R2 Commercial Activities***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***Restricted discretionary where standard 1 is not complied with.***
>
> *Discretionary* ***where standard 2 is not complied with.***
>
> *Where:*
>
> *1. …*
>
> *2. Any* ~~***Retail A***~~ *activities are:*

LIZ – R3 Ancillary Residential Activities

1188. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi who support the rule as notified. This is subject to the recommended amendments that are set out below.

1189. In response to the submission point made by BDC that sought to delete the word 'single' from LIZ-R3(2), Ms Belgrave supports the relief sought as it simplifies the rule.

1190. In response to the four submission points[358] that sought to amend LIZ-R3(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to GIZ-R5 and LIZ-R2 (and other rules).

1191. In response to the four submission points[359] that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. This is because she considers a non-complying activity status is appropriate as large scale residential activities, or a proliferation of residential activities have the potential to undermine the purpose of the LIZ and are not anticipated within the LIZ.

1192. The S42A report recommends amending LIZ-R3 as follow:

> ***LIZ-R3 Ancillary Residential Activities***
>
> *Activity Status Permitted*
>
> *Activity Status where compliance not achieved: Non-Complying*
>
> *Where:*
>
> *1. All performance standards for Rule LIZ - R1 are complied with;*
>
> *2. One* ~~***single***~~ *residential unit per site is provided; and*
>
> *…*

LIZ – R4 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

[358] Chris & Jan Coll (S558.382), Chris J Coll Surveying Limited (S566.382), William McLaughlin (S567.438), and Laura Coll McLaughlin (S574.382)

[359] Chris & Jan Coll (S558.383), Chris J Coll Surveying Limited (S566.383), William McLaughlin (S567.439), and Laura Coll McLaughlin (S574.383)

1193. Ms Belgrave acknowledged the support from the four submission points[360] that supported the rule as notified.

1194. In response to the four submission points[361] that sought to amend LIZ-R4(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1195. The S42A report recommends retaining LIZ-R4 as notified.

LIZ – R5 Minor Structures

1196. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1197. In response to the five submission points[362] that sought LIZ-R5(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of structures can be appropriately managed through the other rules for maximum height and area, and that compliance with the rules within LIZ-R1 is not necessary or applicable. Additionally, LIZ-R5.1 specifically excludes any setback requirement.

1198. Ms Belgrave recommends a consequential amendment that responds to a FENZ submission point to include a maximum height for hose drying towers to achieve consistency with the recommended amendments in the CMUZ.

1199. The S42A report recommends amending LIZ-R5 as follows:

> ***LIZ-R5 Minor Structures***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved: Restricted Discretionary*
>
> *Where:*
>
> 1. ~~***All performance standards for Rule LIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required***~~.
>
> *…*
>
> ***5. Hose drying towers do not exceed 15m in height; and***
>
> *…*

LIZ – R6 Fences, Walls and Retaining Walls

1200. Ms Belgrave acknowledged the support from the six submission points[363] who support the rule as notified.

1201. The S42A report recommends retaining LIZ-R4 as notified.

[360] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.819), Buller District Council (S538.461), Fire and Emergency New Zealand (S573.112), and Department of Corrections (S349.010)
[361] Chris & Jan Coll (S558.385), Chris J Coll Surveying Limited (S566.385), William McLaughlin (S567.440), and Laura Coll McLaughlin (S574.385)
[362] Buller District Council (S538.462), Chris & Jan Coll (S558.386), Chris J Coll Surveying Limited (S566.386), William McLaughlin (S567.441), and Laura Coll McLaughlin (S574.386)
[363] Buller District Council (S538.463), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.821), Chris & Jan Coll (S558.387), Chris J Coll Surveying Limited (S566.387), William McLaughlin (S567.442) and Laura Coll McLaughlin (S574.387)

LIZ – R7 Agricultural, Pastoral and Horticultural Activities

1202. Ms Belgrave acknowledged the support from BDC and Te Mana Ora who support the rule as notified.

1203. In response to the four submission points[364] that sought to amend LIZ-R7(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1204. The S42A report recommends retaining LIZ-R7 as notified.

LIZ – R8 Aquaculture Activities

1205. Ms Belgrave acknowledged the support from BDC and Te Mana Ora who support the rule as notified.

1206. In response to the four submission points[365] that sought to amend LIZ-R8(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1207. The S42A report recommends retaining LIZ-R8 as notified.

LIZ – R9 Industrial Activities and Buildings not meeting Rule LIZ-R1

1208. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi who support the rule as notified.

1209. In response to the submission points[366] that sought to change details relating to the activity status for non-compliance with this rule, Ms Belgrave considers that a restricted discretionary activity status is appropriate, with the exception of building height. As such, Ms Belgrave does not support BDC's submission to have all non-compliances assessed as a discretionary activity. Furthermore, she does partially support Westland Milk Product's submission to have the restricted discretionary activity status apply to most non-compliances with LIZ-R1 (the only exception being height). However, she does not support the addition of the matters of discretion sought by Westland Milk Products, and instead recommends the following matters:

    - *Bulk, location, and design of buildings.*
    - *Effects on the safety, amenity and attractiveness of the street or public places.*
    - *Visual dominance, shading, and nuisance effects on neighbouring sites.*
    - *Design and location of parking and access.*
    - *Landscape treatment.*

1210. As a result of the evidence from Mr Richard Black for Westland Milk Products, (and as set out in relation to LIZ-R1), Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule, and ultimately has recommended that as there is a functional need for industrial activities to exceed the permitted height limit it is appropriate in this zone

[364] Chris & Jan Coll (S558.388), Chris J Coll Surveying Limited (S566.388), William McLaughlin (S567.443), and Laura Coll McLaughlin (S574.388)
[365] Chris & Jan Coll (S558.389), Chris J Coll Surveying Limited (S566.389), William McLaughlin (S567.444), and Laura Coll McLaughlin (S574.389)
[366] Westland Milk Products (S63.016) and Buller District Council (S538.466)

to include all non-compliances with LIZ-R1 as a restricted discretionary activity. Consequential amendments to LIZ-R9 are also proposed in the form of matters of discretion as follows:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- ***Amenity**, visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*
- ***Characteristics of the site and development that are relevant to the rule.***

1211. In response to the four submission points[367] that sought amend LIZ-R9(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1212. The S42A report (including the addendum) recommends amending LIZ-R9 as follows:

> ***LIZ-R9 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1***
>
> *Activity Status Restricted Discretionary*
>
> *Activity status where compliance not achieved: Discretionary*
>
> *Where:*
>
> ***~~1. The building projects into the recession plane; and~~***
>
> *2. ~~**All other performance standards for**~~ Rule LIZ-R1**.1** ~~**are**~~ **is** complied with.*
>
> *Discretion is restricted to:*
>
> ***~~a. Design and location of buildings;~~***
>
> ***~~b. Design and location of parking and access; and~~***
>
> ***~~c. Landscape treatment.~~***
>
> ***a. Bulk, location, and design of buildings.***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places.***
>
> ***c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.***
>
> ***d. Design and location of parking access.***
>
> ***e. Landscape treatment.***
>
> ***f. Characteristics of the site and development that are relevant to the rule***

LIZ – R10 Minor Structures not meeting Rule LIZ-R5

1213. Ms Belgrave acknowledged the support from six submitters[368] who support the rule as notified.

1214. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion is sufficiently clear and the amendment is unnecessary.

[367] Chris & Jan Coll (S558.390), Chris J Coll Surveying Limited (S566.390), William McLaughlin (S567.445), and Laura Coll McLaughlin (S574.390)
[368] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.825), Waka Kotahi (S450.237), Chris & Jan Coll (S558.391), Chris J Coll Surveying Limited (S566.391), William McLaughlin (S567.446) and Laura Coll McLaughlin (S574.391)

1215. The S42A report recommends retaining LIZ-R10 as notified.

LIZ – R11 Fences, Walls and Retaining Walls not meeting Rule LIZ-R6

1216. Ms Belgrave acknowledged the support from six submitters[369] who support the rule as notified.

1217. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion is sufficiently clear and the amendment is unnecessary.

1218. The S42A report recommends retaining LIZ-R11 as notified.

LIZ – R12 Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards

1219. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1220. In response to the submission point made by BDC that sought to delete LRZ-R12, Ms Belgrave supports the relief sought given the recommendations to amend LIZ-R1 and LRZ-R9. Additionally, a discretionary activity status, is already provided for under LIZ-R2, LIZ-R7 and LIZ-R8 for those particular activities.

1221. The S42A report recommends deleting LIZ-R12.

LIZ – R13 Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility not meeting Permitted Activity Standards

1222. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1223. In response to the submission point made by BDC that sought to delete LRZ-R13, Ms Belgrave supports the relief sought as a discretionary activity status is already provided for under LIZ-R4 for these activities.

1224. The S42A report recommends deleting LIZ-R13.

LIZ – R14 Community Facilities and Educational Facilities

1225. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1226. In response to the submission point from BDC that sought to delete LRZ-R14 and replace it with an alternative rule that would result in Community Facilities and Educational Activities being non-complying activities, Ms Belgrave supports the relief sought in part. She considers that in some instances some educational facilities may have an operational need to locate within the LIZ and be close to other industrial activities. However, she agrees with the BDC

[369] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.826), Waka Kotahi (S450.238), Chris & Jan Coll (S558.392), Chris J Coll Surveying Limited (S566.392), William McLaughlin (S567.447) and Laura Coll McLaughlin (S574.392)

that community facilities are generally not anticipated in the LIZ, and she recommends that this activity be managed by the catch-all rule under LIZ-R15.

1227. In response to the submission point made by the MOE that sought a restricted discretionary activity status for community facilities and educational facilities, Ms Belgrave does not support the relief sought. As above, she recommends a non-complying activity status for community facilities but acknowledges that some forms of educational facilities may be appropriate in the LIZ. However, not as a restricted discretionary activity.

1228. In Ms Belgrave's addendum report she acknowledges the evidence of Mr Tuck for Silver Fern Farms who made a further submission in relation to this matter in the GIZ to partially support the retention of the rule. The matter raised was with respect to educational activities and Ms Belgrave considers that the addition of 'tertiary' to describe the type of educational facilities that might be appropriate in the GIZ responds to the concerns in Mr Tuck's evidence. Ms Belgrave considers that these amendments should also apply in the LIZ as a consequential amendment.

1229. The S42A report (including the addendum) recommends amending LIZ-R14 as follows:

> ***LIZ-R14 ~~Community Facilities~~ and Tertiary Education Facilities***
>
> *Activity Status Discretionary*
>
> *Activity status where compliance not achieved: N/A*

LIZ – R15 Any Activities not provided for by another Rule in the zone

1230. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1231. In response to the four submission points[370] that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought as she considers a non-complying activity status is more appropriate to manage activities that are not anticipated within the LIZ. This also addresses the consequential matter of the BDC submission that sought the amendment to the non-complying rule so that it only apply to residential activities, community facilities, education facilities, and health facilities, while all other activities be discretionary. As set out in relation of LIZ-R14, Ms Belgrave agrees that some educational facilities be discretionary, but she considers all others be non-complying in the LIZ.

1232. The S42A report recommends retaining LIZ-R15 as notified.

Hearing and Submitter Evidence

1233. Ms Richard Black's evidence for Westland Milk Products acknowledges that the S42A report accepts in part the change in activity status for any non-compliance with rules in LIZ-R1. He comments on the S42A recommendation for LIZ-R9, and while he generally agrees with the recommendation, he reiterates the submission point that a restricted discretionary activity status should also apply to any non-compliance with the height limit. He accepts the amended list of matters that discretion is restricted to, but seeks to add one additional matter being:

- *Effects on built form and character of the surrounding area.*

[370] Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394), William McLaughlin (S567.449), and Laura Coll McLaughlin (S574.394)

1234. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the amendments to the stormwater standard as it provides for the appropriate management of contaminated stormwater runoff. However, he remains concerned that the rule may capture a requirement to treat stormwater where the risk of contaminants entering stormwater runoff is no greater than non-industrial uses. Therefore, he suggests the following wording for LIZ-R1(8):

> *Contaminated stormwater run-off associated with any industrial activity or building, **~~including stormwater runoff from any earthworks,~~** shall be collected and treated prior to discharge **~~to ensure there are no significant adverse effects on water quality.~~** **This requirement applies only in areas where an activity may result in the discharge of environmentally hazardous substances and excludes the following areas:***
>
> - ***all areas that discharge lawfully into an authorised trade waste system;***
> - ***areas not used for the industrial or trade process, including vehicle access and car parking areas; and***
> - ***building roof areas.***

1235. The joint statement presented by Ms Frida Inta and Buller Conservation Group reiterates their previous comments regarding the confusion between the matters GIZ-R1 seeks to control. The statement notes that despite the intention to separate spatial controls (activities) from performance standards (building controls), that has not completely happened. The statement indicates that the concerns also relate to the LIZ.

1236. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. While the letter acknowledges that they will not pursue the submission point relating to the provision of water supply, it does note that the Building Act 2004 alone does not adequately provide for the provision to water supply (including firefighting water supply) to new development.

Reporting Officer Reply Evidence

1237. Consequential to the separation of LIZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports a number of amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

1238. The comments with respect to the lawfulness of the stormwater rules as set out in response to the GIZ also apply with regard to the LIZ.

1239. The discussion in the right of reply, regarding the term 'residential unit' with regard to GIZ-R5 also apply with respect to LIZ-R3. As above, Ms Belgrave reiterates that only one residential unit should be permitted in the LIZ.

1240. The comments set out in the GIZ right of reply summary regarding 'educational facilities' and community facilities' is also relevant with respect to the LIZ.

1241. Ms Belgrave's recommended wording for LIZ-R9 includes a correction consequential to Mr Black's evidence on behalf of Westland Milk Products to completely delete LIZ-R9(2).

Hearing Panel's Evaluation

1242. Recognising the strong similarity between the GIZ and LIZ plan provisions and commonality of submissions in the two zones and to avoid repetition, the Panel has decided to restrict its evaluation of the LIZ plan provisions to only those situations where those provisions differ and to where different outcomes have been sought via submission. In all other instances both the evaluation and the outcome detailed in the GIZ section applies to LIZ section. We note that submission points on GIZ and LIZ differ, but we have provided for that by utilising footnotes to reference the relevant submission point for the plan provision within the recommendation box below.

LIZ-R2 (now LIZ-R3) – Commercial Activities

1243. The Panel has looked closely at the screening provision and on balance we consider that for Commercial Activities car parking area do not need to be screened. The effects of having car parks visible is we consider appropriate for commercial activities within the LIZ. We consider the visibility of car parking activity associated with a commercial activity building is an expected outcome because the car parks support and signals the presence of a commercial activity.

1244. The Panel has reviewed the BDC submission on deleting Retail from notified standard 3. (2 as renumbered) and replacing it with Commercial. We consider this will have unintended consequences because it would limit Commercial Activities to only those listed in subparagraphs i-iv., which could not have been the intent of the submitter.

1245. The Panel understands the submitter intent was to limit retail activities to those listed in subparagraphs i.-iv. However, the definition of Retail Activities specifically excludes those activities listed in the subparagraph. These activities are defined as Commercial Activities under the Plan. We consider retaining the word Retail, deleting subparagraphs i.-iv. and retaining subparagraph v. supports the submitters intent. This amendment results in any Retail Activity that in not a convenience store, restaurant, cafe and takeaway food outlet with a maximum gross floor area of 250m^2 is not a permitted activity, and would require a discretionary resource consent.

LIZ-R5 (renumbered LIZ-R6) – Minor Structures

1246. The Panel acknowledges Ms Belgrave's recommended amendment to include a maximum height for hose drying towers, so as to achieve consistency with amendments proposed in the CMUZ. The Panel supports that recommendation.

LIZ-R9 (renumbered LIZ-R10) - New Buildings and External Additions and Alterations Existing Buildings not meeting Rule LIZ - R1

1247. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

LIZ-R13 (renumbered LIZ-15) - Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities not meeting Permitted Activity Standards

1248. The Panel has noted that there is no default status reference to Retail Activities stemming from LIZ-R2 (renumbered LIZ-R3). Rule LIZ-R2 indicates that the default status for Retail Activities is discretionary however there is no rule associated with this. We consider this is an

error and we have utilised clause 16(2) of the RMA to rectify this by including Retail Activities in LIZ-R13 (renumbered LIZ-15).

LIZ-R15 (renumbered LIZ-R17) - Any Activity not provided for by another Rule in the zone

1249. The Panel acknowledges that LIZ-R15 is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter (now LIZ-R17).

LIZ-R18 - Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities

1250. The Panel has recommended the inclusion of a new rule LIZ-R18 to provide for those non-complying activities (Residential) which is identified in the previous rules in line with our determination that such rules are required in terms of the Plan's structure. We also agree with Ms Belgrave that a non-complying status is appropriate for Community Facilities, Non-Tertiary Education Facilities which are not anticipated or appropriate within the General Industrial zone, particularly for reasons of reverse sensitivity. In that category we have also included Health Facilities as sought by BDC.

Hearing Panel's Recommendation

1251. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Light Industrial Zone Rules**:

Overview

The LIZ - Light Industrial Zone complements the ~~HIZ - Heavy and~~[371] GIZ - General Industrial Zones by specifically providing for industrial activities that are unlikely to produce objectionable environmental effects but there may still be some adverse effects including those associated with odour, dust or noise.

Activities within this zone may include light manufacturing, contractors' depots and automotive repair and service industries and some compatible commercial activities. Aquaculture activities such as fish or seaweed farming and processing are also appropriate in this zone.

It may also provide a buffer between other INZ - Industrial Zones and RESZ - Residential or MUZ - Mixed Use Zones.

The National Policy Statement on Urban Development (NPSUD) imposes a responsibility to ensure that there is sufficient business land to meet the future demands of the district and that this development is in the right location and appropriately serviced.

The INZ - Industrial Objectives and Policies and the LIZ - Light Industrial Zone Rules provide the framework for managing the effects of development and ensuring that a reasonable standard of

[371] Grey District Council (S608.102)

amenity and environmental quality is retained within the zone, and that there are not significant adverse effects on the amenity and quality of the environment in surrounding areas.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Light Industrial Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Light Industrial Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Natural Character and Margins of Waterbodies** -in some locations areas of Light Industrial Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Light Industrial Zone.

Light Industrial Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

LIZ - R1	**<u>New Buildings, External Additions and Alterations to Existing Buildings</u>** **~~Industrial Activities and Industrial Buildings~~**[372]

Activity Status Permitted

Where:

[372] Waka Kotahi (S450.234)

1. The maximum building height above ground level is 12m;

2. Maximum site coverage is 65%;

3. Buildings are setback a minimum:

    i. 10m from State Highways; and

    ii. **2m from road boundaries; and**

    iii. 5m from ~~road boundaries~~,[373] any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor;

~~4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:~~

    ~~i. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

    ~~ii. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;~~[374]

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~[375]

7. The area adjoining the road frontage of all sites **(excluding access points)**,[376] and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:

    a. A minimum width of 2 metres that will, within two years of being planted, reach a minimum height of 1m, provided that lower heights are acceptable where this will otherwise restrict visibility within the State Highway corridor; and

    b. On sites adjoining a RESZ - Residential Zone shall be planted with species, which at maturity, will provide screening from the adjoining sites; and

    c. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.

~~8. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~[377]

9. No building shall project beyond a building envelope ~~defined by a recession plane as~~ [378]defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ -

[373] Consequential amendment from Westland Milk Products (S63.013) Buller District Council (S538.458)
[374] Waka Kotahi (S450.234)
[375] Buller District Council (S538.458), Birchfield Ross Mining Ltd (S604.083)
[376] Westland Milk Products (S63.018
[377] Buller District Council (S538.458)
[378] Buller District Council (S538.447)

Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:[379]

i. Road boundaries;

ii. Buildings on adjoining sites that have a common wall along the boundary;

iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and

v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~[380]

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.[381]

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with~~[382]

LIZ – R2 Industrial Activities

Activity Status Permitted

Where:

1. All external storage and car parking areas shall be screened by a minimum 1.8m high solid[383] **fence or landscaping so that:**

[379] Buller District Council (S538.458)
[380] Buller District Council (S538.458)
[381] Buller District Council (S538.458)
[382] Waka Kotahi (S450.234)
[383] Buller District Council (S538.458)

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;

Activity status where compliance not achieved: Restricted Discretionary[384]

LIZ – R~~2~~3 Commercial Activities

Activity Status Permitted

Where:

~~**1.** All performance standards for Rule GIZ - R1 are complied with; and~~

1. All external storage shall be screened by a 1.8m fence[385] **or landscaping so that:**

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;[386]

2. Any Retail Activities are:

i. ~~Motor vehicle sales yards~~ Convenience stores;

ii. ~~Service stations~~ Restaurants;

iii. ~~Trade retail and trade suppliers~~ Cafes;

iv. ~~Drive through restaurants~~ Takeaway food outlets; ~~or~~

with a maximum gross floor area of 250m².[387]

Activity status where compliance not achieved:

Restricted Discretionary where standard 1 is not complied with

Discretionary **where standard 2 is not complied with**[388]

LIZ – R~~3~~4 Ancillary Residential Activities

[384] Waka Kotahi (S450.234)
[385] Buller District Council (S538.458)
[386] Waka Kotahi (S450.234)
[387] Buller District Council (S538.459)
[388] Waka Kotahi (S450.234)

Activity Status Permitted

Where:

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

1. One ~~single~~ residential unit per site is provided; and[389]

2. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

LIZ – R4<u>5</u>	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with except that hose drying towers associated with an Emergency Service Facility are exempt from height standards.

Activity status where compliance not achieved: Discretionary

LIZ – R~~5~~<u>6</u>	**Minor Structures**

Activity Status Permitted

Where:

~~1. All performance standards for Rule LIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~[390]

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;

2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;

3. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~

4. **<u>Hose drying towers do not exceed 15m in height; and</u>**[391]

5. Any other structure must not exceed 10m² and 2m in height.

[389] Buller District Council S538.460)
[390] Buller District (538.462) Chris & Jan Coll (S558.386), Chris J Coll Surveying Limited (S566.386), William McLaughlin (S567.441), and Laura Coll McLaughlin (S574.386)
[391] Fire and Emergency New Zealand (S517.101)

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~6~~7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~7~~8 Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

LIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

LIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1[392]

Activity Status Restricted Discretionary

~~Where:~~

~~a. The building projects into the recession plane; and~~

~~b. All other performance standards for Rule LIZ - R1 are complied with.~~

Discretion is restricted to:

~~a. Design and location of buildings;~~

[392] Westland Milk Products (S63.016)

~~b. Design and location of parking and access; and~~

~~c. Landscape treatment.~~

a. Bulk, location, and design of buildings;

b. Effects on the safety, amenity and attractiveness of the street or public places;

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;

d. Design and location of parking and access;

e. Measures to mitigate landscape effects; and

f. Characteristics of the site and development that are relevant to the rule

Activity status where compliance not achieved: ~~Discretionary~~ N/A[393]

LIZ – R11	**Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Amenity and nuisance effects on neighbouring sites; and

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A[394]

LIZ – R10~~2~~	**Minor Structures not meeting Rule LIZ - R~~5~~6**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.[395]

Activity status where compliance not achieved: N/A

LIZ – R11~~1~~3	**Fences, Walls and Retaining Walls not meeting Rule LIZ - R~~6~~7**

Activity Status Restricted Discretionary

Discretion is restricted to:

[393] Westland Milk Products (S63.016)
[394] Consequential amendment stemming from Waka Kotahi (S450.234)
[395] Consequential Plan wide amendment to Manawa Energy Limited S438.100

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**[396]

Activity status where compliance not achieved: N/A

Discretionary Activities

LIZ – R1~~2~~4	**Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R1~~3~~5	**Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities**[397] **not meeting Permitted Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R14~~6~~	**~~Community Facilities and~~ Tertiary Educational Facilities**[398]

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R1~~5~~7	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary[399]

Non-complying Activities

LIZ – R18	**Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities**

Activity Status Non-Complying

Activity status where compliance not achieved: N/A[400]

[396] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[397] Clause 16(2) of the RMA
[398] Silver Fern Farms (F101.035)
[399] William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)
[400] Buller District Council (S538.471)





Dean Chrystal

Hearings Panel - Chair

Anton Becker

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions - Ngā Tautuhinga	
Term	**Definition**
RETAIL ACTIVITY	**means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.** Excludes service stations, trade retail and trade suppliers, car sales and drive through restaurants.
SUPERMARKET	**means a retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.**

Commercial and Mixed Use Zones Objectives	
CMUZ – O1	To maintain and enhance the character and amenity values of commercial areas and town centres **while enabling** ~~in a way that enables~~ commercial and other activities to support the local community and visitors ~~while minimising adverse effects on amenity within and adjoining the commercial areas~~.
CMUZ – O2	**Avoid, remedy, or mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.**
CMUZ – O~~2~~3	To ~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~ maintain ~~their~~ **the** integrity **of the West Coast/Te Tai o Poutini town centres** as a place of high-quality built environment character, community and visitor focus and identity.
CMUZ – O~~3~~4	To recognise that Greymouth/Māwhera is the principal commercial and urban centre on the West Coast/Te Tai o Poutini and support its redevelopment through providing for a range of commercial and mixed use zones and activities within a high-quality urban environment.
CMUZ – O5	**The region's commercial needs are provided for via a suite of commercial zones that:** **(e) recognise the importance of the West Coast/Te Tai o Poutini town centres;** **(f) serve the immediate need of the local community;** **(g) provide for mixed use and redevelopment opportunities at Greymouth; and** **(h) provide for larger scale commercial activities in appropriate locations.**

Commercial and Mixed Use Zones Policies	
Activities and Development in ~~CUMZ~~ CMUZ – Commercial and Mixed Zones	
CMUZ – P1	Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including;

	a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods; b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.
CMUZ – P2	A range of activities are anticipated within CMUZ - Commercial and Mixed Use Zones which meet the needs of the local community with convenient and safe access and opportunities for economic growth and social interaction.
CMUZ – P3	Residential activities and visitor accommodation may occur in the TCZ - Town Centre and MUZ - Mixed Use Zones particularly where this enables the redevelopment of important landmark and heritage buildings.
CMUZ – P4	New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes ~~and is expected to~~ **which**: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment; c. Provide a quality street frontage with visual interest and connection with the street; and d. Ensure visual effects from car parking areas are ~~minimised~~ **mitigated; and** e. **Recognises the functional need or operational need of activities.**
New Locations for CMUZ – Commercial and Mixed Use Zones	
CMUZ – P5	Support the redevelopment of brownfield sites for mixed use activities where: a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements; b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities; c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks; d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised; e. If necessary, contaminated land is remediated in accordance with national and regional standards; and f. The redevelopment does not impact on: 4. The vitality and strategic role of town centres as the focal points for commercial and other activities; 5. The efficient and effective use of land; and 6. Community and transport infrastructure investment in centres.

CMUZ – P6	Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres. ~~-rather than pulling activity away from the centre~~
CMUZ – P7	New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.
Infrastructure in Commercial and Mixed Use Zones	
CMUZ – P8	Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
CMUZ – P9	Provide a range of transport modes to and from the town centres including public transport, cycling routes and **associated cycle** parking and encouraging more pedestrian friendly streets.
CMUZ – P10	The use of energy efficient systems and products, low impact stormwater design and other environmentally sustainable elements in new building and development is encouraged.
CMUZ – P11	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to service new commercial areas across multiple properties then this should be vested with the Council rather than be retained as private infrastructure.
CMUZ – P12	Avoid reverse sensitivity effects on **regionally significant** ~~strategic~~ infrastructure including: a. Hokitika and Westport Airports and Greymouth Aerodrome; b. The rail network; c. The State Highway Network; d. The Ports of Westport and Greymouth; e. Community wastewater treatment and water supply plants; f. The National Grid.
Policies for Specific Commercial and Mixed Use Zones	
CMUZ – P13	Activities in the COMZ - Commercial, MUZ - Mixed-Use and NCZ - Neighbourhood Centre Zones should: a. ~~Meet performance standards on development and land use that maintain~~ **Maintain** or enhance the amenity of the commercial areas and ~~do not create~~ **avoid, remedy or mitigate** adverse effects beyond the boundaries of these areas, particularly in respect of residential areas; b. Provide safe urban design (including pedestrian and vehicle safety); and c. ~~Avoid the fragmentation~~ **Encourage compact urban form** of town centres.

CMUZ – P14	Trade retail and trade suppliers should locate in existing COMZ - Commercial Zone or MUZ - Mixed Use Zone but not within the TCZ - Town Centre Zone or in the NCZ - Neighbourhood Centre Zone.
CMUZ – P15	Activities within the TCZ - Town Centre Zones should: a. Maintain or enhance natural and historic features and built form; b. Adaptively reuse existing heritage buildings where practicable; c. Recognise and implement good urban design; d. Provide for low-speed vehicle movement; e. Allow for noise associated with commercial activities including bars and restaurants; f. Provide for commercial signs associated with on-site activities; g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout; h. Have consolidated on-street parking; i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services; j. Allow for a range of transport options; ~~k. Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and~~ ~~l. Be activities reliant on pedestrian movement.~~
CMUZ – P16	The NCZ - Neighbourhood Centre Zone should provide for retail and community facilities which serve the immediate local community and should not undermine town centre function and identity.
CMUZ – P17	COMZ - Commercial Zoned areas within small settlements should primarily provide access to local shopping and community facilities to serve that settlement.
CMUZ – P18	Encourage the redevelopment of sites within the MUZ - Mixed Use Zone.
CMUZ – P19	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in CMUZ - Commercial and Mixed Use Zones to INZ - Industrial Zoned areas
Additional Policies for Town Centre Precincts	
Town Centre Zone - Greymouth/Māwhera Town Centre Precinct Policies	
CMUZ – PREC1 – P1	Activities and development within the TCZ - PREC1 -Greymouth/Māwhera Town Centre Precinct should reflect the Greymouth/Māwhera CBD Redevelopment Plan and any subsequent plans for the town centre redevelopment and invigoration.
CMUZ – PREC1 – P2	Seek to intensify activity within the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct by fully utilising the existing building stock – including allowing offices, cafes and restaurants, residential apartments and visitor accommodation in upper floors above street level.
CMUZ – PREC1 – P3	Celebrate Greymouth/Māwhera's unique historic and Poutini Ngāi Tahu heritage and identity by repurposing existing landmark and heritage buildings and the use of the Greymouth/Māwhera Town Centre Design Guidelines.

CMUZ – PREC1 – P4	Promote the development of green corridors connecting the Grey/Māwhera River to Victoria Park, Sawyers Creek Wetlands and the lagoon.
CMUZ – PREC1 – P5	Require high quality design outcomes in the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct which adhere to the Greymouth/Māwhera Town Centre Design Guidelines. In particular, new development and additions and alterations to existing buildings are expected to: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Create visual interest and be in keeping with streetscape values; c. Address Poutini Ngāi Tahu and historic heritage values and design elements; d. Create a vibrant, active pedestrian environment; e. Take into account sustainable building design and Crime Prevention through Environmental Design (CPTED) principles; f. Utilise the Greymouth Pounamu and Māori Heritage paint palette on building frontages; and g. Ensure continuous verandah coverage on the Main Street Frontage of the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct.
CMUZ – PREC1 – P6	Encourage **walking and cycling** access to and along the Grey/Māwhera River to the adjacent MUZ- Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.
Town Centre Zone - Hokitika Town Centre Precinct Policies	
CMUZ – PREC2 – P7	Reinforce the pedestrian priority in the TCZ - PREC2 - Hokitika Town Centre Precinct by requiring verandahs, active street frontage and a high quality pedestrian environment which reflects the Hokitika Town Centre Design Guidelines.
CMUZ – PREC2 – P8	Provide for and enable the inclusion of elements of Poutini Ngāi Tahu culture in the design of buildings and structures in the TCZ - PREC2 - Hokitika Town Centre Precinct.
CMUZ – PREC2 – P9	Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.
Town Centre Zone – Westport/Kawatiri Town Centre Precinct Policies	
CMUZ – PREC3 – P10	Ensure that the design, scale and layout of commercial development and buildings in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct is compatible with the character of the town.
CMUZ – PREC3 – P11	Reinforce Palmerston Street between Henley St and Rintoul St as the heart of Westport/Kawatiri by requiring verandahs, active street frontage and a high quality pedestrian environment.
CMUZ – PREC3 – P12	Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.
Town Centre Zone – Reefton Town Centre Precinct Policies	

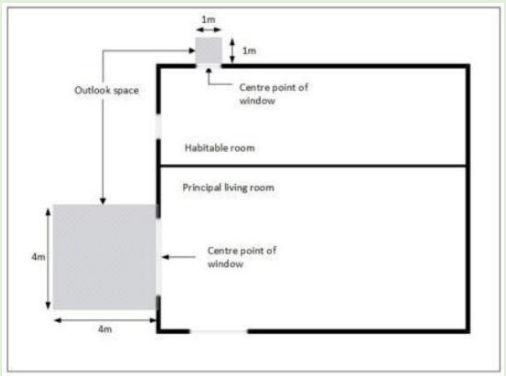
CMUZ – PREC4 – P13	Ensure that the design, scale, location and layout of development and buildings in the TCZ - PREC4 - Reefton Town Centre Precinct are compatible with the historic character of this area.
CMUZ – PREC4 – P14	Require new development and additions to exterior facades of buildings on the Main Street Frontage of the TCZ - PREC4- Reefton Town Centre Precinct to adhere to the Reefton Historic Town Centre Design Guidelines.

Commercial Zone Rules		
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.		
Permitted Activities		
COMZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings** ~~Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings~~	
Activity Status Permitted Where: 1. The maximum height above ground level is ~~12~~ **15** metres except that this standard does not apply to hose drying towers at Emergency Service Facilities; 2. Any building or structure is set back: i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and ii. 3m from the road boundary, except for; sites with frontage to two roads in the COMZ - Commercial Zone can have a 3m setback on one road boundary and 1.5m setback on the other road boundary; iii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.** 3. Landscaping shall be provided as follows: i. The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m~~; ii. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and		**Activity status where compliance not achieved:** Restricted Discretionary where standards ~~5 and~~ **2 – 5** ~~6~~ are not complied with. Discretionary where standard~~s~~ 1~~-4 are~~ **is** not complied with.

iii. The planting of 1 tree per 20 carparking spaces is ~~encouraged~~ **required** within any carparking area. iv. Stormwater facilities that provide water quality treatment and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner. 4. The maximum building length is 20m where this abuts a RESZ - Residential Zone; **and** ~~5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place; and~~ 5. No building projects beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically; v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** 1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles. 2. **Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.** ~~3. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~	
COMZ – R2	**Minor Structures**

Activity Status Permitted Where: 1. ~~All performance standards for~~ **Standard 2 for** Rule COMZ - R1 **is** ~~are~~ complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
COMZ – R3 **Fences, Walls and Retaining Walls**	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall. **Advice Note:** Retaining walls greater than 1m in height should be subject to engineered design and meet the Building Code.	**Activity status where compliance not achieved:** Discretionary
COMZ – R4 **Relocated Buildings**	
Activity Status Permitted Where: 1. All performance standards for Rule COMZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built**, and** ~~to be~~ used as a dwelling; 3. A building pre-inspection report **in accordance with Appendix 11** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is~~	**Activity status where compliance not achieved:** **Refer to COMZ-R1 for where standard 1 is not complied with.** Restricted Discretionary **where standards 2 to 5 are not complied with.**

~~to include connections to all infrastructure services and closing in and ventilation of the foundations.~~	
COMZ – R5	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities**
Activity status Permitted **Where:** **1. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place** **Advice Note:** **1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**	**Activity status when compliance not achieved: Restricted Discretionary**
COMZ – R~~5~~6	**Residential ~~Buildings and~~ Activities**
Activity Status Permitted Where: ~~1. All performance standards for Rule COMZ - R1 are complied with;~~ 1. This is ancillary to a Commercial Activity; 2. It is not ancillary to a Commercial Activity, the activity is located above the ground floor level of a Commercial Activity; and 3. Each residential unit shall be provided with: i. ~~An outdoor service space of 3 m² and a~~ **A** waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8m in a communal area**; ii. A single, indoor storage space of 4m³ with a minimum dimension of 1 metre; iii. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; and iv. Each residential unit shall be provided with an outdoor living space of **8m² minimum area and 2 metres minimum dimension;** ~~1. 6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit~~; ~~2. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~	**Activity status where compliance not achieved:** Non-complying

~~3. 15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms;~~ v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows: 1. A principal living room must have an outlook space with a minimum dimension of 3 metres in width **and depth**; 2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width **and depth**; 3. The width of the outlook ~~species~~ **spaces** is measured from the centre point of the largest window on the building face to which it applies; 4. Outlook spaces may be within the same site or over a public street or other public open space; 5. Outlook spaces required from different rooms within the same building may overlap; 6. Outlook spaces must: c. Be clear and unobstructed by buildings; and d. Not extend over an outlook space or outdoor living space required by another dwelling.  **Advice Note:** 1. In meeting the outdoor living space requirements, decks and balconies will be included within the calculation. 2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
Restricted Discretionary Activities	
COMZ – R~~6~~7	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings not meeting** ~~the External Storage, Building Length or Recession Plane performance standards of~~ **Rule COMZ - R1**

Activity Status Restricted Discretionary Where: 1. ~~All performance standards for Rule COMZ - R1 other than those that relate to External Storage and Recession Planes are~~ **Performance standard 1 for Rule COMZ-R1 is** complied with. **Discretion is restricted to:** ~~a. Materials being stored;~~ ~~b. Period of time for storage;~~ ~~c. Distance from boundary; and~~ d. Bulk, location and design of storage, buildings and structures. e. **Effects on the safety, amenity and attractiveness of the street or public places; and** **f. Visual dominance, privacy and shading effects on neighbouring sites**	**Activity status where compliance not achieved:** Discretionary
COMZ – R8	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ-R5**
Activity Status Restricted Discretionary **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and** **b. Materials being stored and the period of time for storage.**	**Activity status where compliance not achieved: N/A**
COMZ – R~~7~~9	**Relocated Buildings not meeting Rule COMZ - R4** ~~or Recession Plane performance standards of Rule COMZ - R1~~
Activity Status Restricted Discretionary ~~Where:~~ ~~1. All performance standards for Rule COMZ - R1 are complied with.~~ **Discretion is restricted to:** a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects;** and c. Appearance of buildings **and the completion of any building reinstatement works identified in a building inspection report**.	**Activity status where compliance not achieved:** ~~Discretionary~~ **N/A**
Discretionary Activities	
COMZ – R~~8~~10	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings,** ~~Relocated Buildings,~~ **Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary ~~Where:~~ ~~1. The maximum height is 15m;~~ ~~2. Maximum building length abutting a residential zone is 35m, and~~ 3. ~~Any building or structure is set back 3m from any Residential Zone or Open Space Zone.~~	**Activity status where compliance not achieved:** ~~Non-complying~~ **N/A**
COMZ – R11	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
Non-complying Activities	
COMZ – R9~~1~~2	**Residential Activities ~~and Buildings~~ not meeting the standards in Rule COMZ - R~~5~~6**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
COMZ – R~~10~~13	**Industrial Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**COMZ – R11**~~	~~**Any activity not provided for by another Rule in the zone**~~
~~Activity Status Non-complying~~	~~Activity status where compliance not achieved: N/A~~

Mixed Use Zone Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.	
Permitted Activities	
MUZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings**
Activity Status Permitted Where: 1. The maximum ground floor area of the building is 500m²; 2. The maximum height above ground level is 12m except that this standard does not apply to hose drying towers at Emergency Service Facilities;	**Activity status where compliance not achieved:** **Restricted Discretionary where standards 1 and 3 to 6 are not complied with**

3. Any building on a Facade Control Street must have: i. A cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; ii. 20% of the facade devoted to display windows or transparent glazing; and iii. The principal public entrance to the building must be located on the front boundary; 4. Any building or structure is setback a minimum of: i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; **and** ii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.** ~~5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~ 5. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and 6. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~ This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:**	Discretionary **where standard 2 is not complied with.**

1. <u>Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.</u>	
MUZ – R2	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities**
Activity Status Permitted Where: 1. This is not visitor accommodation subject to Rule MUZ-R5; ~~2. Performance standards for Rule MUZ - R1 are complied with; and~~ **<u>4.</u>** This is not a commercial garage, service station or emergency service activity located on a Facade Control Street**<u>; and</u>** **<u>5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u>**	**Activity status where compliance not achieved:** Refer Rule MUZ – R5 for Visitor Accommodation **<u>Restricted discretionary where standard 3 is not complied with</u>** ~~Activities not complying with Standard 2 or 3 are~~ Discretionary **<u>where standard 2 is not complied with.</u>**
MUZ – R3	**Carparking and Vehicle Service Areas**
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes or streets other than those subject to Facade Controls; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Facade Control Street; ~~and~~ 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site**; and** **6. <u>Standards 1 to 5 of Rule MUZ-R3 do not apply to Emergency service facilities</u>** **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
MUZ – R4	**Residential Activities and Papakāinga**
Activity Status Permitted Where: 1. The residential activity or papākainga is: i. Located above street level; or	**Activity status where compliance not achieved:** Discretionary

ii. Located at street level but with no frontage to public open spaces or streets except for access; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8 metres in a communal area**; 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 4. Residential accommodation entrances shall be clearly separated and distinguished from commercial entrances; 5. **The principal residential** ~~Residential~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**. **Advice Note:** The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
MUZ – R5	**Visitor Accommodation**
Activity Status Permitted Where: 1. The visitor accommodation is located i. In a Heritage Building listed in Schedule One; or ii. Above street level; or iii. At street level but with no frontage to public open spaces or streets except for access 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and 4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**. **Advice Note:** The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Discretionary
MUZ – R6	**Minor Structures**

Activity Status Permitted **Where:** 1. ~~All performance standards for~~ **Standard 4 of** Rule MUZ - R~~2~~**1 is** ~~are~~ complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
MUZ – R7	**Fences, Walls and Retaining Walls**
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.	**Activity status where compliance not achieved:** Discretionary
MUZ – R8	**Relocated Buildings**
Activity Status Permitted Where: 1. All performance standards for Rule MUZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling; 3. A building pre-inspection report **in accordance with Appendix 11** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and** 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all~~	**Activity status where compliance not achieved:** **Refer Rule MUZ – R1 for where standard 1 is not complied with.** Discretionary **where standards 2 to 5 are not complied with.**

~~infrastructure services and closing in and ventilation of the foundations.~~	
Restricted Discretionary Activities	
MUZ – R9	**New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ – R1**
Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R1 is complied with.** **Discretion is restricted to:** **a. Bulk, location and design of storage, buildings and structures** **b. Effects on the safety, amenity and attractiveness of the street or public places; and** **c. Visual dominance, privacy and shading effects on neighbouring sites.**	**Activity status where compliance not achieved: Discretionary**
MUZ – R10	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities not meeting Rule MUZ-R2**
Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R2 is complied with** **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and** **b. Materials being stored and the period of time for storage.**	**Activity status where compliance not achieved: Discretionary**
Discretionary Activities	
MUZ – R9~~1~~11	~~Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and~~ **Buildings not meeting Permitted Activity Standards**
Activity Status Discretionary Where: 1. The maximum height is 20m.	**Activity status where compliance not achieved:** Non-complying
MUZ – R~~1~~2	**Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
MUZ – R1~~1~~3	**New Buildings and External Additions to Buildings not meeting Rule MUZ - R1**

Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ – R1~~2~~4	**Residential Activities not meeting Permitted Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ-R15	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
Non-complying Activities	
MUZ – R1~~3~~6	**Industrial Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~MUZ – R14~~	**~~Any activity not provided for by another Rule in the zone~~**
~~Activity Status Non-complying~~	**~~Activity status where compliance not achieved:~~** ~~N/A~~

TCZ	**Town Centre Zone – Te Takiwā o te Pokapū o te Tāone**

Overview

The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply.

The four centres are **generally** characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is available on the street. Residential living above ground floor and mixed use activities are provided for.

The architectural quality of buildings and the quality of the public realm (public spaces and the interaction between individual buildings and the public pedestrian environment) will strongly influence the attractiveness of the TCZ - Town Centre Zone and MUZ - Mixed Use Zone as places to visit, undertake business and live. The objectives, policies and rules for both zones enable a broad range of activities, in order to provide the flexibility necessary to accommodate future growth and change. More importantly, they also focus on the quality of buildings and the impact of new buildings on the public realm and on the walkability and pedestrian access within the town centres. This focus is important to enhancing the attractiveness of the town centres and encouraging new businesses, visitors and inner city living.

As the largest centre on the West Coast/Te Tai o Poutini, Greymouth/Māwhera is expected to provide for a diverse range of commercial, retail, community and recreation activities and offer a variety of employment and living opportunities. In

Greymouth/Māwhera higher density residential developments such as apartments above ground floor are anticipated that will contribute to providing wider housing choices for the community. The MUZ - Mixed Use Zone in Greymouth/Māwhera is adjacent to the TCZ - Town Centre Zone.

The Town Centre and Mixed Use Design Guidelines seek to ensure that new building development in the town centres is of a high standard and that it enhances the characteristics and qualities that contribute to each town centre's unique sense of place.

The location of the Hokitika, Greymouth/Māwhera and Westport/Kawatiri town centres on the coast and adjacent to large rivers, means parts of the town centres are subject to risk from existing and future flood and coastal inundation. Te Tai o Poutini Plan enables development within the TCZ - Town Centre Zone and MUZ - Mixed Use Zone that responds to and manages the risk. However, it is also acknowledged that over time a movement away from the most hazardous locations is desired, and this is reflected in other parts of the Te Tai o Poutini Plan through the NH - Natural Hazards provisions.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Town Centre Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Town Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Town Centre Zone.

Town Centre Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

TCZ - R1	**New Buildings, External Alterations or Alterations to Existing Buildings** ~~Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities~~

Activity Status Permitted Where: **1. The maximum height above ground level is;** **e. 20 metres in TCZ – PREC1 - Greymouth/Māwhera Town Centre Precinct.** **f. 12 metres in TCZ – PREC2 – Hokitika Town Centre Precinct.** **g. 15 metres in TCZ – PREC3 – Westport/Kawatiri Town Centre Precinct.** **h. 12 metres in TCZ – PREC4 – Reefton Town Centre Precinct.** **Except that hose drying towers at Emergency Service Facilities are exempt from this standard;** 2. Any building is located: a. On the front boundary of the site; b. With no setback from the street boundary, except that a recess of up to 0.5m within the facade of the building is permitted; 3. Any building is setback a minimum of a. 3m from any RESZ - Residential Zone boundary; b. **1.5m from the railway corridor designation, excluding accessory buildings and structures** ~~4. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~ 4. The ground floor facade of all buildings with a Main Street Frontage must have: a. ~~50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage~~ **A minimum of 50% comprising of clear glazing**; and b. One public entrance with glazing comprising at least 40% of the doors; except that Any Heritage Building in Schedule One is exempt from this requirement. ~~5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m;~~ 5. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone	**Activity status where compliance not achieved:** Non-complying where standards ~~1~~ **2** ~~3~~ are not complied with. Discretionary where standards **1 and** 4 to **5** ~~6~~ are not ~~met~~ **complied with**.

boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~. This standard does not apply to: a. Road boundaries; b. Buildings on adjoining sites that have a common wall along the boundary; c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and e. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** **1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.** **2. When designing new buildings or additions and alterations to existing buildings in the Town Centre Zone, developers are encouraged to use the relevant Design Guidelines:** **a. the Hokitika Town Centre Urban Design Guidelines; or** **b. Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines; or** **c. Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines; or** **d. Reefton Town Centre Urban Design Guidelines**.	
TCZ – R2	**Commercial Activities ~~and Buildings~~, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ 1. Any commercial activity on a Main Street Frontage does not include: a. Motor vehicle sales yards; b. Service stations;	**Activity status where compliance not achieved:** ~~Discretionary where standard 3 is not complied with.~~ Non-complying ~~where standards 2, 4 and 5 are not complied with.~~

c. Yard based retail; d. Trade retail and trade suppliers; e. Drive through restaurants. ~~2. The maximum height above ground level is 12 metres except that hose drying towers at an Emergency Service Facility are exempt from this standard;~~ 2. ~~Every~~ **New** building**s and additions and alterations to any building** with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and **3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** **~~4.~~** ~~New buildings and additions and alterations to any Main Street Frontage facade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.~~	~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~
TCZ – R3	**Commercial Activities** ~~and Buildings~~**, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC1 Greymouth/Māwhera Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with~~; ~~2. The maximum height above ground level is 20 metres~~; 1. ~~Every~~ **New** building**s and additions and alterations to any building** with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One**;and** **2. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** **Advice Note:** 1. The verandah shall extend from the shop frontage to be 400mm inside the kerbline. The verandah, if on a corner, shall be splayed so as to be 400mm back from the kerbline. **~~2.~~** ~~When designing new buildings in Greymouth/Māwhera Town Centre developers are encouraged to use the Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines.~~	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 is not complied with.~~ Non-complying ~~where standard 3 is not complied with.~~ ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~

TCZ – R4	**Commercial Activities ~~and Buildings~~, Community Facilities and Emergency Service Facilities in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ 1. Any commercial activity on a Main Street Frontage does not include: f. Motor vehicle sales yards; g. Service stations; h. Yard based retail; i. Trade retail and trade suppliers; j. Drive through restaurants. ~~2. The maximum height above ground level is 15 metres~~; 2. Every building with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath. This requirement to provide a verandah does not apply to Heritage Buildings identified in Schedule One**; and** **3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** **Advice Note:** 1. When erecting a cantilevered verandah, poles are encouraged for decorative purposes. 2. ~~When designing new buildings for the Westport/Kawatiri Town Centre developers are encouraged to use the Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines~~.	**Activity status where compliance not achieved:** ~~Discretionary where standards 3 is not complied with~~ Non-complying ~~where standard 2 or 4 is not complied with~~ ~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~

TCZ – R5	**Commercial Activities ~~and Buildings~~, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC4 - Reefton Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ ~~2. The maximum height above ground level is 12 metres except that hose drying towers at Emergency Service Facilities are exempt from this standard~~; 3. Every building with a frontage to SH7 (Broadway) must erect a continuous verandah to cover the full width of the footpath with a timber frame and a roof supported on timber poles;	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 are not complied with.~~ Non-complying ~~where standards 3, 4 and 5 are not complied with.~~ ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~

4. Any commercial activity does not include: f. Car sales yards; g. Service stations; h. Yard based retail; i. Trade retail and trade suppliers; j. Drive through restaurants; ~~and~~ ~~5. New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.~~	
TCZ – R6	**Carparking and Vehicle Service Access**
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Main Street Frontage; 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; and 6. Where the entire site is developed as a carpark, this must incorporate pedestrian wet weather cover for the footpath, planting and landscape measures which have been assessed as meeting the requirements of the relevant Town Centre Design Guidelines **7. <u>Emergency service facilities are excluded from Standards 1 to 6 of Rule TCZ-R6.</u>** **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
TCZ – R7	**Residential Activities in Existing Buildings**
Activity Status Permitted Where: 1. The residential activity is located a. Above street level; except b. Where this is a Heritage Building listed in Schedule One, then the activity may occur at street level; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area	**Activity status where compliance not achieved:** Discretionary

or 9m² with a minimum dimension of 2.8m in a communal area; 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres. 4. Residential accommodation entrances are clearly separated and distinguished from commercial entrances; and 5. **The principal residential** ~~Residential~~ accommodation entrance~~s are~~ **shall be** provided directly from **a** ~~the~~ public street **or open space**. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
TCZ – R8	**Visitor Accommodation Activities** ~~and Buildings~~
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ 1. The visitor accommodation activity is located; c. Above street level; except d. At street level and above street level in any Heritage Building listed in Schedule One; 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances are clearly separated and distinguished from commercial entrances; and 4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ **shall be** provide**d** ~~pedestrian access~~ directly from **a** ~~the~~ public street **or open space**. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Discretionary
TCZ – R9	**Demolition of Existing Buildings**
Activity Status Permitted Where: 1. These are not Heritage Buildings identified in Schedule One;	**Activity status where compliance not achieved:**

2. Where the building is not replaced within 12 months: c. Then the site is completely cleared of demolition materials and a level surface with cover sufficient to ensure no dust nuisance created within 3 months of demolition; and d. A landscaping strip of 1.5m width is provided; 3. If the building to be demolished is on a Main Street Frontage ~~that~~ **then** a pedestrian weather cover must be provided over the **immediately** adjacent footpath ~~for 80% of the frontage~~. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.	Controlled where Standards 2 and 3 are not complied with. Refer to Rule HH - R9 for Demolition of Historic Heritage buildings listed in Schedule One.
TCZ – R10 **Minor Structures**	
Activity Status Permitted **Where:** 1. Masts, poles, aerials and pou whenua does not exceed 7m in height; 2. Any antenna dish is less than 1m in diameter; 3. Any ornamental structure does not exceed 2.4m in height; ~~and~~ 4. **Hose drying towers do not exceed 15m in height; and** 5. Any other structure does not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
TCZ – R11 **Fences, Walls and Retaining Walls**	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.	**Activity status where compliance not achieved:** Discretionary
Controlled Activities	
TCZ – R12 **Demolition of Buildings not meeting Permitted Activity Standards**	
Activity Status Controlled Where: 1. These are not Heritage Buildings identified in Schedule One. **Matters of control are:** a. Site rehabilitation and ~~landscape measures~~ **measures to mitigate landscape effects**; and b. Weather protection for pedestrians.	**Activity status where compliance not achieved:** Discretionary under Rule HH – R9.

Restricted Discretionary Activities	
TCZ – R13	**Relocated Buildings**
Activity Status Restricted Discretionary Where: 1. Permitted Activity performance standards for TCZ - R1 are complied with; and 2. Relevant Permitted Activity performance standards for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Appearance of buildings; c. The extent to which the building meets any relevant Town Centre Design Guidelines; and d. ~~Landscape Measures~~ **Measures to mitigate landscape effects**.	**Activity status where compliance not achieved:** Discretionary
Discretionary Activities	
TCZ – R14	**Visitor Accommodation Activities ~~and Buildings~~ and Residential Activities in Existing Buildings not meeting Permitted Activity Standards**
Activity Status Discretionary Where: 1. Except where this is Heritage Building listed in Schedule One, the ground floor is used for Commercial or Community Activities. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Non-complying
TCZ – R15	~~Commercial Activities and~~ **New Buildings, External Alterations or Alterations to Existing Buildings** ~~Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities~~ **and Relocated Buildings not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height**
Activity Status Discretionary Where: 1. All other performance standards for Rule TCZ - R1 ~~and where relevant for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5~~ are complied with.	**Activity status where compliance not achieved:** Non-complying
TCZ – R16	**Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
TCZ – R17	**Residential Activities ~~and Buildings~~ in New Buildings**

Activity Status Discretionary Where: 1. The ground floor is used for Commercial or Community Activities and complies with the Performance Standards for Rule TCZ - R1; 2. Each residential unit is provided with ~~an outdoor service space of 3m² and~~ a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8 metres in a communal area**; 3. Each residential unit is provided with a single indoor storage space of 4m² with a minimum dimension of 1 metre; 4. All performance standards for Rule TCZ - R~~8~~**7** are complied with; and 5. Each residential unit shall be provided with an outdoor living space of **8m²minimum area and 2 metres minimum dimension;** d. ~~6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;~~ e. ~~10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~ f. ~~15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms.~~	**Activity status where compliance not achieved:** Non-complying
TCZ – R18	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
Non-complying Activities	
TCZ – R1~~8~~9	**Commercial Activities and Relocated Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
TCZ – R~~19~~20	**Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
TCZ – R2~~0~~1	**Carparking and Vehicle Service Access not meeting the Permitted Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**	
TCZ – R2~~1~~2	**Industrial Activities**
Activity Status Non-complying	

Activity status where compliance not achieved: N/A

~~**TCZ –R21 Any activity not provided for by another Rule in the zone**~~

~~**Activity Status Non-complying**~~

~~**Activity status where compliance not achieved:** N/A~~

Greymouth/Māwhera Town Centre and Mixed Use Zone Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Greymouth/Māwhera town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Greymouth/Māwhera Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Greymouth/Māwhera Design Guidelines

2.1 Context

Connection with the Natural Environment

The Grey/Māwhera River provides a natural edge to the town centre and a link to its cultural heritage. The vegetated hills behind Greymouth/Māwhera are an important backdrop to the town and an acknowledged outstanding natural landscape. Keeping access to the Grey/Māwhera River and a visual link between the town centre and the surrounding hills is essential.

Existing built character

The core of Greymouth/ Māwhera's town centre retains a coherent collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the West Coast/Te Tai o Poutini.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.

- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone and Façade Control Streets in the Mixed-Use Zone which provide shelter for pedestrians.
- Main Street frontage streets in the Greymouth/Māwhera Town Centre Zone are: Māwhera Quay, Mackay Street, Tainui Street, Guiness Street, Albert Street, Werita Street, Custom Street and Tarapuhi Street
- Façade Control Streets in the Greymouth/Māwhera Mixed Use Zone are: Mackay Street,Boundary Street, Richmond Quay, Gresson Street, Herbert Street, Guiness Street and Tarapuhi Street.
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Rhythm and repetition – windows are often at regular intervals, symmetry of façade features
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Greymouth/Māwhera's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Greymouth/Māwhera is solely located within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Greymouth/Māwhera.

Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, Pokeka Environmental =their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as scheduled historic heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these scheduled buildings and structures.

GC2 Take into account the wider surroundings, including natural features, such as views to ~~other buildings,~~ the mountains and the Māwhera/Grey River.

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork. ~~and~~ Te Rūnanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~.

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale - New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms** – something commonly used in the existing Greymouth/Māwhera building stock. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.



This long low building shape should be avoided. Two storey rather than one storey buildings give better containment to the streetscape. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary.

BF3 Continuity – on Main Street Frontage and Façade Control Streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage and Façade Control Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, shall appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade are to be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets, cornice, pediment or similar features that wrap around the building.



This building expresses well to the corner with a specific corner facade.



This building does not include any corner features to emphasise its position.

Location Specific Guidance

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes shall have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs/Down pipes – Roofs are encouraged to sit below the height of the parapet and not be visible from the street. Drainpipes should be designed so they are a discrete part of the building and not visually intrusive.

Facades

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. ~~Symmetrically located windows~~ **Create visual interest and symmetry by positioning windows at regular intervals** ~~are required~~ above ground level, and main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window of buildings (including glazed doors) in Main Street Frontages must be no less than 50% of the frontage in the Town Centre Zone and on Façade Control Streets in the Mixed Use Zone must have a minimum 20% glazing. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity in Main Street Frontage Streets, the display area immediately behind the windows should be designed as reception and waiting areas.

GF4 Shop fronts and entries – Building entries and shop fronts in Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF5 Four elements – Building facades are to show the following distinct elements:

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF6)

Upper Area – symmetrical placement of windows.

Parapet/Top – top outline of the façade extended or modulated by elements reflecting the building structure and roof form, and generally masking the roof.

GF6 Verandah/canopy/balcony -Verandahs are a requirement in Main Street Frontage Streets and Façade Control Streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Be fully cantilevered with no decorative poles or obstructions of the footpath
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage or Façade Control Street).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF7 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing**, such as**. ~~Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping.** ~~etc.~~ Building facades should have detail and depth and not be on a flat plane.

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre and be consistent with the Pounamu and Māori Heritage colour palette developed as part of the CBD Redevelopment Plan.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional colour palette suitable for other buildings in the town centre. ~~The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.~~



~~Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.~~ **The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.**

GF9 Building Signage - Signage should not project above the roofline or obscure architectural features.

GF10 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF 11 Building entries (non-Main Street Frontage or Façade Control Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF12 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Location Specific Requirements

GL1 Mackay Street and Māwhera Quay ~~a~~ focus ~~is~~ on restoration and repurposing of existing buildings. **Any replacement** ~~Replacement~~ buildings should **consider** ~~have~~ a scale and style that reflects port warehouses in keeping with **Mackay Street and Mawhera Quay's** ~~the~~ riverfront position.

Hokitika Town Centre Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, designing and reviewing development proposals in the Hokitika town centre. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account CPTED principles and the Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Hokitika Town Centre Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Hokitika Design Guidelines

2.1 Context

Hokitika means 'return directly' in Māori. The name embraces the story of a battle of control of the pounamu source. Invading Ngāi Tahu who wanted control of the pounamu source were devastatingly defeated at Lake Mahinapua by local tribe Ngāti Wairangi. The sole surviving chief Hikatutae turned back here and 'returned directly' to Kaiapoi. Several battles later Ngāi Tahu won, but at a truly heavy price. Today Poutini Ngāi Tahu honour their role as rangatira, carvers and traders of this revered stone.

The town of Hokitika grew from the discovery of another precious resource - gold. The West Coast's gold rushes, many led by Maori, attracted thousands of gold-seekers. Between 1864 and 1867 ships brought 37,000 seekers into Hokitika Port through its treacherous river mouth resulting in countless shipwrecks. Carved out of the rainforest wilderness, Hokitika grew from the 'Crooked Mile' of Revell Street on the dunes to a wide-streeted goldfields capital,

Defined Centre

Hokitika is a well defined centre with a grid layout and natural edges from the Hokitika River and Hokitika Beach and a human edge created by the railway line. There is a strongly defined entrance into the town, with the town clock creating a core focal point.

Connection with the Natural Environment

The Hokitika River/Gibson Quay and Beachfront provide natural edges to the town centre and a link to its cultural and natural heritage. Alongside this Hokitika is notable for its views towards the

Southern Alps. Maintaining visual connections and improving access to the beach and Gibson Quay are essential.

Existing built character

Hokitika Town Centre has an interesting mix of historic nineteenth and early twentieth century buildings as well as more modern, but largely sympathetic, buildings. The historic heritage represents an important part of the historic heritage resource of Westland and the West Coast and is centred around Revell Street.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone which provide shelter for pedestrians.
    - Main Street frontage streets in the Hokitika Town Centre Zone are: Weld Street, Sewell Street, Hamilton Street, Revell Street, Tancred Street, Camp Street, Wharf Street, Gibson Quay
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Revell Street Heritage Character Area

The Revell Street Heritage Area (From Ocean View/110 Revell Street to Camp Street) is characterised by having a large number of late nineteenth and early twentieth century buildings which recall the late Victorian era mining town character.



Revell Street Heritage Character Area Buildings

While only a handful of these are listed historic buildings, retaining the other character buildings from this era, and ensuring that new buildings are sympathetic to the area is very important.

In terms of character, buildings that contribute positively to the character of Revell Street

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although some of the large hotels do not and historically many did not)
- Have similar alignment of parapets and shopfronts
- Are constructed of timber with timber shopfronts

The shop front design of buildings contributing to the character of Revell Street also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Hokitika's colonial and settler history, however there is limited representation of a much longer iwi history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Ngāti Waewae and Ngāti Māhaki oMakaawhio, Pokeka Environmental - their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** buil**dings**.~~t context with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.

GC2 Take into account the wider surroundings, including natural features, such as views to Ngā Tiritiri-o-te-Moana/Southern Alps and links to the beach and the river.

Poutini Ngāi Tahu

IW1 Cultural Landscapes – A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with the relevant Poutini Ngāi Tahu Papatipu Rūnanga on the use of appropriate ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives approved by Poutini Ngāi Tahu are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When iwi** ~~Iwi~~/hapū narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~**and**~~ Poutini Ngāi Tahu Papatipu Rūnanga mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~.

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's

culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings should relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories should be stepped back from the line of view from the street.



This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Main Street Frontage streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, should appear similar in height to the existing neighbouring buildings

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the window facing into the corner.

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes should have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs– Roof form in Hokitika town centre is variable with some below the parapet and others pitched and visible from the street. Either is acceptable except there are some specific requirements for the Revell Street heritage area



Rooflines hidden behind a parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e. not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Main Street Frontage must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

GF3 Shop fronts and entries – Building entries and shop fronts on Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF4 Four elements – Building facades are to show the following distinct elements:

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF5)

Upper Area –windows if building is more than 1 storey in height.

Parapet/Roof – Parapet with top outline of the façade extended or modulated by elements reflecting the building structure and roof form masking the roof, or roof form clearly evident.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Main Street Frontage streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.

GF7 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~



Before



After

Colour and Signage are key to achieving a good design outcomes. This building has been transformed by the change to a sympathetic colour and incorporation of a well designed sign reflecting Poutini Ngāi Tahu values.



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***suitable for other buildings in the town centre****.*





~~Colour has been inappropriately used on these shops. They are not in keeping with the surrounding area, and also being used as a "sign" to advertise a product~~. **The colours used on these buildings are very bold and not consistent with the other building colours in the vicinity.**

GF8 Building Signage -Signage should not project above the roofline or obscure architectural features.

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Building entries (non-Main Street Frontage Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF11 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF12 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Revell Street Heritage Character Area

GR1 Adapting existing historic buildings – when making additions, these should be on elevations not visible from the street and compatible with the architectural character of the building. Additions should not dominate the original building or contrast harshly with the original materials, building and roof form, proportions, colour or scale.

GR2 New Buildings - New buildings should be in sympathy with the historic building stock. Key aspects that will assist this are:

- Building to the street (footpath boundary)
- Above verandah having a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street
- The parapet should be simple with simplified or modern interpretation of existing detailing
- The verandah should extend the full width of the footpath
- Awnings are discouraged
- Shopfronts should be made of timber
- Entries should be recessed and angled
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

GR3 - New Two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor.

Reefton Heritage Town Design Guidelines

1.0 Introduction

This document has been developed to provide guidance to those preparing and reviewing development proposals in the Reefton town centre. This guide seeks to achieve high quality building design that:

- Responds to the historical context
- Is visually interesting and in sympathy with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules within the Reefton Town Centre Zone, all new buildings and alterations to the exterior facade of existing buildings are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

These guidelines however have been developed to support the wider heritage character of Reefton and developers of new buildings or those undertaking alterations of existing character buildings are encouraged to use them.

2.0 Reefton Heritage Town Design Guidelines

2.1 Context

The historic significance of Reefton and its heritage values is recognised by the registration of parts of Reefton as an historic area under the Historic Places – Pouhere Taonga Act. The main commercial street, Broadway, retains a number of mid to late nineteenth and early twentieth century buildings contributing to its late Victorian era mining town character.

Reefton has such high heritage and recreation values that retaining the existing heritage buildings is essential and any new buildings should be designed to be sympathetic with and enhance the existing character and values.

Within this design guide there are three main categories of building – each with a different approach to new building works.

- Historic buildings - these include listed historic heritage buildings [refer Schedule 1 of Te Tai o Poutini Plan] but also unscheduled historic buildings centred around Bridge St and Broadway such as the BNZ Bank, Broadway Supplies Building, Caples/Conlon Villa (Bellbird Motel), Homemakers Hardware Shop, Old National Bank, Wilson's Hotel and Hotel Reefton. These should be retained, with modifications kept to a minimum.
- Contributory buildings – these should be retained but can be modified to a greater degree in a sympathetic manner.
- Non-contributory – which are neutral or intrusive in the street and can be demolished or modified to be more in sympathy with the character of the street (a nod to the past).

<u>Broadway Character</u>

Broadway is a long wide, open street with single and two storied commercial buildings lining it. Generally the buildings that contribute positively to the character of Broadway

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles

- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although one or two do not and historically many did not)
- Are connected or are joined by fences on the street boundary
- Are long and narrow
- Are of different heights, with little or no alignment of parapets or shopfronts
- Are constructed of timber with timber shopfronts

Verandahs are of different designs:

- Unadorned or decorated posts
- With or without brackets
- With or without signage on the fascia
- With or without fascias
- With or without cheeks
- Skillion or bullnosed roofs

The shop front design of buildings contributing to the character of Broadway also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

2.2 Design Guidelines

2.2.1 Historic buildings





1. **General Principles:** Generally visible external work should be limited to repairs, maintenance, restoration or reconstruction. Key principles are:
    - To maintain rather than repair
    - To repair rather than replace
    - If replacement is essential try and use materials that match the original as closely as possible (like for like)
    - Use a date stamp so that replacements can be identifiable on close inspection.

- Restore original colour schemes where possible [Refer to Resene heritage colours for the period pre – 1920 and note this does not include blue].
- Painting the whole building one block colour as a "sign" to brand the building is not acceptable.

2. **Adaptation:** When adapting the exterior of a historic building:
   - Retain, repair and maintain all significant external fabric
   - Avoid removal or obscuring significant external fabric, elements and features
   - Respect the style, form, planning, materials, craftsmanship, scale and patina of the building
3. **Additions:** When making additions, these should
   - Be on elevations not visible from the street
   - Avoid additions on significant elevations, including the roof
   - Be compatible with the architectural character of the building
   - Not dominate the original building
   - Not contrast harshly with original materials, building and roof form, proportions, colour or scale
   - Maintain the same orientation and proportions of building composition as the original
   - If a large addition, be separate from the original building and follow the guidelines for new buildings
4. **New Elements:** Where removal or replacement of non-original elements is proposed try and restore or reconstrut the original elements.
5. **Strengthening** Strengthening work for earthquake protection should be installed on the interior or within the existing structure. Where this is not possible locate it away from the front elevation.

2.2.2 Contributory Buildings



1. **General Principles:** The general principles are similar to those of heritage buildings except that retention of original fabric on non-visible elevations is less important.

2. **Additions:** When additions are proposed, these should:
    - Be on elevations not visible from the street
    - Be compatible with the architectural character of the building
    - Not dominate the original building
    - Not contrast harshly with original materials, building and roof form, proportions, colour, or scale
    - Maintain the same orientation, proportions and rhythm of building composition as the original
    - If a large addition, be separate from the original building and follow the guidelines for new buildings
    - Not negatively affect the setting of or views to or from the building
    - Should be of a respectful new design based on a simplified modern interpretation of the original
    - Where the original verandah design is suspended or cantilevered from the wall, do not install "dummy" verandah posts.

2.2.3 Non-contributory buildings

Demolition is acceptable and encouraged when possible. The design guides for new buildings and for additions and alterations to existing buildings should be followed. Where additions and alterations are to be carried out, the intention is to design modifications to regain greater consistency with the existing significant and heritage buildings.



2.2.4 New single storied buildings

1. **Location**
    - The building should be constructed up to the street (footpath) boundary
    - Where the building does not extend the full width of the site there should be a fence from the building to the boundary.
    - If there is an existing neighbouring building, it is acceptable to locate the new building against the existing building.
2. **Form**

- The building should be rectangular in plan and face the street
- The façade of the building should be rectangular with the proportion elongated or tall.

3. Above verandah design

- The building should have a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street,
- Where the building is to be constructed alongside an existing building, the parapet should be of a different height to the neighbouring building but no taller than existing Victorian or Edwardian buildings.
- The parapet for single story buildings should be between one-third to one half the total elevation height.
- The parapet should be simple with simplified or modern interpretation of existing detailing and not copy original detailing.

4. Verandah

- Buildings on Broadway are required to have a verandah (refer Plan rules) which should have a timber frame with a roof supported on timber posts
- The verandah should extend the full width of the footpath **Setback the verandah to allow clearance for taller vehicles**.[401]
- Awnings are discouraged.
- Cast iron filigree is discouraged.
- Non-alignment of verandahs with neighbouring buildings is encouraged.

5. Shopfront design.

- Shopfronts should be made of timber.
- Entries should be recessed and angled.
- In wide shops entries should be central, in narrow shops entries next to the side boundary wall is preferred.
- The stall board should be 300-600mm high,
- Windows should extend from the stall board to the underside of the verandah framing. The street pane should be divided vertically and horizontally with glazing bars.
- Recessed entry glazing should match the design of street glazing.
- The door should be glazed and panelled with a toplight.
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

6. Roofs

- The roof should be hidden behind a parapet. A pitch of between 30-45 degrees is ideal, with corrugated metal or timber shingles.

7. Materials

- Wall materials should be painted corrugated metal or timber weatherboard.

[401] Kirsty Dittmer (S412.001)

- Joinery should be timber

8. Corner buildings

- Corner buildings can be chamfered or square
- Parapets to corner buildings should return around the corner for the full length of the building.
- Entries to corner buildings should be at the corner.

9. Signage

- Signage on buildings should be symmetrical about the face of the element on which it is located and generally extend the full width.
- Signage in upper case lettering is encouraged.
- Signage should relate to the business or owner- not advertising products.
- Antique, Fat Clarendon, San serif lettering styles or similar are encouraged so as to give the impression of traditional hand sign writing.
- Other acceptable styles are Tuscan, Fat -faces, Fat Italics, Fat Gothic and Sans Serif compressed.

10. Fencing

- Fencing should be sympathetic to the era.

11. Colours

- Colours should be taken from the Resene or Aalto Heritage colour chart and be a three or four colour scheme. Note these should be the pre-1920s colours.

12. Lights

- Lighting should highlight the architectural character and lighting under the verandah is encouraged.

2.2.5 New two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor. One of the openings should be a door and this can be wider than other openings.

Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Westport/Kawatiri town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values

- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Westport/Kawatiri Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Westport/Kawatiri Design Guidelines

2.1 Context

Connection with the Natural Environment

The Buller/Kawatiri River provides a natural edge to the town centre and a link to its cultural heritage and the Kawatiri River Trail. Improving access to the Buller/Kawatiri River is important. Victoria Park lies directly behind the town centre - visual and access links through to Victoria Park should be improved.

Existing built character

Palmerston Street retains a mixed collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the Buller and West Coast.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs of similar heights and shapes with decorative poles – this is a key feature in Palmerston Street which provides shelter for pedestrians.
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Poutini Ngāi Tahu Cultural Landscape

Many buildings within the town centre reflect Westport/Kawatiri's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future. Westport/Kawatiri is entirely within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Westport/Kawatiri.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complement, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.

GC2 Take into account the wider surroundings, including natural features, such as views to ~~buildings,~~ the mountains and the river.

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression –**When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~and~~ Te Runanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in **this** ~~such~~ process~~es~~.

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions into several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.



~~*This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity and are part of a sign to brand the building.*~~

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Palmerston Street buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. Beyond Palmerston Street, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are encouraged to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the door facing into the corner.



This building was not built with any corner features to emphasise its position. The more recent sign and verandah modifications have tried to address its corner position.

BF6 Roofs– Westport/Kawatiri has a variable range of rooflines with some below the height of the parapet and others pitched and visible from the street. Either is acceptable.



Roofline hidden behind parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum 50% glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Palmerston Street must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity on Palmerston Street, the display area immediately behind the windows should be designed as reception and waiting areas.

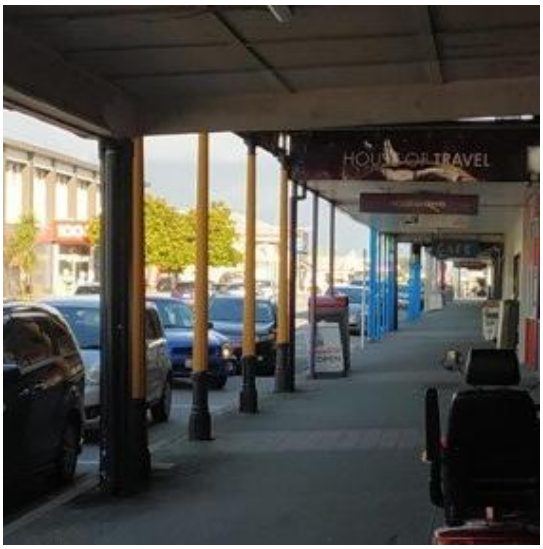
GF4 Shop fronts and entries – Building entries and shop fronts in Palmerston Street should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance. Glazed areas should be partitioned with glazing bars rather than single sheet/plate glass display windows.



Window facades with glazing bars are a typical feature of the Westport shop frontages.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Palmerston Street and are subject to performance standards in the rules. Verandahs should:

- Complement the style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Include decorative poles where possible
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages.



Decorative Street Poles from the verandahs give a sense of safety and enclosure and are a particular character of Westport town centre

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies**, and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***suitable for other buildings in the town centre*****.**



~~*Colour has been used inappropriately on this building. It does not fit with the character of the town and also is used to brand the building for sale of a particular product.*~~ ***The colours on this building are very bold and not consistent with other building colours in the vicinity.***

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout needs to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows or modulation.

GS2 -Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the

façade features – reusing window and door openings where possible. Keep the new structure below the façade height and give the visual appearance of retained floors.

Neighbourhood Centre Zone

Overview

The NCZ - Neighbourhood Centre Zone provides for a range of small-scale commercial, retail and community activities that provide for day-to-day needs of the surrounding residential neighbourhood. Neighbourhood Centres provide a limited range of services, employment and living opportunities at a scale appropriate to the residential neighbourhood they are located in. In general, Neighbourhood Centres are of low to medium density.

Neighbourhood Centres are generally located near the street edge, sometimes with verandahs and retail display windows along the frontage. Typically, buildings are 1-2 storeys high. Parking is usually available on the street.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Neighbourhood Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Neighbourhood Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Neighbourhood Centre Zone.

Neighbourhood Centre Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

NCZ - R1	**New Buildings, External Additions and Alterations to Existing Buildings ~~Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities~~**

Activity Status Permitted

Where:

~~1. Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity provided;~~

2. ~~The activity does not include:~~

~~vii. Drive through restaurants;~~

~~viii. Service stations;~~

~~ix. Motor vehicle sales;~~

~~x. Yard-based retail activities;~~

~~xi. Trade retail and trade suppliers; or~~

~~xii. Bars/taverns;~~

1. The maximum height above ground level is 10 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;

~~2. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place;~~

2. Maximum site coverage is 60%;

~~3. No more than one heavy vehicle is stored on the site;~~

~~4. Activities other than Emergency Services shall be limited to the following hours of operation:~~

~~iii. 6am – 11pm weekdays; and~~

~~iv. 7am – 10 pm weekends and public holidays; except where~~

~~c. The entire activity is located within a building; and~~

~~d. There are no visitors, customers or deliveries outside the above hours.~~

3. The maximum building length is 20m where this abuts a RESZ - Residential Zone;

4. Any building or structure**, excluding buildings for residential activities and residential units** is set back

   i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;

   ii. 3m from the road boundary; or

   iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:

      a. 3m on one road boundary; and

      b. 1.5m on the other road boundary;

   iv. 1.5m from the railway designation boundary, excluding accessory buildings and structures

5. Buildings for residential activities and residential units are set back:

   i. 5m from road boundaries, except that a roof overhang may encroach 750mm into the setback

ii. 1 m from all other site boundaries, except that Duplexes do not require a setback from the side boundary of the other duplex unit; and

iii. 1.5m from the railway designation boundary, excluding accessory buildings; and

6. A landscape buffer of 1m width must be provided along the frontage between the street and any car parking, loading or service areas which are visible from the street frontage. This rule excludes access points;

7. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~. This standard does not apply to:

   i. Road boundaries;

   ii. Buildings on adjoining sites that have a common wall along the boundary;

   iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

   iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

   v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

~~1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~

1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

Activity status where compliance not achieved:

Discretionary where standards 1 to **2** ~~8~~ are not complied with.

Restricted Discretionary where standards **3 to 7** ~~9-11~~ are not complied with.

NCZ – R2	**Minor Structures**

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1**.6** ~~are~~ **is** complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
5. Any other structure must not exceed 10m² and 2m in height**; and**
6. **Hose drying towers must not exceed 12m in height.**

Activity status where compliance not achieved: Discretionary

NCZ – R3	**Fences, Walls and Retaining Walls**

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

NCZ – R4	**Relocated Buildings**

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix 11**[402] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

NCZ – R5	**Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities**

Activity Status Permitted

Where:

1. **Education Facilities,**[403] **Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity;**
2. **The activity does not include:**
   - i. **Drive through restaurants;**
   - ii. **Service stations;**
   - iii. **Motor vehicle sales;**
   - iv. **Yard-based retail activities;**
   - v. **Trade retail and trade suppliers; or**

[402] New Zealand Heavy Haulage Association Inc (S616.003)
[403] Ministry of Education (S450.036)

vi. Bars/taverns

3. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place
4. No more than one heavy vehicle is stored on the site, excluding heavy vehicles ancillary to emergency service facilities
5. Activities other than Emergency Services shall be limited to the following hours of operation:
   i. 6am – 11pm weekdays; and
   ii. 7am – 10 pm weekends and public holidays; except where
      a. The entire activity is located within a building; and
      b. There are no visitors, customers or deliveries outside the above hours.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved:

Restricted Discretionary where standards 3 to 5 are not complied with.

Discretionary where standard 1 and 2 is not complied with

NCZ – R6	Visitor Accommodation

Activity Status Permitted

Where:

1. The visitor accommodation is located
   i. In a Heritage Building listed in Schedule One; or
   ii. Above street level; or
   iii. At street level but with no frontage to public open spaces or streets except for access
2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres;
3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and
4. The principal residential accommodation entrance shall be provided directly from a public street or open space.

Advice Note

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Discretionary

NCZ – R~~5~~7	Residential Activities and Residential Units

Activity Status Permitted

Where:

~~1. Performance standards 1, 3 and 6 of Rule NCZ - R1 are complied with;~~

1. Residential unit density is no more than

   c. 1 unit per 350m² net site area; or

   d. 1 unit per 300m² net site area where two or more adjoining sites are developed;

~~2. Maximum building height above ground level of 10m;~~

~~3. Maximum site coverage is 60%;~~

~~4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback;~~

~~5. Buildings are setback a minimum of 1m from all other site boundaries, except that:~~

   ~~c. Duplexes do not require a setback from the side boundary of the other duplex unit; and~~

   ~~d. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council 10 working days ahead of the work commencing;~~

2. There is no more than 1 minor residential unit with a maximum gross floor area of 65m² per 500m² net site area; ~~and~~

3. A minimum of 30m² of outdoor living space is provided per residential unit and 12m² per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; **and**

4. No more than one heavy vehicle is stored on the site.

Activity status where compliance not achieved: Restricted Discretionary

NCZ – R~~6~~8	**Demolition of Buildings**

Activity Status Permitted

Where:

1. There is no redevelopment then the site is completely cleared of demolition materials and re-grassed within 12 months.

Activity status where compliance not achieved: Controlled

Controlled Activities

NCZ – R~~7~~9	**Relocated Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;

b. ~~Landscape measures~~; **Measures to mitigate landscape effects**

c. Appearance of buildings**; and**

d. Reasons for non-compliance with Standards 3 and 4 of NCZ-R4.

Activity status where compliance not achieved: Discretionary

NCZ – R~~8~~10	**Demolition of Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Matters of control are:

a. Timing and scope of landscape and site reinstatement measures.

Activity status where compliance not achieved: N/A

Restricted Discretionary Activities

NCZ – R~~9~~11	**~~Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 ~~Permitted Activity Standards~~**

Activity Status Restricted Discretionary

Where:

1. ~~The gross floor area is greater than 250m² per activity but all other~~ Performance Standard~~s for~~ 1~~ – 8~~ for Rule NCZ - R1 ~~are~~ is complied with.

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking, loading and access areas; and~~

e. ~~Landscape measures.~~ **Measures to mitigate landscape effects**

f. **Bulk, location and design of storage, buildings and structures;**

g. **Effects on the safety, amenity and attractiveness of the street or public places;**

h. **Visual dominance, and privacy and shading, effects on neighbouring sites;**

Activity status where compliance not achieved: Discretionary

NCZ-R12	**Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities not meeting Permitted Activity Standards 3-5 of NCZ-R5**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Visual dominance and nuisance effects on neighbouring sites;

c. Design and location of parking, loading and access areas;

d. Location and design of storage; and

e. The materials being stored and the period of time for storage.

Activity status where compliance not achieved: N/A

NCZ – R1~~0~~3	**Residential Activities and Residential Units not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

1. The minimum net site area is 200m²;

2. The maximum **building** [404]height is 10m;
3. Maximum building coverage is 50%; and
4. All Permitted Activity performance standards for Rules NOISE - R1, - R2, - R3 and - R6, LIGHT - R4 and SIGN - R17 are complied with.

Discretion is restricted to:

a. The extent to which there is sufficient availability and capacity in the water supply, wastewater, stormwater and transport networks to service the development or the need for development of a suitable alternative;

b. Design and location of parking and access;

c. Design and location of buildings and compliance with the Medium Density Housing Design Guidelines in Appendix Three; and

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NCZ – R1~~1~~4	**Commercial Activities, Community Facilities, Education Facilities** [405] **Emergency Service Activities not meeting Standard 1 or 2 of NCZ-R5 or Visitor Accommodation ~~the Permitted or Restricted Discretionary Activity Standards~~**

Activity Status Discretionary

~~1. Retail and office activities are a maximum of 250m^2 gross floor area per activity;~~

~~2. The activity does not include:~~

~~i. Drive through restaurants;~~

~~ii. Service stations;~~

~~iii. Yard-based retail activities;~~

~~iv. Motor vehicle sales; or~~

v. ~~Trade retail and trade suppliers~~**.**

Activity status where compliance not achieved: N/A

NCZ – R1~~2~~5	**Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NCZ – R1~~4~~6	**Any activity not provided for by another Rule in the zone**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

NCZ – R1~~3~~7	**Industrial Activities**

[404] Clause 16(2) of the RMA
[405] Clause 16(2) of the RMA

Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
~~**NCZ – R14**~~	~~**Any activity not provided for by another Rule in the Zone**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved:** N/A~~	

Industrial Zones

INZ – O1	~~To provide for the~~ **Recognise that industrial activities contribute to economic and social wellbeing and provide for their** efficient and effective operation and development ~~of industrial activities~~ in the INZ - Industrial Zones**.** in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining **zones**~~areas.~~
INZ – O2	To ~~encourage~~**require** new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.

Industrial Zone Policies	
INZ – P1	Recognise the substantial investment in infrastructure by ensuring that any new industrial areas are located where they support the efficient use of infrastructure.
INZ – P2	New industrial areas should not be located in areas subject to significant risks from natural hazards, or in sites and areas of significance to Māori.
INZ – P3	Where new industrial areas are developed the developers of these areas shall fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
INZ – P4	Where suitable land for industrial use is available within INZ - Industrial Zones, industrial activities should in the first instance be located in those zones, and not proliferate through the rural areas and settlements.
INZ – P5	Where sites or areas of significance to Māori are identified in industrial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including: d. Protection of wāhi tapu and taonga sites identified in Schedule Three of the Plan using culturally appropriate methods; and e. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Poutini Ngāi Tahu; and f. Protection of the relationship of tangata whenua with freshwater, including cultural use opportunities.

INZ – P6	Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while **maintaining the amenity values**. ~~ensuring an acceptable level of environmental quality and amenity within the zones~~
INZ – P7	Avoid activities that may be incompatible with ~~other~~ industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes: d. Excluding activities (such as residential **activities** and visitor accommodation **that are not ancillary to an industrial activity**) that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities; e. Excluding retail and commercial activities from GIZ - General Industrial Zoned land that do not support or are not related to industrial and service activities, and to minimise the development of GIZ - General Industrial Zoned land for non-industrial purposes; and f. Restricting residential activities in the INZ - Industrial Zones to only ~~custodial~~ units for people whose duties require them to live on site.
INZ – P8	~~Impose performance standards on~~ **Avoid, remedy or mitigate adverse effects of** development and land use in the INZ - Industrial Zones **to maintain**~~that protects~~ the amenity values of the commercial, residential**, open space and recreation** and rural areas **located at zone boundaries**~~ surrounding the INZ - Industrial Zones.~~
INZ – P9	~~Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.~~ **Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.**
INZ – P10	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in residential, commercial and rural areas to industrial zoned areas.
~~**INZ – P11**~~	~~Require the careful on-site management and treatment of stormwater from industrial buildings and sites in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.~~

General Industrial Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

GIZ - R1	**New Buildings, External Additions and Alterations to Existing Buildings** ~~**Industrial Activities and Industrial Buildings**~~

Activity Status Permitted

Where:

1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
    a. 10m from State Highways; ~~and~~
    b. **2m from road boundaries; and**
    c. 5m from ~~road boundaries~~, any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor;

~~4. All external storage and car parking areas shall be screened by a fence or landscaping so that:~~

~~a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

~~b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration beyond the zone boundary shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;~~

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~

4. The area adjoining the road frontage of all sites **(excluding access points)**, and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;

~~5. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~

5. No building shall project beyond a building envelope ~~defined by a 35 degree recession plane~~ **in accordance with Appendix Two** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:
    a. Road boundaries;
    b. Buildings on adjoining sites that have a common wall along the boundary;
    c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
    d. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
    e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with.~~

GIZ – R2 Minor Structures

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
3. Any ornamental or garden structure must not exceed 2.4 m in height; and
4. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R4 Industrial Activities

Activity Status Permitted

Where:

1. All external storage and car parking areas shall be screened by a minimum 1.8m high solid fence or landscaping so that:

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R~~4~~5 Commercial Activities

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with; and~~

1. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. Any retail activity shall occupy no more than 250m² or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved:

Restricted Discretionary where standards 1 are not complied with

Non-complying **where standard 2 is not complied with**

GIZ – R~~5~~6 Ancillary Residential Activities

Activity Status Permitted

Where:

1. All performance standards for Rule GIZ - R1 are complied with;
2. One ~~single~~ residential unit per site is provided; and
3. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

GIZ – R~~6~~7 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

GIZ – R~~7~~8 Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

GIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

GIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

~~1. The building projects into the recession plane; and~~

1. ~~All other performance standards for Rule GIZ - R1 are complied with~~.

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access;~~

~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~

~~d. Landscape treatment.~~

a. Bulk, location, and design of buildings.

b. Effects on the safety, amenity and attractiveness of the street or public places.

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.

d. Design and location of parking and access.

e. Measures to mitigate landscape effects.

f. Characteristics of the site and development that are relevant to the rule.

Activity status where compliance not achieved: ~~Discretionary~~ **N/A**

GIZ – R11 Industrial Activities and Commercial Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places.

b. Amenity and nuisance effects on neighbouring sites.

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A

GIZ – R1~~0~~2 Minor Structures not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: N/A

GIZ – R1~~1~~3	**Fences, Walls and Retaining Walls not meeting Permitted Activity standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: N/A

Discretionary Activities

GIZ – R1~~2~~4	**~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings, Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R1~~3~~5	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards**

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R14~~5~~6	**~~Community Facilities and~~ Tertiary Educational Facilities ~~Activities~~**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

GIZ – 17	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

GIZ – R1~~5~~8	**Residential Activities, Community Facilities, Non-Tertiary Education Facilities Retail Activities (greater than 250m^2 or 25% of the gross area of the building on the site whichever is the lesser) and Health Facilities**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Overview

The LIZ - Light Industrial Zone complements the ~~HIZ - Heavy and~~ GIZ - General Industrial Zones by specifically providing for industrial activities that are unlikely to produce objectionable environmental effects but there may still be some adverse effects including those associated with odour, dust or noise.

Activities within this zone may include light manufacturing, contractors' depots and automotive repair and service industries and some compatible commercial activities. Aquaculture activities such as fish or seaweed farming and processing are also appropriate in this zone.

It may also provide a buffer between other INZ - Industrial Zones and RESZ - Residential or MUZ - Mixed Use Zones.

The National Policy Statement on Urban Development (NPSUD) imposes a responsibility to ensure that there is sufficient business land to meet the future demands of the district and that this development is in the right location and appropriately serviced.

The INZ - Industrial Objectives and Policies and the LIZ - Light Industrial Zone Rules provide the framework for managing the effects of development and ensuring that a reasonable standard of amenity and environmental quality is retained within the zone, and that there are not significant adverse effects on the amenity and quality of the environment in surrounding areas.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.

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

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

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

- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.

- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Light Industrial Zone.

Light Industrial Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

LIZ - R1 **<u>New Buildings, External Additions and Alterations to Existing Buildings</u>** ~~**Industrial Activities and Industrial Buildings**~~

Activity Status Permitted

Where:

1. The maximum building height above ground level is 12m;

2. Maximum site coverage is 65%;

3. Buildings are setback a minimum:

   i. 10m from State Highways; and

   ii. **<u>2m from road boundaries; and</u>**

   iii. 5m from ~~road boundaries~~, any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor;

4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:

   ~~iii. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

   ~~iv. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;~~

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~

4. The area adjoining the road frontage of all sites **(excluding access points)**, and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:

    a. A minimum width of 2 metres that will, within two years of being planted, reach a minimum height of 1m, provided that lower heights are acceptable where this will otherwise restrict visibility within the State Highway corridor; and

    b. On sites adjoining a RESZ - Residential Zone shall be planted with species, which at maturity, will provide screening from the adjoining sites; and

    c. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.

~~5. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~

5. No building shall project beyond a building envelope ~~defined by a recession plane as~~ [406]defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:

    i. Road boundaries;

    ii. Buildings on adjoining sites that have a common wall along the boundary;

    iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

    iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and

    v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~

[406] Buller District Council (S538.447)

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with~~

LIZ – R2 Industrial Activities

Activity Status Permitted

Where:

1. **All external storage and car parking areas shall be screened by a minimum 1.8m high solid**[407] **fence or landscaping so that:**
   a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**
   b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**
2. **No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;**

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~2~~3 Commercial Activities

Activity Status Permitted

Where:

~~**1.** All performance standards for Rule GIZ - R1 are complied with; and~~

1. **All external storage shall be screened by a 1.8m fenceor landscaping so that:**
   a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**
   b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**
2. Any Retail Activities are:
   i. ~~Motor vehicle sales yards~~ Convenience stores;
   ii. ~~Service stations~~ Restaurants;

[407] Buller District Council (S538.458)

iii. ~~Trade retail and trade suppliers~~ Cafes;

iv. ~~Drive through restaurants~~ Takeaway food outlets; ~~or~~

with a maximum gross floor area of 250m².

Activity status where compliance not achieved:

Restricted Discretionary where standard 1 is not complied with

Discretionary **where standard 2 is not complied with**

LIZ – R~~3~~4	**Ancillary Residential Activities**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ-R1 are complied with;
2. One ~~single~~ residential unit per site is provided; and
3. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

LIZ – R4~~5~~	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with except that hose drying towers associated with an Emergency Service Facility are exempt from height standards.

Activity status where compliance not achieved: Discretionary

LIZ – R~~5~~6	**Minor Structures**

Activity Status Permitted

Where:

~~1. All performance standards for Rule LIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;

2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;

3. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~

4. **Hose drying towers do not exceed 15m in height; and**

5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~6~~7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~7~~8 Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

LIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

LIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1

Activity Status Restricted Discretionary

~~Where:~~

~~a. The building projects into the recession plane; and~~

~~b. All other performance standards for Rule LIZ - R1 are complied with.~~

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access; and~~

~~c. Landscape treatment.~~

a. Bulk, location, and design of buildings;

b. Effects on the safety, amenity and attractiveness of the street or public places;

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;

d. Design and location of parking and access;

e. Measures to mitigate landscape effects; and

f. Characteristics of the site and development that are relevant to the rule

Activity status where compliance not achieved: ~~Discretionary~~ N/A

LIZ – R11	**Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Amenity and nuisance effects on neighbouring sites; and

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A

LIZ – R1~~0~~2	**Minor Structures not meeting Rule LIZ - R~~5~~6**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: N/A

LIZ – R11~~3~~3	**Fences, Walls and Retaining Walls not meeting Rule LIZ - R~~6~~7**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**

Activity status where compliance not achieved: N/A

Discretionary Activities

LIZ – R12~~4~~4	**Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R13~~3~~5	**Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities not meeting Permitted Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R14~~6~~6	**~~Community Facilities and~~ Tertiary Educational Facilities**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R15~~7~~7	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary

Non-complying Activities

LIZ – R18	**Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities**

Activity Status Non-Complying

Activity status where compliance not achieved: N/A

Changes to Zoning Maps

Show Precincts on the Maps	Greymouth/Māwhera (PREC1) Hokitika (PREC2) Reefton (PREC4) Westport/Kawatiri (PREC3)
Rezone to Open Space Zone	Raleigh Street
Rezone to Neighbourhood Centre Zone	23 Marine Parade 46 Derby Street 21 Disraeli Street
Rezone to Commercial Zone	Properties between Weld Street and Stafford Street on SH6, being Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444, Lot 1 DP 475753 7 Pakington Street and 34 Russell Street 8 Pakington Street and 36 Russell Street
Rezone to GRZ	Kaniere (Lot 3 DP 2887)
Rezone to GIZ retaining a 50m wide strip LIZ	Fairhall Road, Kaiata, Greymouth
Rezone from LIZ to FUZ	Marsden Road, Greymouth (Pt Lot 116 DP 359532)
Rezone to GIZ from GRZ	Elizabeth Street, Reefton (Sec 3 SO 12150)
Rezone from GRZ to NCZ	66 Livingstone Street, Hokitika
Rezone from GIZ to LIZ	West Drive, Arahura Valley, Hokitika (Pt RS 1151)

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Natural Character and Margins of Waterbodies - Ngā Ahua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

and

Activities on the Surface of Water – Ngā mahi ki te kārewa o te wai

Hearing date: 20 and 21 February 2024

HEARING PANEL

Paul Rogers (Chair)

Maria Bartlett

Anton Becker

Sharon McGarry

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APPENDICES

Appendix 1 - Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to Natural Character and Margins of Waterbodies – Ngā Ahua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai (**NC**) Chapter in the Natural Environment – Nga Uara Taiao Aotūroa section of the pTTPP; and Activities on the Surface of Water – Ngā mahi ki te kārewa o te wai (**ASW**) Chapter in the General District Wide Matters - Ngā Kaupapa ā-Rohe Whānui section of the pTTPP. The Report contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on these two chapters of the Plan.

3. The Section 32 Report[1] provided an evaluation of the options for the management of Natural Character and Waterbodies through the combined Plan, including the regulatory and policy direction, key resource management issues, the evidence base (research, consultation, information and analysis undertaken), the operative District Plan provisions, an analysis of best practice and an evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received.

5. A total of 48 submissions and 22 further submissions relating to the Natural Character of Waterbodies and Activities on the Surface of Water were received

6. The s42A Report assessed a total of 323 submissions points and 151 further submission points on the Natural Character and Margins of Waterbodies; and 89 submission points and 40 further submission points relating to the Activities on the Surface of Water. It provided summaries of the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the two chapters:

    - General/Whole Chapter;
    - Overview;

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

[2] Te Tai o Poutini Plan Section 42A Officer's Report Natural Character and Margins of Waterbodies and Activities on the Surface of Water

- Objectives;
- Policies;
- Rules

8. This Recommendation Report follows the same structure as the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

9. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

10. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

11. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

12. Where there is a recommended change to a notified provision of the TTPP, it is because:

    (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report or Addendum did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Report or Addendum to change the provision to that recommended in those reports; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

    (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

13. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

14. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

15. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation is undertaken, if required, pursuant to section 32AA of the RMA. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

16. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below, each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

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

ASW	Activities on the Surface of Water
Bathurst	Bathurst Resources Limited and BT Mining Limited
ECO	Ecosystems and Indigenous Biodiversity
EIT	Energy, Infrastructure and Transport
BDC	Buller District Council
Te Mana Ora	Community and Public Health (Te Whatu Ora
Councils	Buller District Council, Grey District Council, and Westland District Council
DOC	Department of Conservation
Director General	Director General of Conservation

Forest & Bird	Royal Forest and Bird Protection Society of NZ incorporated
GDC	Grey District Council
Manawa	Manawa Energy Limited
WCRCP	Proposed West Coast Regional Coastal Plan 2016
NC	Natural Character and Margins of Waterbodies
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NPS	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SNA	Significant Natural Area
SASM	Sites and Areas of Significance to Māori
Transpower	Transpower New Zealand Limited
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.3. Hearing Arrangements

18. The hearing was held at the RSA Hokitika, 22 Sewell Street, Hokitika on the 20 and 21 of February 2024. A number of submitters appeared remotely by internet connection.

19. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and Addendum Report with an updated Appendix 1 (recommended provisions with tracked changes) and Appendix 2 (Reporting Officer recommendations on submissions and further submissions).

1.4. Appearances

20. The following submitters appeared at the hearing:

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu') - Ms Rachel Pull, Senior Environmental Advisor

Bathurst Resources Limited and BT Mining Limited ('Bathurst')
- Mr Joshua Leckie, Legal Counsel
- Ms Claire Hunter, Planner

Westpower Limited
- Mr Roger Griffiths, General Manager – Generation and Technology for Westpower
- Ms Sylvie Saskova, Technical Administrator for Westpower
- Mr Martin Kennedy, Planner

Director General of Conservation ('Director General')
- Mr Matt Pemberton, Counsel
- Ms Amy Young, Planner

West Coast Fish and Game Council ('Fish and Game')
- Mr Dean van Mierlo, Solicitor
- Mr Dean Kelly, Manager for West Coast Fish and Game Council
- Ms Helen Brosnan, Senior Policy Advisor for West Coast Fish and Game Council

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

Nikau Deer Farm Limited - Mr George and Mrs Carol Coates

Jet Boating NZ - Mr Malcolm Smith

Manawa Energy Limited ('Manawa') - Ms Stephanie Styles, Planner

Herenga ā Nuku Aoteoroa/Outdoor Access Commission – Ms Inger Perkins, Field Advisor

Lake Māhinapua Aquatic Club Incorporated - Mr Rob Daniel, Consultant Advisor

1.5. Overview of submitter evidence and statements received

21. For those appearing at the hearing, legal submissions were received from:

(a) Mr Joshua Leckie/Ms Christina Sheard for Bathurst (dated 5 February 2024);

(b) Mr Matt Pemberton for the Director General of Conservation (dated 5 February 2024); and

(c) Mr Dean van Mierlo for West Coast Fish and Game Council (dated 5 February 2024).

22. For those appearing at the hearing, the following evidence and/or statements were received:

(a) Ms Claire Hunter, Planner for Bathurst (dated 12 February 2024);

(b) Ms Amy Young, Planner for the Director General of Conservation (dated 22 January 2024);

(c) Ms Stephanie Styles, Planner for Manawa (dated 22 January 2024) and supplementary evidence (dated 21 February 2024);

(d) Ms Rachel Pull for, Senior Environmental Advisor for Ngāi Tahu (dated 19 January 2024);

(e) Ms Inger Perkins Regional, Field Advisor for Herenga ā Nuku Aotearoa/Outdoor Access Commission (dated 20 February 2024);

(f) Mr Malcolm Smith, Consultant Advisor for Jet Boating NZ (undated)

(g) Mr Dean Kelly, Manager for West Coast Fish and Game Council (dated 22 January 2024)

(h) Mr Helen Brosnan, Senior Policy Advisor for West Coast Fish and Game Council (dated 22 January 2024);

(i) Mr George Coates for Nikau Deer Farm Ltd (dated 21 February 2024);

(j) Mr Joshua Leckie on behalf of Bathurst Resources Limited and B T Mining Ltd (dated 5 February 2024);

(k) Mr Martin Kennedy, Planner for Westpower (dated 20 February 2024); and

(l) Ms Frida Inta on behalf of herself and Buller Conservation Group (dated 19 February 2024).

23. Following the receipt of the s42A Report and the Addendum Report:

(a) Transpower advised[3] it did not intend to appear at the hearing and that the substance of the relief it had sought had been accepted by the Reporting Officer. Transpower identified one exception where it would prefer to support the use of the words '*avoided, remedied or mitigated*' in Objective NC-O1 and questioned the need for the objective to address effects.

(b) Chris Horne, planner on behalf of Chorus, Spark, One NZ and Forty South advised[4] that the Companies wished to record their support for the s42A Report recommendations in regard to all of their submissions on this topic and would not be filing any evidence.

[3] Letter from Rebecca Eng, Technical Lead – Policy, Transpower New Zealand Limited dated 22 January 2024.

[4] Letter from Chris Horne, Consultant Planner dated 23 January 2024

24. Following the hearing adjournment, the following further information responding to matters raised in the hearing was received:

    (a) A response from Ms Pull on behalf of Poutini Ngāi Tahu confirming that the use of Kaimata/New River for recreational jet boating above the State Highway bridge is acceptable (dated 2 March 2024);

    (b) A supplementary statement of planning evidence from Ms Styles for Manawa (dated 21 February 2024) updating the Panel on any outstanding requested changes in the provisions to provide clarity for the Panel;

    (c) A response from Jet Boating NZ confirming its support for the proposed amendment presented by Poutini Ngāi Tahu in relation to allowing recreation jet boating above the State Highway bridge at Kaimata/New River; and

    (d) A response from Mr George Coates to questions by the Panel to clarify terminology used in relation to natural hazard structures.

1.6. Right of Reply

25. Ms Easton provided a written Right of Reply (dated 28 March 2024) that included an updated Appendix 1 showing tracked changes to the notified provisions (Attachment 1).

1.7. Procedural Steps and Issues

26. No procedural matters or issues were identified during the hearing

1.8. Site Visits

27. As part of our general site visits around the region, we visited Lake Māhinapua and Lake Brunner.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

28. The Section 32 Report outlined the relevant statutory considerations applicable to natural character and the margins of waterbodies and activities on the surface of water; and the relationships between the sections of the RMA and higher order documents.

29. The s42A Report highlighted the relevant sections 6, 7 and 8 of the RMA, the National Policy Statement for Freshwater Management (**NPSFM**), National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**), National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**), Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), and National Environmental Standard for Freshwater (**NESF**), two National Water Conservation Orders (Water Conservation (Buller River) Order 2001 and Water Conservation (Grey River) Order 1991) and the National Planning Standards (**NPS**).

30. In relation to the Water Conservation Orders, the s42A Report noted that most of the provisions relate to regional council functions, but that both also include a clause stating that a resource consent shall not be granted under section 9 of the Act (relating to land use) if the effect would be that the provisions of the water conservation order could not be observed. The Report noted that consents could only be issued by the district councils if they ensured that the values listed for the Buller River and Grey River were protected.

31. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendation of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.

32. The NPS mandatory direction 7.20 requires provisions relating to natural character of wetlands, lakes and rivers and their margins to be located in the Natural Character chapter of the Natural Environment Values section of the Plan. Mandatory direction 7.24 requires provisions relating to the management of activities on the surface of water to be located in the Activities on the Surface of Water chapter of the General District-wide Maters section of the Plan. The Panel is satisfied the Plan structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. NATURAL CHARACTER AND MARGINS OF WATERBODIES

2.1. NC General/Whole Chapter

Submissions and Further Submissions

33. Ten submission points and three further submission points relating to general matters on the whole NC Chapter were summarised in a Table on pages 12-13 of the s42A Report. One submission point was neutral, two submission points sought to retain the objectives, policies and rules, as notified, and six sought changes. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

34. The s42A Report supported Forest & Bird's (S560.508) to move provisions relating to vegetation clearance to the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter of the Plan, with cross references from the NC Chapter. It recommended moving Rule NC-R1 and Rule NC-R3 to the ECO Chapter. It noted Forest & Bird's (S560.044) request, that if the NC Chapter is retained, it should be referenced throughout the Plan. It did not support cross referencing within the rules because there were already specific references in the overview of each chapter guiding refence to other chapters where appropriate.

35. The s42A Report acknowledged Forest & Bird's submission (S560.243) requesting that the rules governing vegetation clearance be as least as stringent as the ECO Chapter and address RMA s6(c) matters. It noted this would be required when the rules affected were considered within the context of the ECO Chapter provisions.

36. The s42A Report did not support G.E and C.J Coates' request (S415.006) to delete the NC Chapter because they consider it does not align with the Regional Council rules and there is sufficient protection of waterbodies through land administered by the Department of Conservation (**DOC**).

37. The s42A Report supported in part the West Coast Regional Council's (S488.022) to ensure that there are no adverse effects on the social or economic welling being of West Coast people and communities. It considered it was unlikely no adverse effects on people and communities could be guaranteed. In response to a question from the Panel, Ms Easton agreed there was no national direction requiring no adverse effects on people.

38. The s42A Report did not support Grey District Council's request to remove all references to Sites of Significance to Māori (**SASM**) in the NC Chapter because this gives effect to RMA s6(e) as a matter of national importance.

39. There were no further recommendations from the Reporting Officer regarding the Whole Chapter.

Hearing and Submitter Evidence/Statements

40. Mr and Mrs Coates presented a statement to the Panel proposing that the NC Chapter should be removed in its entirety, as they considered it does not align with the Regional Council rules.

They considered there was insufficient evidence to support the rules and insufficient consideration of private property rights. They indicated that there were inadequate provisions to enable them to operate their farm in an efficient manner, including the ability to realign watercourses, clear vegetation for existing and new fence lines, establish and maintain farm tracks, and create new bridges wider than 3m.[5]

Reporting Officer Reply Evidence

41. There was no change to the Reporting Officer's view expressed in the 42A Report in response to the presentation by Mr and Mrs Coates in her Right of Reply. She remained of the view that it was not appropriate to remove the entire NC Chapter.

Hearing Panel's Evaluation

42. The Panel agrees with Ms Easton that it is not appropriate to remove the NC Chapter, or to remove references to overlays or references to SASM in the NC Chapter.

43. The Panel has considered the concerns raised by Mr and Mrs Coates in relation to their ability to operate their farm and are satisfied the provisions enable the continuation of existing lawfully established activities and new activities that have minor adverse effects. We consider new activities with the potential for more than minor adverse effects on the natural character of waterbodies should be assessed through the resource consent process.

44. The Panel is satisfied that provisions align with Regional Council rules and do not duplicate Regional Council function. The Panel accepts Ms Easton's recommendation to reject Mr and Mrs Coates submission point to remove the whole NC Chapter.

45. The Panel acknowledges the Plan provisions must give effect to the purpose and principles of the RMA and the higher statutory order direction. There is no require to have no adverse effects on people and communities, however, the Panel considers the provisions sufficiently provide for existing activities and new activities that have minor adverse effects. The Panel notes the s32 evaluation accompanying the Plan considers the social and economic impacts of the proposed regulations and specifically note that the approach taken is not new and is a refinement of existing regulations relating to the margins of waterbodies.

46. The Panel accepts Ms Easton's recommendation to move all vegetation clearance provisions to the ECO Chapter, with cross references in the NC Chapter, is appropriate. The Panel notes this affects rules NC-P2, NC-R1 and NC-R3, which is addressed below.

2.2. NC Overview

Submissions and Further Submissions

47. Ten submission points and one further submission point relating to the Overview were summarised in a table on pages 17-18 of the S42A report. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

[5] Statement of evidence presented 21 March 2024

48. All submission points sought amendments to include additional wording in the Overview except for one submission which supported retaining the wording as notified.

Section 42A Report

49. The s42A Report did not support Forest & Bird's (S540.244) request to provide more detailed explanation of the relationship with the NESF and the activities regulated by the NESF because it is focussed on Regional Council functions. However, it recommended adding short statement to clarify this relationship and the

50. The s42A Report supported minor amendments to the Overview wording to improve clarity and make it clear that the rules that apply to other chapters are applicable in the NC Chapter as well. It recommended the following amendments:

> *Overview*
>
> *Waterbodies and their margins are an important part of the West Coast/Te tai Poutini, waterbodies are connected Ki uta ki tai from the mountains to the sea) and have important values, including for biodiversity, cultural,* ***recreational*** *or historical reasons.*
>
> *Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margin of water bodies.* ***Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA. Te Tai o Poutini Plan also manages activities on the surface of waterbodies****.*
>
> *[ ]*
>
> *Rivers, streams, lakes and wetlands have important ecological, natural character,* ***recreational*** *and hydrological values. They provide for habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life* ***and opportunities for access to and along waterways.***
>
> ***Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities***
>
> *[ ]*
>
> *The National Environmental Standard for Freshwater Management 2020 (NESFM) has specific rules which relate to freshwater in particular* ~~*as relate*~~ ***in relation*** *to activities in the margins of natural inland wetlands.* ***These rules relate to the regional functions of the West Coast Regional Council and are administered by the organisation. The provisions in Te Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. Te Tai O Poutini plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF.***
>
> *[ ]*
>
> *EARTHWORKS - The Earthworks Chapter includes provisions around earthworks management.* ***These relate to requirements for earthworks within zones and include***

general standards for earthworks. These rules apply in addition to rules on earthworks within the Natural Character of Waterbodies Chapter.

ECOSYSTEMS AND INDIGINOUS BIODIVERSITY – The Ecosystems and Indigenous Biodiversity Chapter contains provisions around vegetation clearance, including in the margins of waterbodies.

[ ]

ENERGY, INFRASTRUCTURE and TRANSPORT- The Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy infrastructure or transport activities that trigger resource consent on the Natural Character of Waterbodies Rules.

Hearing and Submitter Evidence/Statements

51. Ms Rachel Pull, on behalf of Poutini Ngāi Tahu, clarified that the further submission (FS41.664) only opposed Herenga ā Nuku Aotearoa/Outdoor Access Commission's submission point in relation to the request to add further government departments to the third paragraph of the Overview. She considered this was not appropriate because the third paragraph recognised the legislative relationship between Councils and mana whenua in relation to waterbodies. She noted the further submission recommended the agencies listed be added as an Advice Note for public information purposes at the end of the Overview, as follows:

> ***Other Relevant Government Bodies***
> ***Aside from Regional and local government there are other key agencies and government groups involved in the integrated management of waterbodies. These include***
> - ***The Department of Conservation***
> - ***NZ Landcare Trust***
> - ***Catchment care and other restoration groups and***
> - ***The Herenga ā Nuku Aotearoa Outdoor Access Commission***

52. Ms Pull did not support the s42A Report recommendation to include cross referencing to the Energy, Infrastructure and Transport (**EIT**) chapters given it is standard practice to consider any relevant provisions when processing a resource consent. She highlighted the chapters of the Natural Environment Values section of the Plan include a statement under the policies of the chapter to refer to the policies of the EIT chapters, with the exception of the Public Access Chapter). She considered a specific reference would draw attention to them and imply they require special consideration of the EIT chapters. She requested removal of the statement from the policies section of the Natural Environment Values chapters ((Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes, and Natural Character and the Margins of Waterbodies) as follows:

> ~~*Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.*~~

53. Ms Pull sought to add the following to the Overview of the NC and ASW Chapters under 'Other relevant Te Tai o Poutini Plan Provisions':

> ***Energy, Infrastructure and Transport – The Energy, Infrastructure and Transport chapters contain provisions that manage Energy, Infrastructure and Transport activities and potential reserve sensitivity.***

54. Ms Pull's recommended amendment to the Overview to add other agencies as an Advice Note.

55. Ms Inger Perkins, on behalf of Herenga ā Nuku Aotearoa/Outdoor Access Commission, requested the following sentence be extended as follows in the Overview:

> *Waterbodies are connected (Ki uta ki tai) from the mountains to the sea) and have important values including for biodiversity, cultural**, recreational** or historical reasons*

56. Ms Perkins accepted the further submission from Poutini Ngāi Tahu in opposition to including the requested addition of other agencies to the Overview and agreed with including an Advice Note as suggested by Ms Pull. However, Ms Perkins considered there was one notable omission from the list and recommended that the West Coast Fish and Game Council be added.

57. Ms Perkins also requested the following addition to the end of the Overview:

> ***Rivers streams, lakes and wetlands have important recreational values including opportunities for access to and along waterways.***

58. Ms Stephanie Styles, on behalf of Manawa Energy Limited ('Manawa'), sought to include a reference to hydroelectricity in the Overview to acknowledge the important resource that waterbodies are for the region in terms of providing for hydroelectricity generation.

59. Mr Martin Kennedy, on behalf of Westpower Limited, sought additional text in the Overview to give effect to the interrelationship between natural character and infrastructure that is significant to the region, as recognised in RPS Chapter 6, Policies 3 and 6 as follows:

> ***There is a considerable network of energy activities and infrastructure, including critical infrastructure, on the West Coast that services the communities spread throughout the region and into neighbouring regions. Such activities have been, and will continue to be developed and undertaken recognising and taking into account the local conditions. Given the topography and extent of waterbodies and landscapes on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy. The National Policy Statement for Renewable Electricity Generation also recognises the constraints and requirements of such activities including, amongst other matters, being located where the resource is.***

60. Ms Frida Inta, on behalf of herself and Buller Conservation Group, requested the following amendments to the wording of the Overview wording:

> *Waterbodies and their margins are **a vital underpinning** ~~an important part~~ of the West Coast **Region**/Te Tai Poutini **and its prosperity**. Waterbodies are connected (Ki uta ki tai*

from the mountains to the sea) and have important values, including ***those*** *for biodiversity,* ***ecosystem services,*** *cultur**e**~~al~~, recreation~~al~~ or histor**y**~~ical reasons~~.*

61. Ms Inta stated waterbodies are more than an important part of the West Coast, they *are* the West Coast, and she considered the proposed sentence overtly understated their importance. She considered the changes sought to correct grammatical errors and include reference to '*ecosystem services'.*

Reporting Officer Reply Evidence

62. At the hearing, Ms Easton recommended adding the Advice Note agreed to by Ms Pull and Ms Perkins to the end of the Overview. She also agreed it was appropriate to add the West Coast Fish and Game Council. However, the Panel note that this Advice Note was not included in Ms Easton's Right of Reply. The Panel considers this was an oversight given her response to questions at the hearing.

Hearing Panel's Evaluation

63. The Panel accepts that Ms Easton's recommended amendments to the Overview provide greater clarity for most of the issues sought by submitters, as shown in Appendix 1 of the s42A Report.

64. The Panel accepts the recommendation to add a new Advice Note as agreed by Ms Pull and Ms Perkins, with the addition of the West Coast Fish and Game Council.

65. The Panel accepts Ms Easton's recommendation to reject the proposed amendments to the Overview proposed by Mr Kennedy on behalf of Westpower given this only repeats what is already stated throughout the Plan.

66. The Panel accepts the Buller Conservation Group's submission point (S552.094), as recommended by Ms Easton, but considers that the further text changes sought by Ms Inta at the hearing are not within the scope of the Buller Conservation Groups original submission point.

67. The Panel accepts the Reporting Officer's recommendation to add wording clarifying the NESF and the functions of the Regional Council and accept in part Forest & Bird's submission. However, the Panel recommends the overview is corrected to refer to the Resource Management (National Environmental Standard for Freshwater) Regulation 2020 (NESF).

68. The Panel considers it is appropriate to update the reference in the Overview to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NES-CF**), which has replaced the NES-PF.

69. The Panel has also made minor corrections to the Overview to reflect the replacement of the NES-PF with the NES-CF, correct the use of capitals and grammatical errors.

Recommendation

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

accepted or accepted in part, and recommends the following changes to the Natural Character and Margins of Waterbodies Overview:

OVERVIEW

Waterbodies and their margins are an important part of the West Coast/Te Tai Poutini. Waterbodies are connected (~~K~~**k**i uta ki tai**,** from the mountains to the sea) and have important values, including for biodiversity, cultural**, recreational**[6] or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. **Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA[7]. Te Tai o Poutini Plan also manages activities on the surface of waterbodies**.[8]

The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers**,** including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural character of the margins of wetlands, lakes and rivers**,** thereby avoiding duplication with Regional Council functions.

The three district council**s** work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies and ancestral, cultural spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/TeTai o Poutini are identified as statutory acknowledgement area**s** and there are also nohoanga entitlements in place in some locations. These waterbodies contain~~er~~ associated ~~kainga~~**kāinga**, ~~pa~~ **pā,** important sites for the gathering of kai, **t**~~T~~auranga ika and specialised zones for various activities of high cultural value**,** such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character**, recreational** [9] and hydrological values**.** ~~t~~**T**hey provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life **and opportunities for access to and along waterways.**[10]

Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity, which contributes to the wellbeing of people and communities.[11]

The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular**,** the councils must have regard to its objectives and policies in consent decision-making.

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NESF) has specific rules which relate to freshwater, in particular in relation to activities in the margins of freshwater wetlands. **These rules relate to the regional functions of the West Coast**

[6] Herenga ā Nuku Aotearoa Outdoor Access Commission S274.004
[7] Buller Conservation Group S552.094
[8] Director General of Conservation S602.100
[9] Herenga ā Nuku Aotearoa Outdoor Access Commision.S274.004
[10] Herenga ā Nuku Aotearoa Outdoor Access Commission S274.004
[11] Manawa Energy Limited S438.103

Regional Council and are administered by that organisation. The provisions in Te Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. The Tai o Poutini Plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF.[12]

~~Plantation~~ **Commercial** Forestry

~~Plantation~~**Commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~**Commercial** Forestry) Amendment Regulations 2023 (NES-~~P~~**C**F).[13] However the NES-~~P~~**C**F allows that district plans can be more stringent where this gives effect to an objective in the National Policy Statement for Freshwater Management. Where provisions within this chapter over-rule the requirements of the NES-~~P~~**C**F an advice note to that effect is included within the rule.

Other relevant Te Tai o Poutini Plan provisions.

It is important to note that in addition to the zone chapters a number of District **w**~~W~~ide and Overlay chapters also contain provisions that may be relevant for waterbodies, including:

- Public Access - The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- Subdivision - The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation to the provision of esplanade reserves and strips, in particular SUB- S9
- Activities on the Surface of water – The Activities on the Surface of Water Chapter contains provisions that mange activities that occur on the surface of water.
- Coastal Environment – The Coastal environment Chapter contains provisions that manage the natural character of the coastal environment.
- Earthworks - The Earthworks Chapter includes provisions around earthworks management. **These relate to requirements for earthworks within zones and include general standards for earthworks. These rules apply in addition to rules on earthworks within the Natural Character of Waterbodies Chapter.** [14]
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains provisions around vegetation clearance, including in the margins of waterbodies.**[15]
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy infrastructure or transport activities that trigger resource consent under Natural Character of Waterbodies Rules.** [16]

Also ~~**view**~~ the Strategic Objectives and Policies[17]

Advice Note:
Other Relevant Government Bodies

[12] Royal Forest and Bird Protection Society of New Zealand Inc S560.224
[13] Clause 16 RMA correction to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[14] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.001
[15] Royal Forest and Bird Protection Society of New Zealand Inc S560.511
[16] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.001
[17] Westpower Limited S547.312

Aside from regional and local government there are other key agencies and government groups involved in the integrated management of waterbodies. These include:

- **Department of Conservation;**
- **West Coast Fish and Game Council**
- **NZ Landcare Trust;**
- **Catchment care and other restoration groups; and**
- **Herenga ā Nuku Aotearoa, the Outdoor Access Commission.** [18]

2.3. NC Definitions

Submissions and Further Submissions

71. Twenty-two submission points and seven further submission points relating to definitions were summarised in a Table on pages 18-21 of the s42A Report.

72. One submission supported retaining the definition of '***Artificial Lake or Pond***' as notified.

73. Two submission points and one further submission point supported retaining the definition of '***Lake***' as notified, with one requesting the exclusion of a dredge pond. One submission opposed the definition and requested use of the RMA interpretation, with one further submission point opposing this submission point.

74. Five submission points sought amendments to the definition of '***Riparian Margin***' and two further submissions supported two of the submission points.

75. Four submissions points and eight further submission points relating to the '*extent of riparian margins'* were summarised on page 48 of the s42A Report and assessed in relation to the NC rules. Four submissions sought amendments to the definition; and seven further submission points opposed the amendments sought and one further submission supported the amendments in part. These submission points are addressed here in relation to the definition of '*Riparian Margin*', as well as in relation to the rules.

76. One submission point supported the definition of '***River***' as notified and three submission points sought amendments.

77. One submission point supported the definition of '***Waterbody***' as notified and one submission point sought amendment to clarify the relationship between the definition and the zone.

78. Two submission points supported the definition of '***Wetland***' as notified.

79. Two submission points sought new definitions for '***Bank***' and two further submission points opposed these submission points.

80. Three submission points sought a new definition for '***Watercraft***' and one further submission supported in part.

[18] Herenga ā Nuku Aotearoa Outdoor Access Commission S274.004

81. The Panel has considered the relevant submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report

82. The s42A Report did not support the request to use the RMA definition of '*Lake*' given the definition would potentially capture a range of artificially constructed ponds associated with other activities.

83. The s42A Report supported the changes to the definition of '*Riparian Margin*' to refer to rivers and not streams. The Report agreed it was not clear where the riparian margin is measured from but considered it should be measured from the point of '*annual fullest flow'* for any lake or wetland. It did not support a reduction of the distance determining the riparian margin given the rule changes recommended allow for farming to continue. It also supported the addition of '*within the coastal marine area*' to specify that only wetlands within the coastal marine area are included within the definition (S620.041, FS79.7 and FS222.338).

84. The s42A Report did not support Manawa's request (S478.017) to standardise the width of the riparian margin to 10m given the different functions of the District Councils and the Regional Council. It also considered the riparian margins should not be substantially different between the Plan and the West Coast Regional Land and Water Plan (**RLWP**). It noted the RLWP has 20m riparian margins for lakes and recommended Manawa's requested to reduce this to 10m should be rejected.

85. The s42A Report did not support the requests to increase the riparian margin to 15m wide and recommended rejecting these submission points (S552.027 and S312.010) and accepting the six further submissions opposing this increase (FS232.048, FS150.028, FS215.028, FS215.029, FS104.040, FS222.027, FS231.041). It noted that the RLWP riparian margins for a river >3m is between 3-10m.

86. The s42A Report considered there was some merit in including 1-3m wide rivers in the definition given the riparian areas can have significant natural character. It noted the RLWP provides for 3m (pasture) or (5m (indigenous vegetation) riparian margin width for streams on low slope land and 10m width indigenous vegetation on land >12 degrees slope. In response to questions, Ms Easton considered 1-3m wide streams could have a 3m wide riparian margin, which would be consistent with the stock exclusion regulations.

87. The S42A Report did not support the request to identify the difference between intermittent and ephemeral waterbodies or the request to use the definition used in the RLWP given the definition of '*River*' is set by NPS.

88. The s42A Report supported Poutini Ngāi Tahu's request to clarify the relationship between the definition of '*Waterbody*' and zones, given the identification of waterbodies on the zone planning maps is confusing. It noted that only some waterbodies are identified on the planning maps, and a waterbody is not a zone in the planning maps. It recommended the identification of 'waterbody' is removed from the zone maps/layer and the areas identified be zoned General Rural Zone (**GRUZ**).

89. The s42A Report did not support the addition of a new definition for '*Bank*' given the term is not used in the Plan.

90. The s42A Report supported the addition of a new definition for '*Watercraft*' with a qualifier at the end to identify motorised watercraft.

Hearing and Submitter Evidence/Statements

91. Ms Styles, on behalf of Manawa, requested that the definition of '*Riparian Margin'* is simplified to a distance of 10m from all waterbodies because 20m for lakes would subject Manawa to unnecessary consenting requirements. She supported the 10m setback as notified for wetlands if these are to be addressed by a rule in the Plan. She disagreed with the s42A Report recommendation and noted the District Council and Regional Council functions are quite different in respect of riparian margins, with the District Council functions relating to the effects of land use and public access. She considered 'following' the RLWP provisions would result in unnecessary duplication and consenting costs.

92. Ms Styles noted Manawa has specific interests in riparian setbacks as its assets and operations are functionally and operationally required to be located within and adjacent to waterbodies, including natural lakes and rivers e.g. Kawhaka Creek and the Arnold River, and many artificial or modified waterbodies such as Kumara reservoir and Dillmans canal. She considered the 20m riparian margin from lakes may subject a greater number of Manawa activities to potential consenting requirements that are unnecessary for the district councils to manage, such as earthworks, vegetation clearance and structural maintenance.

93. Ms Pull, for Poutini Ngāi Tahu, requested (S620.041) an additional clause be added to the definition of '*Riparian Margin*' to be consistent with the RLWP and ensure control of indigenous biodiversity on land with a slope of less than 12 degrees, as follows:

> *(d) 5m of any river with an average bed width between 1-3m*

94. Ms Pull noted she disagreed with Ms Easton that waterbodies on the zone planning maps should be zoned GRUZ and considered the zoning should be that of the adjacent land (the same as roads). She did not support removing waterbodies from the zone planning maps.

95. Mr Martin Kennedy, on behalf of Westpower, sought to have the definition of '*River*' aligned with the RLWP definition to give consistency of interpretation and implementation of documents.

96. Ms Amy Young, on behalf of the Director General of Conservation ('**Director General**') supported the new definition for '*Watercraft'* recommended in the s42A Report.

97. Ms Inta, on behalf of herself and Buller Conservation Group, sought to have the definition of '*Riparian Margin'* amended to include '*the point at which terrestrial vegetation commences'.* She also sought the addition of the Buller District Council (**BDC**) Plan definition for '*Bank*'.

Reporting Officer Reply Evidence/Statements

98. Ms Easton responded to questions from the Panel regarding the definition of '*Riparian Margin*' used in NPS and the RLWP. She did not support using the RLWP definition given it is lengthy and complex. She noted the NPS definition for '*Bed*' is the same as the RMA definition.

99. To address concerns relating to clarity around where the riparian margin is measured from, she recommended adding '*As measured from the point of annual fullest flow for a river or*

annual fullest water level for a lake or wetland' to the definitions. To further assist, Ms Easton recommended adding new definitions for '*Fullest flow*' (based on the RLWP definition) '*Bank*' (based on its ordinary meaning) and '*Bed*' (using the RMA meaning).

100. In response to questions, Ms Easton did not support the zoning of waterbodies to that of the adjacent land and was not comfortable if the zoning changed in the middle of a waterbody.

101. In her Right of Reply, Ms Easton provided further information of the extent of waterways <3m wide throughout the West Coast, the extent of these waterways in indigenous vegetation, and rules in the RLWP and NES-CF. She noted that most of the public conservation land administered by DOC is covered by indigenous vegetation and would have riparian margins under the RLWP of either 5m or 10m. For land outside public conservation land, Ms Easton used NIWA's River Environment Classification maps to review river 'order 1' (the smallest classified) streams and noted that most were not significantly vegetated on their margins and were on the flatter, more developed areas. Ms Easton considered that earthworks and vegetation clearance in riparian margins of these smaller waterbodies are restricted under the RLWP provisions, which provided a good degree of management of potential adverse effects on natural character.

102. Ms Easton also provided further information on restrictions in riparian margins under the NES-CF and the stock exclusion regulations; and riparian margins from lakes in the NES-CF and in other district plans.

103. Ms Easton considered the issue of '*naturalised lakes'* and the definition of a wetland under the NPS-FM. She noted this specifically included wetlands that had developed in or around a deliberately constructed waterbody, since the construction of the waterbody. She considered that a 'naturalised' artificial lake is likely to have developed this wetland fringe and would therefore meet the definition of natural inland wetland.

104. Ms Easton advised that if the Panel is concerned that 'naturalised' artificial lakes should be excluded from the definition of '*Artificial Lake or Pond*', this could be amended by amending the definition of '*Artificial Lakes or Ponds*' as follows:

> *means a body of freshwater created by human intervention in a location where a lake or pond did not naturally exist and includes man made reservoirs.* ***Where the artificial lake has established a wetland margin that meets the NPSFM definition of natural inland wetland, this shall not be considered an artificial lake.***

105. However, Ms Easton noted there is no submission seeking an amendment to the definition of '*Artificial Lake or Pond*' or any changes to the rule, so was likely to be out of the scope of submissions.

Hearing Panel's Evaluation

106. The Panel notes the NPS include a definition for '*Lake*' that has the same meaning as the RMA definition. Where a term is defined in the NPS the Plan must use the definition as defined in the NPS.

107. The Panel notes the proposed Plan definition is intended to avoid capturing a range of ponds artificially constructed as part of mining activity, sediment ponds for earthworks and farm ponds for stock water. The Panel agrees this is the intent but accept the Forest & Bird

submission points (S560.066 and S560.424) to use the RMA definition given it is a listed definition in the Planning Standards and its use is mandatory.

108. The Panel considers the proposed Plan definition of '*Artificial Lake or Pond'* addresses exceptions without changing the RMA definition. The Panel considers that adding an Advice Note to the definition, cross referencing the Plan definition of '*Artificial Lake or Pond*', is not necessary because the definition is clear.

109. The Panel acknowledges the Federated Farmers submission point seeking to reduce the distances in the definition of '*Riparian Margin*' if the rules do not allow for farming activities to continue; and the reduction in the distance from 20m to 10m for any waterbody, as sought by Manawa (S438.017).[19]

110. The Panel accepts Ms Easton's recommendation not to reduce the riparian margin for lakes from 20m to 10m and rejects Manawa's submission point requesting simplification to 10m for all waterbodies. The Panel considers 20m is consistent with the RLWP and other district plans, as outlined in Ms Easton's Reply.

111. The Panel accepts Poutini Ngāi Tahu's submission point (S620.041) that streams 1-3m wide should be included in the 'Riparian Margin' definition. However, the Panel consider this should be 3m wide, which is consistent with the stock exclusion rule in the LWRP for pasture on low slope land. The Panel accepts Ms Easton's view that many of the lowland small streams are surrounded by pastural farmland and that the majority of small streams with indigenous vegetation are within public conservation land. The Panel is also conscious that any indigenous vegetation clearance is subject to the ECO Chapter rules.

112. The Panel accepts Ms Easton's recommendation to reject the submission point from Federated Farmers (S524.017) to reduce the riparian margin distance given the rule framework enables existing farm operations to continue without unnecessary restriction.

113. The Panel accepts Ms Easton's recommendation to delete '*stream or*' from the definition of '*Riparian Margin'* given the NPS definition (RMA definition) of '*River*'; and to add '*that is located in the coastal marine area'* to clarify that only wetlands in the coastal marine area are included.

114. To assist in clarifying where the '*Riparian Margin*' is measured from, the Panel accepts Ms Easton's recommendation to add new definitions for '*Fullest Flow'*, '*Bank*' and '*Bed*', as set out in her Right of Reply. However, we note that '*Bed*' is already included in the definitions in the Plan.

115. The Panel rejects the submission point of Westpower (S547.036) to use the RLWP definition of '*River*' given the Plan must use the NPS definition, which is the same as the RMA definition. The Panel also rejects Ms Inta and the Buller Conservation Group's submission points (S552.029 and S553.029) to differentiate between intermittent and ephemeral waterways

[19] The Panel notes submission points S552.027, FS232.048, FS150.028, FS215.028, FS215.029, FS104.040, FS222.027, FS231.041, S312.010, S478.017, S620.041, FS79.7 and FS222.338 were included in the Table on page 48 of the s42A Report in relation to the extent of 'Riparian Margin' in the definition. These submission points were addressed in relation to the rules in terms of the extent of riparian margins in paragraphs 175-179 of the s42A Report.

and to add cross-reference to the RLWP given the definition used is based on the RMA definition and the RLWP is not consistent with this definition.

116. The Panel accepts Ms Easton's recommended new definition for '*Watercraft*'.

117. The Panel accepts Ms Easton's recommendation to that waterbodies should be zoned General Rural Zone on planning maps to avoid confusion. We do not consider it is appropriate to zone them according to the adjacent land given the potential for different zoning on either side of the waterbody. The Panel is mindful that regulation of water and the beds of waterbodies is a Regional Council function.

Recommendation

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

RIPARIAN MARGIN

means all land within:

a. 10m of any wetland **that is located in the coastal marine area**;[20]
b. 20m[21] of any lake; and
c. 10m of any ~~stream or~~ river[22] with an average bed width greater than 3m; **and**
d. **3m of any river with an average bed width greater than 1m and less than 3m**. [23]

As measured from the point of annual fullest flow for a river or annual fullest water level for a lake or mean high water springs for a coastal wetland.[24]

Advice Note: Activities within 10m of a natural inland wetland are regulated under the NESF and administered by the West Coast Regional Council.

WATERCRAFT[25]

means a boat or other vessel that travels on water. This excludes fixed structures on water and use for residential activities.

In relation to the Activities on the Surface of water provisions motorised watercraft means a watercraft that is operated or propelled by a motor.

BANK[26]

means the land on either side of a river which confines the natural flow of the water whether the normal flow, or flood flows.

[20] Royal Forest and Bird Protection Society of New Zealand Inc S560.076
[21] Manawa Energy Limited S438.017
[22] Director General of Conservation S602.015
[23] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.041 and Buller Conservation Group S552.027
[24] Buller Conservation Group S552.028 and Frida Inta S553.028
[25] Department of Conservation S602.130 S602.022 and Ngai Tahu S620.191 620192
[26] Consequential amendment to Buller Conservation Group S552.028 and Frida Inta S553.028

FULLEST FLOW[27]

means the maximum amount of flow or highest water level that can occur without the river water overtopping the banks and beginning to flow over the flood plain.

2.4. NC Objectives

Submissions and Further Submissions

119. Nine submission points relating to the objectives as a whole were summarised on page 23 of the s42A Report, all sought to retain the objectives as notified.

120. Twenty-one submission points and seven further submission points relating to **Objective NC-01** were summarised on page 24-26 of the s42A Report. Twelve submission points sought to retain the Objective as notified, eight submission points sought amendments; and seven further submissions opposed the amendments sought and one further submission point supported one amendment in part.

121. Eight submission points relating to **Objective NC-02** were summarised on page 27 of the s42A Report, all sought to retain the Objectives as notified.

122. Twenty-two submission points and ten further submission points relating to **Objective NC-03** were summarised on pages 27-30 of the s42A Report. Five submission points sought to retain the Objective as notified, one submission point sought to delete the Objective and 16 submission points sought amendments; and five further submission opposed one submission point to retain the Objective, four further submission point supported some of the amendments and one further submission point opposed one amendment.

123. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

124. In relation to **Objective NC-01**, the s42A Report did not support deleting the Objective given there are a range of activities that have a functional or operational need to locate on the edge of rivers and lakes.

125. It also did not support deleting '*while providing for appropriate subdivision, use and development*' or '*where adverse effects can be avoided or mitigated'*.

126. The s42A Report did not support separating the Objective into two or adding reference to taking a '*precautionary approach'.*

[27] Consequential amendment to Buller Conservation Group S552.028 and Frida Inta S553.028

127. The s42A Report supported replacing '*providing for*' with '*allow*' and adding '*appropriately managed in accordance with the effects management hierarchy*', as follows, as requested by the Director General[28]:

> ***NC-01***
> *To preserve the natural character of lakes, rivers and wetlands and their margins while ~~providing for~~ **allowing** appropriate subdivision, use and development where adverse effects can be ~~avoided or mitigated~~ **appropriately managed in accordance with the effects management hierarchy.***

128. In relation to Objective **NC-02**, the s42A Report highlighted all of the submissions received were in support of retaining it as notified.

129. In relation to **Objective NC-03**, the s42A Report supported the 12 submission points requesting to include '*or operational*' to refer to both functional and operational needs[29]. It did not support adding '*technical and locational*' given the '*functional or operational need*' sufficiently covers these matters; and the Plan includes a definition for '*functional need*' and recommends a new definition for '*operational need*'.

130. The s42A Report did not support deleting reference to '*natural character*', as requested by Manawa[30], given the preservation and protection of the natural character of the margins of waterbodies from inappropriate subdivision, use and development is a RMA s6 matter.

131. The s42A Report acknowledged that while some of the amendments sought had merit, overall, the following proposed amendments sought by the Director General[31] were the most appropriate and aligned closer with the RMA direction set out in s6:

> ***NC-03***
> *To provide for activities which have a functional **or operational** need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ **while ensuring adverse effects** on natural character are minimised.*

Hearing and Submitter Evidence/Statements

132. Ms Styles, for Manawa, confirmed she was comfortable with the s42A Report recommendation for Objective NC-01 given the submission point sought to add 'remedy' and the effect management hierarchy includes provision for remedying effects.

133. In relation to NC-03, Ms Styles opposed use of the term '*minimise*' sought. She sought simplification of the Objective by deletion of '*while ensuring adverse effects on natural character are minimised*'. She requested the following wording:

[28] Director General of Conservation S602.101
[29] WMS Group S599.069, Tiga Minerals and Metals Limited S493.064, Birchfield Coal Mines S601.050, BRM Developments S603.034, Birchfield Ross Mining Limited S604.044, Phoenix Minerals Limited S606.035, Whyte Gold Limited S607.033, KiwiRail Holdings Limited S442.060, Bathurst Resources S491.024, Waka Kotahi S450.102, Manawa Energy S438.105 and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.050
[30] S438.105
[31] S602.103

> ***NC-03***
> ~~*To provide for a*~~***Activities*** *which have a functional* ***or operational*** *need to locate in the margins of lakes, rivers and wetlands* ***are provided for.*** ~~*in such a way that the impacts on natural character are minimised.*~~

134. Ms Inta, on behalf of herself and Buller Conservation Group, sought to rewrite Objective NC-01 to require protection and not to provide for development at the expense of protection; and to correct poor grammar by moving '*adverse*' to the front of effects management hierarchy. In relation to Objective NC-03, she requested use of the RPS terminology or at the very least a reference to RPS Chapter 7A Policy 3.

135. Ms Young, for the Director General, supported the s42A Report recommendations.

136. Mr Kennedy provided further clarification on Westpower's request to split Objective NC-01 into two parts to give a clearer intention of the outcomes and to better reflect RPS Chapter 7A Objective 1 and 2. He also sought that Objective NC-03 be reworded as sought in submission point S547.314 to give effect to the RPS.

137. Mr Joshua Leckie and Ms Christina Sheard, for Bathurst Resources Limited and B T Mining Limited, provided legal submission in support of the s42A Report recommendations regarding the inclusion of reference to both operational and functional need. They opposed the proposed changes to Objective NC 01 as recommended to replace '*provide for*' with '*allow*' (as proposed by the Director General) because this inappropriately narrowed the scope and application of the objective.

138. Ms Clare Hunter, for Bathurst, also provided planning evidence opposing the s42A Report recommendations in relation to replacing '*providing for*' with '*allowing*' in Objective NC-01. She supported adding 'or operational' to Objective NC-03.

Reporting Officer Reply Evidence

139. In her Right of Reply, having considered the evidence and statements, Ms Easton made no changes to her recommendations on amendments to the objectives. She addressed the scope available to make changes to the Objectives NC-01 to NC-03 and advised there is minimal scope available to amend NC-02 given all submissions supported this objective as notified.

140. In considering Bathurst's opposition to replacing 'provide for' with 'allow' (as requested by the Director General) in NC-01, Ms Easton considered 'allow' should be used for permitted activities and '*provide for'* used for permitted activities or where a resource consent is required. She considered the appropriate term for use in an objective was '*provide for'*, although this change was not reflected in the updates to provisions in her Right of Reply.

Hearing Panel's Evaluation

141. In relation to **Objective NC-01**, the Panel disagrees with Ms Easton that the wording proposed by the Director General is the most aligned with RMA s6(a). In giving effect to RMA Part 2 matters of national importance the Panel must recognise and provide for -

> *s6(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*

142. The Panel considers the first part of the objective (as notified) combined with the wording proposed by Forest & Bird (S560.245) is consistent with the wording of s6(a). ***NC-01***

> *To preserve the natural character of lakes, rivers and wetlands and their margins ~~while~~ **and the protection of them from in**appropriate subdivision, use and development ~~where adverse effects can be avoided or mitgated~~.*

143. The Panel notes the above is also closely aligned with the wording of RPS Chapter 7B Objective 1:

> *To protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.*

144. The Panel considers the correct approach requires the preservation of natural character and the protection from inappropriate subdivision, use and development. How to achieve this objective, in terms of providing guidance on what is appropriate and the management of adverse effects, are matters for the policies. The Panel also considers that '*providing for'* or '*allowing*' appropriate subdivision, use and development is achieved through the rule framework with the guidance of policies. The Panel therefore rejects the Director General's submission point (S602.101) and recommends *'providing for'* as retained as notified.

145. The Panel partly accepts the submission points of Ms Inta (S553.095), Buller Conservation Group (S552.095) and Forest & Bird (S560.245) which combine to form the Panel's recommended wording of Objective NC-01. The Panel also partly accepts the Grey District Council's submission point (S608.064) given the recommendation to delete '*where adverse effects can be avoided*'.

146. The Panel accepts Ms Easton's recommendation to reject Westpower's (S547.313) request for NC-01 to be split two objectives given these simply repeat the RPS objective wording. The Panel also considers that the RPS objectives are not entirely consistent with RMA s6(a) because they do not reflect the obligation to '*preserve*' natural character of waterbodies and their margins.

147. The Panel agrees with Ms Easton that it is not appropriate to add reference to '*the precautionary approach*' to NC-01 and reject Te Mana Ora's submission point (S190.364).

148. In relation to **Objective NC-02**, the Panel accepts Ms Easton's recommendation to retain it as notified.

149. In relation to **Objective NC-03**, the Panel do not agree with Ms Easton that it is appropriate to add *'or operational need'* given the direction of the TTPP definitions of '*Functional Need'* and '*Operational Need*'. The Panel considers that to give effect to RMA s6(a) direction to preserve and protect, the threshold should be high and '*Functional Need*' requires an assessment to demonstrate the activity can only occur in the location through consideration of alternatives.

'Operational Need', is a much lower threshold requiring an assessment of technical, logistical or operational characteristics or constraints, which may include financial considerations. The RPS Chapter 6, Policy 3 only requires particular regard to such constraints in relation to regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure.

150. The Panel considers adding '*or Operational Needs*' significantly changes the intent of Objective NC-03, which is to provide for those activities that must locate within the margins of lakes and waterbodies. The Panel considers a high threshold is appropriate to give effect to the RMA and the RPS. [Note the definition of functional need includes 'can <u>only</u> locate', whereas 'operational need' is much wider NPS-IB definitions – relating effects on SNA.] RPS-REG Policy C1 'particular regard to the need locate where the RE resource is available'

151. The Panel agrees with Ms Easton that it is unnecessary to add '*technical*', '*locational*' and '*constraints or requirements'* given the definition of 'Functional Need' and 'Operational Need' and rejects Westpower's submission point (S547.314).

152. The Panel accepts Ms Easton's recommendation to amend Objective NC-03 by deleting '*in such a way that the impacts'* and replacing this with *'while ensuring adverse effects'*, as requested by the Director General (S602.103).

153. The Panel notes Ms Inta and the Buller Conservation Grupo did not make a submission point in relation to Objective NC-03.

154. The Panel rejects NZTA Waka Kotahi's submission point to add '*any significant adverse effects*' (S450.102).

<u>Hearing Panel's Recommendations</u>

155. For the reasons outlined above, and subject to our considerations of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Objectives** in the NC Chapter set out below:

Natural Character and the Margins of Waterbodies Objectives
NC - 01
To preserve the natural character of lakes, rivers and wetlands and their margins ~~while providing for~~ **<u>and the protection of them from in</u>**appropriate[32] subdivision, use and development ~~where adverse effects can be avoided or mitigated~~.[33]
NC – 02

[32] Royal Forest and Bird Protection Society of New Zealand Inc S560.245
[33] Buller Conservation Group S552.095 and Frida Inta S553.095

To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins. notified.
NC – 03
To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ **while ensuring adverse effects**[34] on natural character are minimised.

2.5. NC Policies

Submissions and Further Submissions

156. Eight submission points relating to the whole of the NC policies were summarised on page 32 of the s42A Report, with all supporting retain the policies as notified.

157. Twelve submission points and eight further submission points relating to **Policy NC-P1** were summarised on pages 32-34 of the s42A Report. Three submission points either supported the Policy be retained, two sought to delete the Policy, six submissions the policy in part or sought to amend the Policy and one submission point opposed in part. Five further submissions sought to disallow one submission point, and two further submissions sought to allow one submission point.

158. Twenty-six submission points and 16 further submission points relating to **Policy NC-P2** were summarised on pages 35-38 of the s42A Report. Five submission points supported retaining the Policy as notified, one submission point sought to delete the Policy and 20 submission points sought wording amendments. Twelve further submission points opposed the wording amendments sought and four further submission points supported the wording amendments sought.

159. Twenty submission points and two further submission points relating to **Policy NC-P3** were summarised on pages 40-43 of the s42A Report. Five submission points supported the Policy as notified, one submission point sought to delete the Policy, and 14 submission points either supported the policy in part or sought wording amendments to the Policy. Two further submission points sought to allow the amendments sought in the submissions.

160. Seven submission points and one further submission points relating to **Policy NC-P4** were summarised on page 43 of the s42A Report. Five submission points supported the Policy as notified, two submission points sought wording amendments and one further submission point sought to disallow one of the wording amendments sought.

161. Eight submission points and two further submission points relating to **Policy NC-P5** were summarised on pages 43-44 of the s42A Report. Four submission points supported the Policy as notified and four submission points sought wording amendments. Two further submissions sought to disallow wording amendments sought.

[34] Director General of Conservation S602.103

Section 42A Report

162. In relation to **Policy NC-P1**, the s42A Report did not support its deletion (Frida Inta S553.096 and Buller Conservation Group S552.096) given it sets the overall principles for what activities may be acceptable within the margins of a waterbody.

163. The s42A Report did not support replacing '*Minimise*' with '*Avoid, remedy or mitigate*' (Westpower S547.315, NZTA Waka Kotahi S450.103 and Manawa S438.106) or just '*mitigate*' (GDC S608.608) because the RMA s6(a) requirement to preserve natural character is a high threshold. It also did not support its replacement with '*Avoid*' (Forest & Bird S560.248) because this was an even higher threshold, which should be accompanied by non-complying activity status rules; and noted this was inappropriate given the wide range of existing activities in the margins of waterbodies and the substantially modified lowlands of the West Coast.

164. The s42A Report supported the amendments sought to add '*development*' (Forest & Bird S560.248); the addition of '*is of a form and scale that*' (Director General of Conservation S602.104); and '*including public access*' (Herenga ā Nuku Outdoor Access Commission S274.009). However, it recommended adding '*and maintains or enhances public access'* to better give effect to RMA s6(d).

165. In relation to **Policy NC-P2**, the s42A Report supported the replacement of `*provide for*` with '*allow*' (Director General of Conservation S602.105); the replacement of '*minimised*' with '*avoided, remedied or mitigated*' (Westpower S547.316, Grey District Council S608.609 and Manawa S438.107); the addition of '*energy activities'* to clause (b) (Westpower S547.317); and the addition of '*activities or Māori purpose activities in accordance with an Iwi/Papatipu Rūnanga Management Plan'* (Poutini Ngai Tahu S620.174).

166. The s42A Report supported the replacement of '*cultural purposes' with 'activities for Māori Purpose Activities'* (Poutini Ngāi Tahu S620.174). However, it recommended the Iwi/Papatipu Rūnanga Management plan that is referenced within Rule NC – R1, was also included as only those activities in accordance with a Papatipu Rūnanga Management Plan are permitted in that rule.

167. The s42A Report supported in part the request to add a new clause (g) '*Adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna are avoided*' but recommended adding reference to locating activities outside Significant Natural Areas (**SNA**), in accordance with Policy 8 of the NPS-IB, at the beginning of the Policy.

168. The s42A Report did not support deleting the policy (Forest & Bird); adding '*subject to regional rules'* and deleting '*where significant*' (Frida Inta S553.097 and Buller Conservation Group S552.097); adding *'minerals extraction, exploration and prospecting activities*' (WMS Group S599.070, Birchfield Coal Mines S601.051, BRM Developments S603.035, Birchfield Ross Mining Limited S604.045 Phoenix Minerals Limited S606.036, Whyte Gold Limited S607.034); adding 'to undertake legally established activities' (Bathurst Resource S491.025); adding a

new clause 'for food production purposes' (Hort NZ S486.036 and Federated Farmers S524.077); the addition of '*energy activities where there is a technical, locational'* to clause (c) (Westpower S547.318); and adding '*regionally significant infrastructure'* and replacing *'activities'* with '*structures*' (Manawa S438.107); or '*critical infrastructure'* (Westpower S547.317).

169. However, at the hearing, Ms Easton reconsidered her recommendation and agreed that replacing '*infrastructure'* with '*regionally significant infrastructure'* was appropriate because it reduced the scope of the policy and better aligned with the RPS.

170. In relation **Policy NC-P3**, the s42A Report did not support deleting the policy (Forest & Bird S560.250 and S560.515). It supported the addition of the '*or operational*' (Tiga Minerals S493.066, WMS Group S599.071, Birchfield Coal Mines S601.052, BRM Developments S603.036, Birchfield Ross Mining Ltd S604.046, Phoenix Minerals Ltd S606.037, Whyte Gold Ltd S607.035, Bathurst Resources and BT Mining Ltd S491.026, NZTA Waka Kotahi S450.105 and Manawa S438.108).

171. The s42A Report, did not support Westpower's (S547.319) request to add '*technical*', '*locational*' and '*constraints or requirements'* given the definition of '*Functional Need'* and '*Operational Need*'; or the request to replace '*adversely affect'* with '*avoid, remedy or mitigate adverse effects on'* (S547.320).

172. In relation to **Policy NC-P4**, the s42A Report supported the adding '*including weed and pest, control*' (New Zealand Agricultural Aviation Association S166.017); and recommended the addition of an Advice Note instead of a new method or rule (partly accepting Forest & Bird S560.259 and S560.516).

173. In relation to **Policy NC-P5**, the s42A Report supported moving the Policy to the Public Access Chapter (S553.098 and S552.098); and adding '*or for health and safety reasons*' and '*and/or health and safety'* to clause (b) (Westpower S547.321 and Manawa S438.109).

Hearing and Submitter Evidence/Statements

174. Ms Pull, for Poutini Ngāi Tahu, questioned the need for specific references to other parts of the Plan and considered this implied they required special attention. She also noted a lack of consistency in the cross-referencing wording between chapters. She considered the existing refences to the EIT policies should be deleted and added to '*Other relevant Te Tai o Poutini Plan Provisions*' section of the overviews. She supported the s42A Report recommendations to retain NC-P3 as notified.

175. Mr Leckie and Ms Hunter, for Bathurst, sought changes to include reference to '*functional need*' in Policy NC-P3 and supported the amendments recommended in the s42A Report. Mr Leckie also sought greater recognition of lawfully established activities when undertaking activities that have a functional or operational need to locate in and around margins of waterbodies to be included in Policy NC-P2. He considered it was appropriate to not trigger the need for a district council resource consent if a land use activity had been lawfully

established and was authorised by a Coal Mining License. Ms Hunter supported the proposed amendments set out in paragraphs 103 and 131 of the s42A Report and amendments to NC-P2 to enable removal of indigenous vegetation and earthworks within riparian margins of waterbodies, to enable these activities to occur where they are lawfully established activities.

176. Mr Kennedy, for Westpower, considered the s42A Report recommended wording for NC-P1 was inconsistent with the RPS and sought the following wording:

> *Avoid, remedy or mitigate the adverse effects of activities on the elements, patterns and processes that together contribute to the natural character of wetlands, lakes and rivers and their margins.*

177. Mr Kennedy considered including public access in NC-P1 suggested that maintenance and enhancement of access is required in all instances and should be a separate matter included in the Public Access Chapter.

178. Mr Kennedy supported the s42A Report recommendation to insert '*energy activities*' in Policy NC-P2. In relation to Policy NC-P3, Mr Kennedy disagreed with the s42A Report recommendation and considered clause (b) should be amended as follows:

> *They ~~are of a form and scale that will not adversely effect~~ avoid, **remedy, or mitigate adverse effects** on the natural character of the riparian **margin**~~area~~.*

179. Mr Kennedy also sought alterations to Policy NC-P5 (now proposed to be PA-P1) to add '*or for health and safety reasons due to the operational requirements of regionally significant infrastructure'* and '*and/or health and safety*'; and delete '*natural hazard structures'*.

180. Mr Pemberton, for the Director General considered Policy NC-P3 should be retained as notified. He noted the NPS-FM only makes limited allowances for activities which have a functional need, however there are no provisions for activities on the basis of an operational need. He notes the NPS-IB allows some activities within SNA that have an operational need but that this is not directly applicable to Policy NC-P3, which relates to effects on the natural character of riparian areas. He considered providing a pathway for buildings and structures within riparian margins was not consistent with section 6(a) of the RMA in relation to recognising and providing for the preservation of natural character of wetlands, lakes and rivers and their margins.

181. Ms Young, for the Director General, supported the amendments to Policies NC-P1 and NC-P2, as proposed in the Director General's submission. She did not consider that buildings that have an operational need should be afforded the same level of leniency as buildings and structures that have a functional need. She highlighted riparian margins are sensitive areas and provide habitat for spawning threatened indigenous species. She considered avoiding buildings and structures that do not have a functional need in these areas was preferable and Policy NC-P3 should be retained as notified.

182. Ms Perkins, for Herenga ā Nuku Aotearoa/Outdoor Access Commission highlighted the request to add '*and maintains or enhances public access*' to Policy NC-P1.

183. Ms Inta, for herself and the Buller Conservation Group, disagreed with the recommended wording of Policy NC-P1, as she considered there was no reference to protecting the natural environment compared with other chapters that used the word protect on numerous occasions. In relation to Policy NC-P2, she questioned how wide the gap is between '*minor*' and '*significant*' and referred to RPS Chapter 7A Policy 4 in support of her evidence that uses '*no more than minor*'. She considered Policy NC-P2 breached the provisions of RPS and the RLWP. She highlighted that indigenous vegetation removal had been deleted from the rules in the NC Chapter given it is addressed in the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter, and therefore indigenous vegetation should also be removed from Policy NC-P2.

184. Ms Styles, for Manawa, noted that '*natural character values*' in Policy NC-P1 could be interpreted in a variety of ways, in different contexts. To address this, she sought rewording of the policy to remove '*minimise'* and refer to '*identified natural character values*' to enable decisions to be based on the special values that merit protection and to reduce ambiguity when applying the policy. She also wanted to see a list of identified values somewhere in the Plan where it is applicable. She recommended the following wording:

> ***NC – P1***
> *~~Minimise~~ **Avoid, remedy or mitigate** the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, **development** and land use ~~is of a form and scale that maintains~~ **protects** the elements, patterns and processes that contribute to ~~their~~ **the identified** natural character **attributes~~, and maintains or enhances public access~~**.*

185. In relation to Policy NC-P2, Ms Styles cautioned against applying any recommended changes to have the policy applied outside SNA given the NPS-REG, NPS-IB and NPS-FM; and considered applying the policy outside SNA was not appropriate or consistent with the NPS-IB which do not apply to renewable electricity generation activities. She requested the following amendments to reflect the terminology used in the NPS-REG and the definitions in the TTPP:

> ***NC – P2***
> *~~Provide for~~ **Allow** ~~indigenous vegetation removal and~~ earthworks within riparian margins of lakes, rivers and wetlands where:*
> *~~1. This is located outside of a significant natural area; and~~*
> *~~1~~2.~~s~~Significant adverse effects on natural character are ~~minimised~~ **avoided, remedied or mitigated** as far as practicable; and:*
> *a. It is for the purpose of natural hazard mitigation; or*
> *b. It is for the maintenance, repair, upgrade and extension of network utilities, ~~energy activities~~ and **regionally significant** infrastructure including the national grid; or*
> *c. It is for the establishment, operation, maintenance or upgrading of renewable ~~energy~~ **electricity** generation ~~structures~~ **activities** or infrastructure here this has a functional or operational need to be located in a riparian margin; or*

*d. It is for Poutini Ngāi Tahu ~~cultural purposes~~ **Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan**; or*
e. It is for the repair and maintenance of legally established structures; or
f. The activity has a functional or operational need to be located adjoining a waterbody.

186. Ms Styles further reiterated to the Panel the need to be clear on what is being protected in Policy NC-P3. She requested the following amendments:

NC – P3
*Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these: a. Have a functional need or **operational need** for their location; and b. They are of a form and scale that will not adversely ~~effect~~ **affec**t the **identified** natural character of the riparian area.*

187. Ms Styles had no concerns regarding the recommendation to move Policy NC-P5 into the Public Access Chapter.

Reporting Officer Reply Evidence

188. Having heard the evidence and undertaken further analysis Ms Easton considered Policy NC-P1 reflected RPS direction and references the elements, patterns and process. She considered there was no justification to include identified natural character values as sought by Manawa; and any concern relating to assessing indigenous vegetation clearance could be addressed by amending the Advice Note to direct Plan users to Policy NC-P2.

189. Revised Appendix 1 of the Right of Reply recommended the following amendments:

NC-P1

*Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, **development** and land use **is of a form and scale that** maintains the elements, patterns and processes that contribute to their natural character, **and maintains or enhances public access.***

NC-P2

Provide for indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where:

1. This is located outside of a significant natural area; and
*2. ~~s~~**S**ignificant adverse effects on natural character are ~~minimised~~ **avoided, remedied or mitigated** as far as practicable and*
a. It is for the purpose of natural hazard mitigate; or
*b. It is for the maintenance, repair, upgrade and extension of network utilities, **energy activities** and infrastructure including the national grid; or*
c. It is for the establishment, operation, maintenance or upgrading of renewable energy generation structure or infrastructure where this has

a functional or operational need to be located in the riparian margin; or

d. *It is for Poutini Ngāi Tahu* ~~*cultural purposes*~~***Activities or Māori purpose Activities in accordance with an Iwi/Papatipu Runanga Management Plan; or***
e. *It is for the repair and maintenance of legally established structures or*
f. *The activity has a functional or operational need to be located adjoining a waterbody*

NC-P3

Provide for ***new*** *buildings and structures* ***and the upgrading of existing buildings and structures*** *within riparian margins of lakes, rivers and wetlands where these:*

a. *Have a functional need* ***or operational need*** *for their location; and*
b. *They are of a form and scale that will not adversely* ~~*effect*~~ ***affect*** *the natural character of the riparian area.*

NC-P4

Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands ***including pest plant and pest animal control.***

Advice Note:

1 The Objective and policy in the Public Access Chapter should also be considered when assessing resource consent in relation to activities in the margins of waterbodies

Hearing Panel's Evaluation

190. In relation to **Policy NC-P1**, the Panel disagrees with Ms Easton that '*Minimise*' is a higher threshold than '*Avoid, remedy or mitigate'* and consider this assumes that minimising effects can achieve the preservation of natural character and its protection from inappropriate development. The Panel considers there will be circumstances where adverse effects on the natural character of waterbodies will need to be avoided and other circumstances where remedy or mitigating adverse effects may achieve the outcome of preservation and protection. The Panel accepts the submission points seeking to replace '*Minimise*' with '*Avoid, remedy or mitigate*' (Westpower S547.315, NZTA Waka Kotahi S450.103 and Manawa S438.106) gives effect to RMA s6(a) and the RPS.

191. The Panel considers replacing '*Minimise*' with '*Avoid'* is too restrictive given it is anticipated that some specified activities (i.e. RSI and REG activities) will have a functional need to locate within the margins of waterbodies.

192. The Panel also accept Manawa's (S438.107) request to replace '*structures*' with '*activities*' in clause (c) given the pTTPP definition for '*Renewable Electricity Generation Activities*' includes structures.

193. The Panel disagrees with Ms Easton's recommendation to add `*is of a form and scale*` (Director General S602.104) to NC-P1 because we agree with Ms Styles that it adds subjectivity, and it is unclear how activities would be assessed in relation to this policy.

194. The Panel partly accepts Manawa's request to replace '*maintains the elements, patterns and processes that contribute to natural character'* with '*protects the identified natural character values'* (Manawa S438.106) but consider that this should not include the word '*identified*' because the preservation of the natural character of margins of waterbodies require is not limited to identified values. It is appropriate to identify these values through a site-specific assessment in relation to considering a proposal.

195. The Panel agrees with Ms Easton's recommendation to add `*development'* (Forest & Bird S560.248) to better aligned with the wording of the RMA.

196. The Panel disagrees with Ms Easton's recommendation to add '*and maintains or enhances public access'* (Herenga ā Nuku Outdoor Access Commission S274.009) at the end of the policy. We accept the evidence of Ms Styles that this is not appropriate in relation to the NC provisions and should be addressed in the Public Access (**PA**) provisions. The Panel agrees and this is considered in the Panel's Recommendation Report on the PA Chapter

197. In relation to Policy **NC-P2**, the Panel agree with Ms Easton's recommendation to replace '*minimise*' with '*avoided, remedied or mitigated*' (Westpower S547.316, and Manawa S438.107) to give effect to RMA s6(a) and the RPS. However, we consider this requires the consequential deletion of '*as far as practicable*' given this relates to significant adverse effects which must be avoided either directly, or through remediation and mitigation, to achieve the preservation and protection of natural character of the margins of waterbodies. To only go as far as '*as far as practicable*' will not achieve preservation and protection of natural character values in the margins of waterbodies, as a matter of national importance.

198. Similarly, the Panel accepts the request to delete '*significant*' (Frida Inta S553.097 and Buller Conservation Group S552.097) because to allow environmental effects up to this threshold is not consistent with the directive of RMA s6(a) or RPS Chapter 7A, Policy 4 to only allow activities with no more than minor adverse effects would potentially lead to cumulative effects and will not achieve preservation and protection of natural character values in the margins of waterbodies, as a matter of national importance. The Panel considers this recommendation also negates the need to add a new clause (1) in relation to the protection of significant biodiversity and habitats by limiting effects on natural character to 'no more than minor'.

199. The Panel also disagrees with Ms Easton's recommendation to include '*energy activities*' in clause (b) and agree with that this is not appropriate in clause (c) given the TTPP for '*Energy Activities'* and the direction of the NPSREG, NPSET and RPS. Similarly, the Panel considers the amendment sought by Manawa to replace '*renewable energy generation structures or infrastructure*' with '*renewable electricity generation activities*` in clause (c) is appropriate and aligns better with direction in the NPS-REG. However, the Panel agrees with Mr Kennedy and

Ms Styles that '*infrastructure'* should be '*regionally significant infrastructure'* to align with the RPS and its direction regarding functional or operational need in relation to RSI and renewable electricity generation. The Panel agree that '*infrastructure*' is too broad to give effect to the higher order statutory direction.

200. For the same reasons, the Panel considers that '*infrastructure'* should be '*regionally significant infrastructure'* clause (c), as a consequential amendment to the Westpower and Manawa submission points relating to clause (b). We note the request by Forest & Bird to delete this policy also provides wide scope for this amendment.

201. The Panel agree with Ms Easton to replace '*cultural purposes*' with *`Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan'* in clause (d).

202. The Panel has carefully considered the appropriate use of functional need or operational need in light of the higher order statutory direction and our recommendations on the NC Objectives. We consider *'operational needs*' should only be used where this is consistent with the national direction given this is a much lower threshold and reduces the level of protection required. We agree that the NPS-IB provisions are specific to activities within SNA and consider giving effect to this direction must be undertaken in conjunction with the identification of SNA. Furthermore, with the removal of vegetation clearance, the policy is now focused on earthworks within the margins of waterbodies.

203. The Panel considers the inclusion of '*operational need*' should be limited to regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure and RSI, to give effect to the NPSREG, NPSET and RPS. These activities are captured in clause (b). The Panel accepts that other activities should only be located in the margins of waterbodies where the higher threshold of functional need can be met given the importance and sensitivity of these areas to earthworks and disturbance. The Panel also agrees with Ms Styles that the policy should not be broadened by adding 'energy activities' given the definition in the pTTPP includes non-renewable energy generation. The Panel agrees with Ms Styles and Mr Kennedy that the policy should apply to '*regionally significant infrastructure*' and not '*infrastructure*'; and accept this is consistent with national direction and the RPS.

204. For the same reasons, the Panel recommends deleting '*operational need'* from clause (f) to be consistent with NC-O3 and to give effect to national direction. The Panel considers this is within the scope of the request to delete the policy.

205. The Panel agree with Ms Easton's recommendations to reject the other submissions seeking changes for the reasons outlined in the s42A Report.

206. In relation to **NC-P3**, the Panel disagree with Ms Easton's recommendation to add '*or operational needs*' to clause (a) for the reasons discussed above in relation to NC-O3 and NC-P2.

207. The Panel agree with Ms Easton's recommended amendments to correct '*effect*' by replacing it with '*affect'* as sought by the Grey District Council; and to reject Westpower's suggested rewording to address this. The Panel also considers replacing *'area'* with '*margin*' in clause (b), as a RMA First Schedule clause 16(2) correction is appropriate for clarity. Similarly, the Panel accept Ms Easton's recommended wording additions clarify the intent to apply to both existing and new activites.

208. In relation to **NC-P4**, the Panel agree with Ms Easton's recommendation to add `*including pest plant and pest animal control*` as sought by NZ Agricultural Aviation Association to enable such activities.

209. The Panel agree with Ms Easton's revised recommendation to not include Advice Note (2), as shown in the s42A Report, in NC-P4 due to her consideration of further legal information from the Director General.

210. In relation to **NC-P5**, the Panel agree with Ms Easton to delete NC-P5 and move this into the Public Access Chapter. We agree with Ms Easton that the additions sought by Westpower, in relation to health and safety, are not appropriate given the requirement to maintain public access to and along the margins of waterbodies. However, we consider the wording sought by Manawa in relation to the operational needs of RSI is appropriate; and therefore, recommend accepting Manawa's submission point (S438.109).

Hearing Panel's Recommendation

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

NC-P1

Avoid, remedy or mitigate[35] adverse effects on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, **development**[36] and land use maintains the elements, patterns and processes that contribute to their natural character.

NC-P2

Provide for ~~indigenous vegetation removal and~~[37] earthworks within riparian margins of lakes, rivers and wetlands where ~~significant~~ adverse effects on natural character are ~~minimised as far as practicable~~ **avoided, remedied or mitigated**[38] and:

a. It is for the purpose of natural hazard mitigation; or

b. It is for the maintenance, repair, upgrade and extension of network utilities, and **regionally significant**[39] infrastructure including the national grid; or

[35] Westpower Limited (S547.315), NZTA Waka Kotahi (S450.103) and Manawa Energy Limited (S438.106)
[36] Royal Forest and Bird Protection Society of New Zealand Inc (S560.248)
[37] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Inc (S560.508)
[38] Westpower Limited (S547.316), Grey District Council (S608.609) and Manawa Energy Limited (S438.107)
[39] Manawa Energy Limited (S438.107), Westpower Limited (S547.317)

c It is for the establishment, operation, maintenance or upgrading of renewable electricity generation **actvities**~~structures~~[40] or **regionally significant**[41] infrastructure where this has a functional or operational need to be located in a riparian margin; or

d It is for Poutini Ngāi Tahu ~~cultural purposes~~**Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan;**[42] or

e It is for the repair and maintenance of legally established structures; or

f. The activity has a functional ~~or operational~~[43] need to be located adjoining a waterbody.

NC-P3

Provide for **new** buildings and structures **and the upgrading of existing buildings and structures**[44] within riparian margins of lakes, rivers and wetlands where these:

a. Have a functional need for their location; and

b. They are of a form and scale that will not adversely ~~effect~~ **affect**[45] the natural character of the riparian ~~area~~**margin**.[46]

NC-P4

Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands **including pest plant and pest animal control.**[47]

Advice Note:

The objective and policy in the Public Access Chapter should also be considered when assessing resource consents in relation to activities in the margins of waterbodies.[48]

~~**NC-P5**~~

~~Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them found, including:~~

~~a. Provision of alternate certain and enduring access; and~~

~~b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.~~[49]

Public Access – Te Āheinga Tūmatanui

[40] Manawa Energy Limited (S438.107)
[41] Royal Forest and Bird Protection Society of New Zealand Inc (S560.249) and consequential amendment to Manawa Energy Limited (S438.107), Westpower Limited (S547.317)
[42] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.174
[43] Royal Forest and Bird Protection Society of New Zealand Inc (S560.249)
[44] Clause 16(2) First Schedule of the RMA
[45] Grey District Council (S608.610)
[46] Clause 16(2) First Schedule of the RMA
[47] New Zealand Agricultural Aviation Association (S166.017)
[48] Buller Conservation Group (S552.098) and Frida Inta (S553.098)
[49] Buller Conservation Group (S552.098) and Frida Inta (S553.098)

~~NC-P5~~PA-P1[50]

Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat or when required for public safety due to the operational requirements of regionally significant infrastructure.[51] When assessing proposals ~~for natural hazard structures~~,[52] effects on public access should be considered and ways to minimise them found, including:

a. Provision of alternate certain and enduring access; and

b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

2.6. NC Rules

Submissions and Further Submissions

211. Seventeen submission points and 18 further submission points relating to the whole of the NC rules were summarised on pages 46-48 of the s42A Report, with all, except one, seeking amendments.

212. Eight submission points relating to **Rule NC-R1** were summarised on pages 53-57 of the s42A Report. Three submission points sought retention of the rule as notified and two submission points sought amendments. Seven submission points sought to reduce the range of permitted activities within the rule, with nine further submission points in opposition. Sixteen submission points sought to increase the range of permitted activities, with three further submission points in opposition and three further submission points in support. Seven submission points specific to natural hazard mitigation (clause (j) in the rule) sought amendments, with one further submission point in support and one further submission point in opposition. Five submission points on the volume of earthworks and area of vegetation clearance allowed sought amendments.

213. Twenty-two submission points and seven further submission points relating to **Rule-R2** were summarised on pages 62-65 of the s42A Report. Two submission points sought retention of the rule as notified, one submission point sought to delete the rule and 19 submission points sought amendments. Three further submission points opposed the wording amendments sought and three further submission points supported the word amendments sought.

214. Eleven submission points and two further submission points relating to **Rule NC-R3** (hazard mitigation structures) were summarised on pages 67-68 of the s42A Report. Two submission points supported the rule as notified, two submission points sought to delete the rule, and eight submission points sought amendments. Two further submission points opposed the amendments sought.

[50] Buller Conservation Group (S552.098) and Frida Inta (S553.098)
[51] Manawa Energy Limited (S438.107), Westpower Limited (S547.317)
[52] Consequential amendment to Buller Conservation Group (S552.098) and Frida Inta (S553.098)

215. Twenty-one submission points and two further submission points relating to **Rule NC-R3** (indigenous vegetation and earthworks not meeting permitted activity standards) were summarised on pages 69-71 of the s42A Report. Two submission points supported the rule as notified, five submission points sought to correct a numbering error, and 13 submission points sought amendments. Two further submission points opposed the amendments sought.

216. Seven submission points and one further submission points relating to **Rule NC-R4** were summarised on page 72 of the s42A Report. Five submission points sought to retain the rule as notified, two submission points sought to correct the numbering, and one sought to retain at least a discretionary activity status.

217. Sixteen submission points and one further submission point relating to **Rule NC-R5** were summarised on pages 73-74 of the s 42A Report. One submission point supported the rule as notified, two submission points sought to correct a numbering error, two submission points sought to delete the rule, and 11 submission points sought amendments. One further submission point supported the submission point to delete the rule.

218. Eight submission points sought **new rules** and twelve further submissions opposed new rules requested and one further submission supported a new rule.

Section 42A Report

219. In relation to the **Rules as a Whole**, the s42A Report supported correcting the numbering (Grey District Council S608.619), avoiding duplication with the NESF and regional council functions (Forest & Bird S560.252 and S560.509, Westpower S547.401, Grey District Council S608.614, S608.615 and S608.616).

220. The s42A Report did not support better protection for watercourses during development (Marie Elder S352.007) because it was not clear what changes to the provisions were sought; and did not support including more stringent rules than the NESF for natural wetlands (Forest & Bird S560.039).

221. In relation to Forest & Bird's request (S560.041) to revise the rules to give effect to RMA S6(a) requirements and to remove all permitted activities within riparian margins, the s42A Report did not support this because it considered there were a number of other matters that needed to be weighed alongside s6(a), including 6(e) and 6(h), the national direction of the NPSREG and NPSET, and the RPS. It noted RPS Chapter 7A Policy 4 and highlighted there were a wide range of existing uses that exist in the margins of waterbodies, that can only be undertaken in the margins of waterbodies. It noted the ECO Chapter provided for a range of permitted activities for vegetation clearance and that the NC rules have fewer permitted activities. For these reasons, it did not support a wholesale increase in stringency.

222. In relation to **Rule NC-R1**, the s42A Report supported, in part, clarifying the relationship of the ASW Chapter with the Energy Chapter as sought by Transpower (S299.084), if clause (b) is retained. It did not support changing the activity status when compliance is not achieved from

discretionary to restricted discretionary (Laura Coll McLaughlin S574.135, William McLaughlin S567.213, Chris & Jan Coll S558.135 and Chris J Coll Surveying Limited S566.135) given the preservation of natural character in margins of waterbodies is a RMA s6(a) matter of national importance.

223. The s42A Report did not support deleting Rule NC-R1 (Forest & Bird S560.253) because it considered lowland areas are already substantially modified and that within this context there are appropriate activities which should be permitted. It highlighted that the NESF specifically allows for earthworks and vegetation clearance for natural hazards work within riparian margins of wetlands, as well as for arable and horticulture uses; both the NPSREG and NESETA anticipate permitted activities; and the NPS-IB does not apply to renewable electricity generation and electricity transmission. It also noted the LWRP permitted activity standards apply in riparian margins in relation to water quality, earthworks and vegetation clearance.

224. The s42A Report did not support deleting Rule NC-R1 clauses (1)(a), (h) or (i) (Buller Conservation Group S552.099 and S552.215, and Frida Inta S553.099 and S553.219), as it considered fence lines can be key in reducing the impact of stock access on waterbodies, and regulations require the fencing of cattle 3m from and waterways >1m wide. It noted that enabling Poutini Ngāi Tahu activities and those on Māori Purpose zoned land gave effect to RMA s6(e) matters of national importance. It also did not support combining clauses (f) and (g) (Buller Conservation Group S522.214 and Frida Inta S552.218).

225. The s42A Report supported widening NC-R1(b) to all infrastructure or energy activities (Westpower S547.323) given there was very little difference in terms of the extent of the activities covered. Similarly, it also supported in part the widening clause (c) to include energy activities and infrastructure where such activities are located underground (Westpower S547.324) but not where these are above ground.

226. The s42A Report did not support adding '*to undertake legally established activities'* clause (e) (Bathurst (491.027) given this would substantially expand the range of activities and no detail was provided about the types and scale of activities sought.

227. The s42A Report did not support increasing the limit in clause (g) from 3m to 10m (Westpower S547.325) given the potential for significant adverse effects and the need to assess effects through a resource consent process.

228. The s42A Report supported adding '*or a site of significance to Māori in Schedule Three*' (Poutini Ngāi Tahu SS620.176) to clause (j) to give effect to RMA s6(e).

229. The s42A Report supported in part to add a new clause to Rule NC-R1 to include '*New network utilities and regionally significant infrastructure where these are underground and located within a formed legal road or attached to an existing bridge*' (Chorus NZ Ltd, Spark NZ Trading Ltd and Vodaphone NZ Ltd S663.051). It noted that if these are underground service there is no visual impact on natural character of the riparian area. It also supported adding '*<u>formed</u> legal road*', as sought by Poutini Ngāi Tahu (FS41.728).

230. The s42A Report supported adding a new clause '*Clearance of pest plants and pest animals for biosecurity purposes'*, as sought by NZ Agricultural Aviation Association (S166.018), but recommended using wording consistent with Policy NC-P4.

231. The s42A Report did not support including whitebaiting or structures associated with whitebaiting in Rule NC-R1 because these structures are addressed under Rule NC-R2.

232. The s42A Report supported, in part, the submissions from Buller Conservation Group (S552.218) and Frida Inta (S553.333) to address the issue of lands that are mapped as waterbodies in the planning maps. It recommended removing the waterbody identifier on the zoning layer and zoning these areas General Rural.

233. The s42A Report did not support the inclusion of a new clause for clearance and earthworks for '*bridges and/or dams as part of a Temporary Military Activity'* as a permitted activity, as sought by the NZ Defence Force (S519.030).

234. The s42A Report did not support adding new clauses '*food production purposes*` and '*biosecurity purposes*'; but recommended using '*Arable, horticultural or pastoral farming use where this is a lawfully established activity that is no greater in intensity, scale or character over time than at 14 July 2022*' using wording consistent with the NESF and NPS-IB as alternative relief (Hort NZ S486.037 and Federated Farmers of New Zealand S524.079).

235. In relation to submissions on natural hazard mitigation in Rule NC-R1, the s42A Report recommended deleting reference to `*natural hazard activities*` and replacing this with 'hazard mitigation structures'. It recommended new clause '*Maintenance and repair of natural hazard mitigation structures*' and amending clause (j) to '*New Hazard mitigation structures and upgrading of existing hazard mitigation structures undertaken by a statutory agency or their nominated contractor*'. It considered this enabled maintenance and repair of existing hazard mitigation structures regardless of who undertakes the activity, while retaining the specification that such vegetation clearance and earthworks for new natural hazard mitigation structures should be undertaken by a statutory agency or their authorised contractor. It also recommended that clause (5) should amended so that restrictions only apply to natural hazard mitigation structures owned or managed by a statutory agency.

236. In relation to submissions on the volume of earthworks/area of vegetation clearance allowed in Rule NC-R1, the s42A Report did not support the addition of offsetting by riparian margin enhancement (Frida Inta S553.223). It did not consider the rule was too restrictive given it would enable maintenance and construction of up to a 3m wide river crossing. It did not support an increase in the area of vegetation clearance or volume of earthworks as sought by Westpower (S547.327 and S547.326) and Manawa (S438.110) given this would increase adverse effects.

237. The S42A Report did not support changing the activity where compliance is not achieved from discretionary to restricted discretionary, as sought by Manawa (S438.110). It did support the

submission point from Manawa seeking to replace *'critical infrastructure'* with *`regionally significant infrastructure'.*

238. In relation to **Rule NC-R2**, the s42A Report did not support the deleting the rule (Forest & Bird (S560.254) and making the activities discretionary given the range of existing activities and the need to provide for their ongoing existence and operation. It again highlighted the context of the substantially modified lowlands of the West Coast.

239. The s42A Report supported adding `*including energy activities and infrastructure*' to clause (a) (Westpower S547.328 and KiwiRail S442.063) and consistency with similar amendments to Rule ASW-R1. It also supported adding a new clause to allow temporary maimai for game bird hunting (West Coast Fish and Game Council S302.005); as well as a timeframe for removal at the end of the season (Grey District Council FS1.080).

240. The s42A Report supported including '*have a functional need to be located in the riparian margin*' in the first part of the rule (Buller Conservation Group S552.100 and Frida Inta S553.100) but recommended this is `*functional or operational need*` to be consistent with the policy. It did not support adding '*technical, locational, functional or operational constraints or requirements'* (Westpower S547.329).

241. The s42A Report supported in part the submission from NZ Defence Force (S519.031) that temporary bridges that do not include earthworks or vegetation clearance are appropriate but did not consider temporary dams are appropriate within a riparian margin.

242. The s42A Report did not support adding a new clause '*Associated with a lawfully established activity and have an operational or functional need to be in that location'* (Bathurst Resources S491.111) given the word 'associated' would expand the definition of lawfully established activities. It did not support the deleting clause (e) `*natural hazard mitigation structures being constructed by a statutory authority or their nominated contractor*`[53] given the need for restrictions to give effect to RMA s6.

243. The s42A Report supported adding a new clause '*Pump sheds*', as sought by Horticulture NZ (S524.080). It did not support the deletion of network utilities, parks facilities, natural hazard mitigation structures, renewable electricity generation facilities and stormwater discharge structures and water supply intake structures from the permitted activities (Director General S602.108) given the need to provide for existing activities. It considered that separate rules were appropriate to deal with the substantive issue of which activities are permitted.

244. In relation to **Rule NC-R3** (Natural Hazard Mitigation Structures), the s42A Report recommended its deletion given amendments to Rule NC-R2 provide for natural hazard mitigation structures. However, it supported a new restricted discretionary rule for natural hazard mitigation structures within riparian margins not meeting permitted activity standards.

[53] Grey District Council (S608.066), Buller District Council (S538.224, William McLaughlin (S567.216), Chris & Jan Coll (S558.136), Chris J Coll Surveying Limited (S566.136) and Laura Coll McLaughlin (S574.136)

245. In relation to **Rule-NC-R3** (Indigenous Vegetation and Earthworks not meeting Permitted Activity standards), the s42A Report did not support amending the heading to add '*or controlled*' or a new controlled activity rule.[54] It did not support adding '*excluding mineral extraction, exploration and prospecting activities*'[55](Bathurst Resources S491.111) given the potential for significant adverse effects on natural character. It noted the strategic direction supporting minerals extraction and the direction on the natural environment have equal weight; and mineral extraction cannot override the RMA and other national direction.

246. In relation to a submission from Forest & Bird (S560.256) seeking to ensure that the rules are no more lenient than the NESF, the s42A Report recommended that rules in relation to vegetation clearance be moved to the ECO Chapter. It did not recommend the same rules apply to the margins of waterbodies as they are to be considered in a separate manner and that national instruments recognise that different activities have functional or operational needs to locate in the margins of waterbodies.

247. In relation to **Rule NC-R4**, the s42A Report recommended correcting rule numbering. It did not support the submission from Forest & Bird (S560.257) seeking that the rules are no more lenient than the NESF or the ECO or EW Chapter rules given the Rule NC-R4 specifically addresses buildings and structures and effects on natural character of the margins of waterbodies is a separate matter under the RMA.

248. In relation to **Rule NC-R5**, the s42A Report recommended correcting rule numbering. It did not support deleting the rule (Buller District Council S538.227 and Director General of Conservation S602.111) or changing the activity status from discretionary to controlled.[56] It did not support the submission from Forest & Bird (S560.257) seeking that the rules are no more lenient than the NESF or the ECO or EW Chapter rules given the Rule NC-R4 specifically addresses buildings and structures and effects on natural character of the margins of waterbodies is a separate matter under the RMA.

249. In relation to requests for **new rules**, the s42A Report did not support new controlled activity rules for new hazard mitigation structure or for earthworks, vegetation clearance, building and structures given this may be inappropriate within a riparian margin and consent cannot be declined for a controlled activity. It did not support a new restricted discretionary activity rule for earthworks not meeting the permitted activity standard given the wording of RMA s6(a).

250. The s42A Report noted it was not opposed in principle to a new non-complying activity rule for activities that are likely to cause significant adverse effects but sought further information from the submitter. It did not support a prohibited activity where reductions in setbacks are sought.

[54] Westpower (S547.331 and S547.333), Chris & Jan Coll (S558.143), Chris J Coll Surveying Limited (S566.143) and Laura Coll McLaughlin (S574.143)

[55] WMS Group (S599.072), TiGa Minerals and Metals Limited (S493.067), Birchfield Coal Mines Ltd (S601.053), BRM Developments Limited (S603.037), Birchfield Ross Mining Limited (S604.047), Phoenix Minerals Limited (S606.038) and Whyte Gold Limited (S607.036)

[56] William McLaughlin (S567.220, S567.212, S567.215, S547.217), Chris & Jan Coll (S558.134, S558.137 and S558.139), Chris J Coll Surveying Limited (S566.134, S566.137 and S566.139), Laura Coll McLaughlin (S574.134, S547.137 and S574.139) and Grey District Council (S608.067)

Hearing and Submitter Evidence/Statements

251. Ms Pull, for Poutini Ngāi Tahu, sought to amend Rule NC-R2 as follows:

> *NC-R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland*
> *Activity Status: Permitted*
> *Where:*
> 1. ***All standards in Rule NC-R1 and ECO-RX in relation to riparian margins are complied with; and***
> 2. *Where the buildings and structures…*

252. Ms Pull clarified that the further submission (FS41.189) was concerned with unmanaged effects from temporary bridges and that the reasons given in the s42A Report adding a new clause stated that temporary bridges do not include earthworks or vegetation clearance. She considered this would clarify how the activity is required to comply with the earthworks and vegetation clearance limits in the riparian margin; and was similar to how the earthworks permitted activities are organised.

253. Ms Styles, for Manawa, noted in relation to all the rules that they must give effect to the NPS-REG and not impose higher levels of restrictions on REG activities than other similar activities. She highlighted the need for consistent terminology throughout the Plan relating to REG activities and RSI to avoid confusion in interpretation.

254. In relation to NC-R1, Ms Styles sought that the quantity limits do not apply to REG activities or are significantly increased to reasonably provide for RSI activities. She noted that unlike ONL, riparian margins are confined to a linear area and large areas can need to be used as part of a power scheme or access. She considered placing restriction on existing REG activities fails to give effect to the higher order direction. She recommended excluding maintenance, operation, minor upgrade and repair of existing REG activities. She considered the default status should be restricted discretionary, which was similar to other rules dealing with similar matters.

255. Ms Styles saw merit in relocating indigenous vegetation clearance with riparian margins to the ECO Chapter but highlighted the need to avoid duplication or confusion. She considered the new rules were in effect a duplication of NC-R1 and NC-R3 but apply to vegetation clearance only. She had the same concerns in relation to the new rules and the request for a restricted discretionary default activity status and not discretionary.

256. Mr Kennedy, for Westpower, considered that if riparian margins of 5m were required for waterways with bed widths <3m there would be significant regulatory impacts that had not been assessed. He noted the further submission (FS222.027 and FS222.0338) to disallow these submissions remained valid.

257. Mr Kennedy noted the recommended changes to NC-R1 in the s42A Report was wider than the clarification sought (S547.324) and it was unclear how the rule would provide for both above and below ground connections, as the notified wording intended. He requested the

amendment should use the wording originally submitted. He considered the area and volume limits should be 30m^2 and 30m^3 respectively based on a 10m wide riparian margin and a 3m crossing. He considered clauses (2) and (3) should apply to '*new*' indigenous vegetation clearance and earthworks; noting this may now apply to new ECO-RX. He considered '*minor upgrading*' was too restrictive for RSI activities and noted there was scope to provide a restricted discretionary activity rule.

258. Ms Young highlighted the Director General's submission to delete the following activities from Rule NC-R2:
- *Network utilities;*
- *Parks facilities*
- *Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor;*
- *Renewable electricity generation facilities where these have a functional need to locate within the riparian margin;*
- *Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure.*

259. Ms Young considered these activities should not be permitted and should be assessed through a resource consent process to enable appropriate conditions to be imposed. She recommended that these activities and hazard mitigation structures should be restricted discretionary activities.

Reporting Officer Reply Evidence

260. In her Right of Reply, Ms Easton noted that the maximum limit of 25m^2 proposed under Rule NC-R1 was the same as the RLWP rule. She highlighted that the vegetation clearance and earthworks rules under the NESF are very strict within 10m of a wetland, with limited permitted activities and activities requiring resource consent, outside of those specified, being a non-complying activity. She clarified the district council functions in this regard relate to vegetation clearance and earthworks within a margin of a wetland.

261. In Reply, Ms Easton relation recommended one additional change to NC-R1 to replace 20m^2 with 25m^2 in clause (3). There were no other changes to the other NC rules identified in her updated Appendix 1.

Hearing Panel's Evaluation

262. The Panel recommends consistency changes to the NC rules to use the phrase *'statutory agency or authorised contractor acting on its behalf'* which clarifies that the statutory agency is in control. The Panel notes this is a plan-wide issue, and that this approach is consistent with the Panel's recommended wording for Rule EW-R2(2)(g) in relation to hazard mitigation structures, as well as elsewhere in the Plan.

263. The Panel has considered Ms Easton's clarifications regarding duplication of regional council functions under the NESF. We accept her advice that district council functions are limited to

the riparian margins of 'coastal' wetlands (i.e. those that do not meet the definition of a natural inland wetland).

264. In relation to **Rule NC-R1**, the Panel accepts Ms Easton's recommended amendments and new clauses; and her recommendation to clarify indigenous vegetation clearance is recommended to addressed in the ECO Chapter by removing the reference in the rule heading and recommending new Rule ECO-RX and new Rule ECO-RXX. However, we note that both these recommended new ECO rules have changed substantially as the result of expert caucassing and the resulting recommendations in the ECO hearing. Although this is primarily structural in terms of separating out permitted activites into separate rules and the substance of the new rules relied on by Ms Easton remains very similar in scope and scale.

265. In the ECO Recommendation Report, recommended ECO-R1(2) addresses vegetation clearance in riparian margins and limits this to 20m^2 per 200 metres of linear length, as a permitted activity, with a default to a discretionary activity. We agree this is appropriate to ensure effects on natural character values are no more than minor. We noted this is consistent with the relief sought by Manawa (S438.110). We also consider this outcome partly addresses the relief sought by Forest and Bird (S560.253) because it defaults to a discretionary activity.

266. The Panel considers it is appropriate to add '*lawfully established'* in relation to hazard mitigation structures in new clause (k) and existing farm use in new clause (n). This is consistent with clause (f) and the Panel's approach plan-wide. However, we have simplified the wording to remove reference to '*character, intensity and scale*' in clause (n) because this is inherent in RMA s10.

267. The Panel has carefully considered the submission from Westpower seeking to increase the permitted width for establishing a river crossing point from 3m (as notified) to 10m for energy activities. The Panel consider this increase is too permissive for earthworks within the margins of waterbodies given the potential for more than minor adverse effects on natural character, which should be assessed through a resource consent process.

268. The Panel accepts the submissions seeking to delete clause (5) because new clauses (k) and (l), replacing clause (j) (as notified) appropriately address hazard mitigation structures.

269. In relation to **Rule NC-R2**, the Panel disagrees with Ms Easton's recommendation to add '*or operational need'* to locate buildings or structures within the riparian margin, for the reasons discussed in relation to the policies. The Panel considers the list of matters provided for is appropriate.

270. The Panel considers it is not appropriate to add *'energy activities'* to clause (a) given its definition in the pTTPP, national direction and the RPS. However, we agree that '*infrastructure*' should be replaced with '*regional significant infrastructure'* for the same reasons. We note that renewable electricity generation facilities are appropriately included in clause (f) but consider this shound be '*renewable electricity generation <u>activites</u>'*.

271. The Panel accepts Ms Easton's recommendations to include the addition to clause (b) but considers the words '*game bird*' are not needed.

272. The Panel accepts the addition of new clauses (h) and (i) given these activities have the functional need to be located within the margins of waterbodies. In response to a question from the Panel, Ms Easton advised that if a limit of the size of pump shed was necessary $5m^2$ was appropriate. We consider it is appropriate to include a maximum size limit given the potential for more than minor adverse effects.

273. The Panel considers it is appropriate to include new advice note (2), as a consequential amendment to the West Coast Fish and Game Council's request to add temporary mai mai, to be consistent with advice note (3) in NC-R2.

274. In relation to **Rule NC-R3**, the notes that the notified plan had two rules labelled NC-R3. The Panel agrees with the reasoning and recommendation to change the activity status for natural hazard mitigation structures to from permitted to restricted discretionary with addition of matters of discretion for clarity; and to delete the Indigenous vegetation clearance as a consequential amendment to moving vegetation clearance to the ECO Chapter. To achieve this, we accept the recommendation to delete the permitted activity rule NC-R3; and amending notified discretionary activity NC-R5 to be restricted discretionary and renumbering this NC-R3.

275. In relation to **Rule NC-R4,** the Panel agrees with Ms Easton's recommendation retain this rule as notified, except for renumbering this NC-R5.

276. In relation to **Rule NC-R5,** the Panel agrees Ms Easton's recommendation to change the numbering sequence on this rule.

Hearing Panel's Recommendation

277. For the reasons outlined, and subject to Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following amendments to the **NC Rules**:

Natural Character and the Margins of Waterbodies Rules
Note: There may be a number of plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this chapter as well as rules in other chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of these identified rules. Details of the steps Plan users should take to determine the status of an activity are provided for in General Approach.
Permitted Activities

NC - R1	**~~Indigenous Vegetation Clearance and~~**[57] **Earthworks within the Riparian Margin of a River, Lake or Wetland**

Activity status Permitted

1. Where this is outside of any Significant Natural Area identified in Schedule Four and for:

a. Fence lines; or
b. Maintenance, operation, minor upgrade and repair of network utilities ~~critical~~ **regionally significant**[58] infrastructure or renewable electricity generation activities; **or**
c. **New network utilities and regionally significant**[59] **infrastructure where these are underground and located within a formed legal road or attached to an existing bridge; or**[60]
d. Connections to wastewater, stormwater and reticulated network utility systems **and underground energy and infrastructure connections**;[61] or
e. Installation of an environmental monitoring and extreme weather event monitoring facility; or
f. Maintenance and repair of lawfully established structures; or
g. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
h. The establishment of a river crossing point up to 3m wide; or
i. Poutini Ngāi Tahu Activities; or
j. Activities on Māori Purpose Zoned Land **or a site of significance to Māori in Schedule Three**[62] and **is**[63] undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
k. **Maintenance and repair of lawfully established natural hazard mitigation structures; or**[64]
l. **New** ~~N~~natural hazard mitigation ~~actvities~~ **structures and upgrading of existing natural hazard mitigation structures** undertaken by a statutory agency or ~~their nominated~~ **authorised** contractor **acting on its behalf; or**[65]
m. **Clearance of pest plants and pest animals for biosecurity purposes; or**[66]
n. **Arable, horticultural or pastoral farming use where this activity is lawfully established at 14 July 2022**; **and** [67]

~~2. The amount of indigenous vegetation clearance is not greater than 20m^2 per 200m length of Riparian Margin;~~ [68]

3. The amount of earthworks is not greater than **25**[69]~~20~~m^3 per 200m length of Riparian Margin; **and**
4. All earthworks stockpiles are located outside of the riparian margin of the waterbody**.**~~; and~~

[57] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.508
[58] Manawa Energy Limited S438.110
[59] Manawa Energy Limited S438.110
[60] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.051
[61] Westpower Limited S547.324
[62] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.175 and S620.176
[63] RMA First Schedule Clause 16(2) amendment.
[64] William McLaughlin S567.211, Chris & Jan Coll S558.133, Chris J Coll Surveying Limited S566.133, Buller District Council S538.223 and Laura Coll McLaughlin S574.133
[65] William McLaughlin S567.211, Chris & Jan Coll S558.133, Chris J Coll Surveying Limited S566.133, Buller District Council S538.223 and Laura Coll McLaughlin S574.133
[66] New Zealand Agricultural Aviation Association S166.018
[67] Horticulture New Zealand S486.037, Federated Farmers of New Zealand S524.079
[68] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.508
[69] Westpower Limited S547.401

5. ~~Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance and earthworks are not located within areas used and identified for natural hazard mitigation structures~~.[70]

Advice Notes:

1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.
2. **Also refer to Rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters.** [71]
3. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater **Management**[72] and the West Coast Regional Land and Water Plan.
4. This Rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.[73]

Activity status where compliance not achieved: Discretionary

NC - R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

Where the buildings and structures **have a functional need to locate in the riparian margin and**[74] are:

a. Network utilities **and regionally significant infrastructure; or**[75]
b. Temporary whitebait stands **and temporary mai mai for game bird hunting provided these are removed within two weeks of the end of the season**; **or** [76]
c. Environmental monitoring facilities**; or**[77]
d. Parks facilities and parks furniture within an Open Space and Recreation Zone**; or**[78]
e. Natural Hazard mitigation structures constructed by a statutory agency or **authorised** ~~nominated~~ contractor **acting on its behalf**; [79] or
f. Renewable energy generation **activities**~~facilities~~[80] ~~where these have a functional need to locate within the riparian margin~~; **[81]** or
g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure**; or**

[70] William McLaughlin S567.211, Chris & Jan Coll S558.133, Chris J Coll Surveying Limited S566.133, Buller District Council S538.223 and Laura Coll McLaughlin S574.133
[71] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.001
[72] RMA First Schedule Clause 16(2) amendment.
[73] RMA First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[74] Buller Conservation Group S552.100 and Frida Inta S553.100
[75] Westpower S547.328 and KiwiRail S442.063
[76] West Coast Fish and Game Council S302.005
[77] RMA First Schedule Clause 16(2) amendment.
[78] RMA First Schedule Clause 16(2) amendment.
[79] Consequential amendment Plan-wide amendment
[80] RMA First Schedule Clause 16(2) amendment to used defined term.
[81] Consequential amendment Buller Conservation Group S552.100 and Frida Inta S553.100

h. Temporary bridges constructed as part of a temporary military training activity; or[82]
i. Pump sheds, less than 5m². [83]

Advice Notes:
1. Rules in other Overlay Chapters particularly Historic Heritage, Sites of Significance to Māori, Natural Hazards and Natural Features and Landscapes may apply in these locations.
2. **Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater Management and the West Coast Regional Land and Water Plan.** [84]

Activity status where compliance not achieved: Discretionary

~~**NC-R3 New Natural Hazards Mitigation Structures**~~

~~Activity Status Permitted~~

~~Where:~~
~~1. These are constructed by a Statutory Agency or their authorised contractor~~

~~Activity status where compliance not achieved: Discretionary~~[85]

Restricted Discretionary Activities

NC-R~~5~~3 Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland[86] **not meeting Permitted Activity Rules**

Activity Status: **Restricted** Discretionary

Discretion is restricted to:
a. Design and location of the structure;
b. Visual impact of the structure; and
c. Methods to avoid, remedy or mitigate adverse effects on natural character or public access. [87]

Activity status where compliance not achieved: N/A

Discretionary Activities

[82] New Zealand Defence Force S519.03
[83] Horticulture New Zealand S486.0387, Federated Farmers of New Zealand S524.080
[84] Consequential amendment Fish and Game Council S302.005
[85] Director General of Conservation S602.109 and Royal Forest and Bird Protection Society Inc. S560.255
[86] RMA First Schedule Clause 16(2) amendment
[87] William McLaughlin S567.220, Chris & Jan Coll S558.134, Chris J Coll Surveying Limited S566.134, and Laura Coll McLaughlin S574.134, Grey District S608.067

NC-R~~3~~4	**~~Indigenous Vegetation Clearance and~~**[88] **Earthworks within the Riparian Margin of a River, Lake or Wetland**[89] **not meeting Permitted Activity Rules**

Activity Status: Discretionary

Advice Note**s**:

1. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.[90]
2. The NES-Freshwater has extensive regulation around works that can be undertaken in or near any natural **inland**[91] wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.

Activity status where compliance not achieved: N/A

NC R4~~5~~	**Buildings and Structures within Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules**

Activity Status: Discretionary

~~**NC-R5**~~	~~**Natural Hazard Mitigation Structures not meeting Permitted Activity Standards**~~

~~Activity Status: Discretionary~~

~~Activity status where compliance not achieved: N/A~~[92]

3. ACTIVITIES ON SURFACE OF WATER CHAPTER

3.1 ASW General/Whole Chapter

Submissions and Further Submissions

278. Eight submission points and one further submission point relating to general matters/whole ASW Chapter were summarised in a table on page 80 of the s42A Report. Three submission points were in support of retaining the chapter as notified, one submission point sought to remove all references to Site or Area of Significance to Māori (**SASM**) in the Chapter and one further submission opposed this. Three submission points sought amendments to the Overview.

279. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

[88] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Inc (S560.508)
[89] RMA First Schedule Clause 16(2) amendment
[90] RMA First Schedule Clause 16(2) amendment
[91] RMA First Schedule Clause 16(2) amendment
[92] Consequential amendment from new restricted discretionary rule (William McLaughlin S567.220, Chris & Jan Coll S558.134, Chris J Coll Surveying Limited S566.134, and Laura Coll McLaughlin S574.134, Grey District S608.067)

Section 42A Report

280. The s42A Report did not support the Grey District Council submission point (S608.078) that sought to remove the any reference to SASM from the Chapter because s6(e) and (f) of the RMA requires recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and the protection of historic heritage, which includes the definition of Sites of Significance to Māori.

281. The s42A Report supported in part Westpower's submission points (S547.394 and S547.395) seeking changes to the Overview to highlight the needs of energy activities and infrastructure and recommended amended wording that fits with wording used in the Overview of other chapters.

282. The s42A Report noted one request to add references in to the Strategic Objectives and Policies in the Overview but considered this was unnecessary given there is already a reference to them and a link in place for this.

283. The s42A Report recommendation in relation to amending the Overview to give relief to the submissions seeking changes.

> *Overview*
> *On the West Coast/Te Tai o Poutini a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngāi Tahu.* ***Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities.***
> *[ ]*
> ***• Energy, Infrastructure and Transport -The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.***

Hearing and Submitter Evidence/Statements

284. Ms Inta objected to the recommended addition in the Overview of '*Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity'*, She noted the chapter was about activities on the surface of water whereas hydro encompasses the whole of the waterbody and the activities should be about only boats or things that float on the water.

285. Mr Kennedy, for Westpower, noted partial support of what was sought by Westpower in the Overview in the s42A Report recommendation. However, he considered that rather than giving reference to hydroelectricity under the heading of 'Strategic Objectives and Policies'

this should be relocated under 'Other Relevant Te Tai Poutini Plan provisions'. He considered this would provide consistency across the whole document.

286. Ms Styles, on behalf of Manawa, acknowledged the recommended amendment in the s42A Report to the provisions in the Overview and agreed with this recommendation.

287. Ms Pull, on behalf of Poutini Ngāi Tahu, opposed the recommended reference to the policies of the Energy, Infrastructure and Transport Chapter and suggested a revised wording, as follows:

> ***Energy, Infrastructure and Transport – The Energy, Infrastructure and Transport chapters contain provisions that manage Energy, Infrastructure and Transport activities and potential reserve sensitivity.***

Reporting Officer Reply Evidence

288. Ms Easton's Right of Reply made no changes to the recommendations to the Overview shown in Appendix 1 of the s42A Report.

Hearing Panel's Evaluation

289. The Panel notes that Ms Inta did not specifically submit on the ASW Overview but opposed the s42A Report recommendation based on the proposed wording of the additional sentence. The Panel are conscious that the wording of the additional sentence proposed is different to that requested by Westpower (S547.395) and that Ms Inta did not have the opportunity to make a further submission on the recommended wording. The Panel accepts this recommended wording is alternative relief to the submission point but consider it could not be anticipated by submitters.

290. While the Panel agrees that activities on the surface of water can and do provide benefits for the community and environment, there is no statutory direction in the RMA or RPS to '*recognise and provide*' for surface water activities that provide benefits. The Panel agrees that any benefits are relevant considerations in a consent process. The Panel considers the additional sentence wording can be improved to better reflect the amendment sought as follows:

> ***Activities on the surface of water can provide benefits and contribute to the wellbeing of people and communities.***

291. The Panel therefore partly accept Westpower's submission point (S547.395).

292. The Panel rejects the Grey District Council submission point (S608.078) seeking to remove references to SASM from the Chapter and accepts Poutini Ngāi Tahu's further submission (FS41.020). The Panel agrees that identifying SASM recognises and provides for RMA s6(e) and (f) matters of national importance.

293. The Panel accept Ms Easton's recommendation to add reference to the EIT chapters as shown in the Right of Rely.

Hearing Panel's Recommendation

294. For the reasons outlined above, and subject to our considerations of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **ASW Overview**:

Overview

On the West Coast/Te Tai Poutini a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngai Tahu. **Activities on the surface of water can provide benefits and contribute to the wellbeing of people and communities.**[93]

The provisions in this chapter manage the effects of activities on the surface of water. Many of the activities that occur on the surface of water have few effects (e.g. occasional recreational boating or sailing). Other more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, amenity and recreational values of waterbodies).

Other Relevant Te Tai Poutini Plan provisions.

- Natural Character and the Margins of Waterbodies- Many activities on the surface of water may also involve activities in the riparian margin if the adjacent riverbank or lakeside.
- Provisions for managing activities next to waterbodies are found in the Natural Character and the Margins of Waterbodies Chapter.
- Sites and Areas of Significance to Māori. – Many rivers and lakes have a high degree of significance to Poutini Ngai Tahu and are identified in Schedule Three Sites and Areas of Significance to Māori, where rivers or lakes are included within Schedule three the Sites of Significance to Māori provisions also apply.
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.**[94]

Other relevant regulations

The responsibility for managing the effects of activities on the bed of waterbodies lies with the West Coast Regional Council and are managed through the West Coast Regional Land and Water Plan.

3.2 ASW Objectives

Submissions and Further Submission.

295. Twelve submission points and one further submission point relating to the **Objective ASW-01** were summarised in a table on pages 81-82 of the 42A Report. Seven submission points sought

[93] Westpower Limited (S547.394 and S542.395)
[94] Westpower Limited (S547.396)

to retain the Objective as notified and five submission points sought amendments, with one further submission point opposing the request to delete references to SASM.

Section 42A Report

296. The s42A Report supported the amendments sought by the Director General (S602.129) to add '*landscape, natural feature*' to include to the landscape and natural features values of the district's waterbodies.

297. The s42A Report did not support amendments sought by Jet boating NZ to add '*more than minor adverse effects*'; or addition of a new objective as sought be Westpower (S547.397) and William Mc Laughlin (S567.340) given the current objective expressed the direction sought by the TTPP Committee and community during the plan development phase. It agreed with the further submission from Poutini Ngāi Tahu (FS41.054) that the benefit of activities and structures on surface water are considered in any consent process.

Hearing and Submitter Evidence

298. Mr Kennedy, for Westpower, sought to include a new objective to recognise and provide for the benefits of activities on the surface of water, with a focus on regionally significant infrastructure (**RSI**) activities that have a need to locate on the surface of water given this is acknowledged in the Overview section. He considered this was relevant given the potential benefits to the community need to be acknowledged in the Plan. Given the rejection of a new objective, he suggested the following amendment:

> *ASW-O1 – The ecological …. and lagoons are;*
> *a. Protected from the adverse effects of activities and structures on the surface of water, or*
> *b.* ***In the case of RSI activities and structures with an operational or functional need to locate on the surface of water adverse effects are managed.***

299. Mr Kennedy suggested with this amendment to the objective, the new objective requested (S547.397) would be more appropriately expressed as a new policy as follows:

> ***ASW-PX – The benefits of RSI activities and structures which have an operational or functional need to locate on the surface of water are recognised and provided for.***

300. Mr Malcolm Smith, on behalf of Jet Boating NZ, sought consideration in the objective to recognise that minor and less than minor adverse effects may be acceptable in some circumstances.

Reporting Officer Reply Evidence

301. Ms Easton made no changes to her recommendation on Objective ASW-01 from Appendix 1 of the s42A Report in her Right of Reply.

Hearing Panel's Evaluation

302. The Panel accepts Ms Easton's recommended amendments to Objective ASW-01 and accepts the Director General's submission point (S602.129); and recommends the changes to the

Objective as shown in the Right of Reply. However, the Panel considers the addition should be '*natural landscape and features*' to use language consistent with RMA s6(a).

303. The Panel has considered the need for a new objective or second limb to ASW-01 to recognise and provide for the benefits of activities on the surface of water, as requested by Westpower. The Panel agrees with Ms Easton that the benefits of any proposed activities would be considered in a consent process.

304. The Panel rejects the requested wording for a new objective (Westpower S547.397 and William McLaughlin S567.340) because there is no statutory direction to '*recognise and provide for*' the benefits of activities on the surface of water; and accepts Poutini Ngāi Tahu's further submission in opposition (FS41.054).

305. The Panel has also considered the alternative relief sought by Mr Kennedy and his change in focus to the operation or functional need for RSI to locate on the surface of water. The Panel rejects this alternative relief because it goes beyond the scope of the new objective sought in the original submission (S547.397).

306. The Panel also rejects Westpower's submission point (S547.398) to reword the Objective and considers adding '*are appropriately managed*' increases uncertainty.

Hearing Panel's Recommendation

307. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following amendments to **Objective ASW-O1**:

ASW-O1
The ecological, recreational, natural character, **natural landscape and features,**[95] amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

3.3 ASW Policies

Submissions and Further Submissions

308. A total of sixteen submission points and eight further submission point were received relating to the policies as a whole and individual policies were summarised in a Table on pages 83-85.

309. Six submission points and one further submission point related to the **policies as a whole**. Four submission points sought to retain the policies as notified and two submission points sought additional wording to the policies and one further submission point opposed the alternative wording sought.

[95] Director General of Conservation S602.129

310. One submission point was received in relation to **Policy ASW-P1** sought to retain the policy as notified.

311. Five submission points and two further submission points were received relating to **Policy ASW-P2**. Three submission points sought to retain the policy as notified and two submission points sought amendments. Two further submission points opposed these amendments.

312. Four submission points and five further submission points were received relating to **Policy ASW-P3**. Two submission points sought to retain the policy as notified, and two submission points sought amendments. Four further submission points supported amendments, and one further submission opposed an amendment sought.

Section 42A Report

313. The s42A Report did not support submissions seeking a new policy specifically providing for energy and Infrastructure on the surface of water, including critical infrastructure, due to technical, locational, functional or operational constraints or requirements (Chris J Coll Surveying Limited S566.275 and Westpower S547.399). It also did not support giving a blanket policy support for infrastructure without consideration of the values or effects to give effect to Part 2 of the RMA.

314. In relation to **Policy ASW-P1**, the s42A Report acknowledged the support for the policy from Te Mana Ora. It recommended no changes to Policy ASW-P1 as notified.

315. In relation to **Policy ASW-P2**, the s42A Report acknowledged the support from Jet Boating New Zealand, Poutini Ngāi Tahu, and Te Mana Ora. for ASW-P2.

316. The s42A Report did not support the submission point from the Lake Māhingapua Aquatic Club in relation to ASW-P2 to exclude the Club's motorised watercraft use of Lake Māhingapua where it conflicts with Poutini Ngāi Tahu values. She highlighted the RMA s6 requirement to recognise and provide for the relationship of Māori and their culture and traditions within their ancestral lands, water sites waahi tapu and other taonga as a matter of national importance. She noted that specific waterbodies, including Lake Māhinapua, are identified as SASM and where access by motorboat is considered inappropriate by Poutini Ngāi Tahu.

317. The s42A Report did not support the amendment sought by Forest & Bird (S560.525) to delete the word '*significantly*' from Policy ASW-P2 given the policy recognises that some use of motorised watercraft is used for biosecurity, health and safety and monitoring services. The Panel considers the preservation of natural character and the protection of the values in ASW-01 requires the avoidance of more than minor adverse effects. As worded, the Policy enables adverse effects up to a level where it does not significantly impacting these values. The Panel considers the Policy should only enable activities that have no more than minor effects to be consistent with the RMA s6 and the RPS (Chapter 7A Policy 4).

318. In relation to **ASW-P3**, the s42A Report acknowledged the support from Poutini Ngāi Tahu and Te Mana Ora. It supported the four further submissions indicating that the plan provisions do

not explicitly provide for commercial port activities for the Greymouth and Buller Ports. It noted that the TTPP Committee were undertaking consultation with the community over a draft variation to the Plan to specifically address this concern.

319. Ms Easton did not support the submission from Forest & Bird to delete the word '*significantly*' from ASW-P3 as per the reasons outlined above in relation to ASW-P2..

320. Ms Easton did not support the submission from Westpower Limited seeking to alter the first paragraph of ASW-P3 to refer to (avoids, remedies or mitigates) as this would change the direction of the policy to be much more enabling of commercial activities and structures.

Hearing and Submitter Evidence

321. Mr Kennedy on behalf of Westpower Limited sought the addition of a new policy to provide for matters that are proposed to be regulated through the Rules for which there are no relevant objectives or policies. He recommended the following:

> *ASW-PX Provide for energy and infrastructure activities including RSI and structures which have a functional need or operational need to occur on the surface of water where adverse effects are avoided, remedied or mitigated.*

322. Mr Kennedy noted that if there is an intent to regulate activities which have a need to locate on the surface of water they should be provided with a relevant policy.

323. Mr Malcolm Smith representing Jet Boating New Zealand further reiterated their support for ASW-P2 as notified.

324. Ms Pull on behalf of Poutini Ngāi Tahu further reiterated their support for ASW-P3 as notified.

Reporting Officer Reply Evidence

325. There was no additional comment in relation to the policies from the Ms Easton.

Hearing Panel's Evaluation

326. The Panel accepts the amendment sought by Forest & Bird (S560.525) to delete the word '*significantly*' from Policy ASW-P2. We acknowledge that the intent of the policy is to provide for non-commercial use of motorised watercraft for biosecurity, health and safety and monitoring services. However, we consider that deleting '*significant*' without qualification would require the protection from all adverse effects.

327. The Panel considers the preservation of natural character and the protection of the values in ASW-01 would not be achieved by '*not impact significantly*' in relation to natural character, ecosystems, biodiversity, and Poutini Ngāi Tahu values. As worded, the Policy would enable adverse effects up to a level less than 'significantly' impacting these values. The Panel considers this is contrary to the direction of RMA s6 and the RPS (Chapter 7A Policy 4).

328. RPS Chapter 7A Policy 4 directs '*Allow activities which have no more than minor adverse effects on natural character.*' It is clear that the policy intent is to have permitted activity status for activities that have no more than minor effects.

329. Overall, the Panel finds preservation and protection national directives are not supported by enabling activities with less than significant (i.e. '*not impact significantly*') and can only be given effect to by enabling activities with no more than minor effects. The Panel considers this is consistent with the permitted activity rule framework; and where adverse effects are more than minor, the rule framework enables the assessment of effects through the resource consent process.

330. The Panel notes that Variation 1 – Activities on the Surface of Water to the Plan inserts a new policy into the ASW Chapter enabling the use of ports. The evaluation of this is addressed in the recommendation report for Variation 1. The recommendation to include ASW-P4 is included below.

Hearing Panel's Recommendation

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

Activities on the Surface of Water Policies
ASW - P1
Enable the non-commercial use of non-motorised watercraft on rivers, lakes and lagoons.
ASW - P2
Enable the non-commercial use of motorised watercraft on rivers, lakes and lagoons on the West Coast where this does not **have more than minor adverse effects**~~impact significantly~~[96] on natural character, ecosystems and biodiversity values, Poutini Ngāi Tahu values, public access, amenity or disruption of natural quiet.
ASW - P3
Provide for commercial activities and structures on the surface of West Coast/Te Tai o Poutini rivers, lakes and lagoons provided that the activity does not create: a. Adverse effects on: i. Significant natural heritage values including identified scheduled sites; ii. Cultural and spiritual values including sites and areas of significance to Māori; iii. Poutini Ngāi Tahu values and in particular as relate to culturally significant rivers and lakes; b. ~~Significant~~**More than minor**[97] adverse effects on: i. Amenity values; ii. Ecological values;

[96] Royal Forest and Bird Protection Society of New Zealand Inc (S560.525)
[97] Royal Forest and Bird Protection Society of New Zealand Inc (S560.525)

iii. Natural character;
iv. Other recreational uses; and
c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.

ASW – P4

Enable the use of the Port of Greymouth and Westport Harbour Ports and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.[98]

3.4 ASW Rules

Submissions and Further Submissions.

332. Eight submission points and four further submission point relating to the **ASW Rules as a whole** were summarised on page 86-87 of the s42A Report. Six submission points sought to retain the rules as notified and two submission points sought amendments. Four further submission points opposed the amendments sought.

333. No submissions were received on **Rule ASW-R1**.

334. Eight submission points and five further submission points relating to **Rule ASW-R2** were summarised on page 87-89 of the s42A Report. Eight submissions sought amendments to the rule; and four further submissions opposed the amendments requested and one further submission supported in part an amendment.

335. One submission seeking an amendment to the heading of **Rule ASW-R3** was summarised on page 89 of the s42A Report.

336. Five submission points and three further submission points relating to **Rule ASW-R4** were summarised on pages 89-90 of the s42A Report. Five submission points sought amendments to the rule and two further submission points opposed the amendments requested and one further submission point supported in part an amendment requested.

337. Three submission points and two further submission points relating to **Rule ASW-R5** were summarised on pages 90-91 of the s42A Report. One submission point sought to retain the rule as notified and two submission points sought amendments to the rule. One further submission point supported in part an amendment and one further submission opposed an amendment.

338. Five submission points and six further submission points relating to **Rule ASW-R6** were summarised on pages 91-92 of the s42A Report. Five submission points sought amendments to the rule and one further submission point supported an amendment. Four further submission points opposed an amendment requested and one further submission point was neutral.

[98] New rule inserted by for Variation 1 – Activities on the Surface of Water of the TTPP. See the Recommendation Report on Variation 1

339. Three submission points and two further submission points relating to **Rule ASW-R7** were summarised on page 92 of the s42A Report. Three submission points sought amendments to the rule and two further submission points opposed the amendments sought.

340. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

341. In relation to **Rule ASW-R2**, the s42 Report considered that including reference to the lakes and waterbodies currently included in the Buller District Plan may be appropriate given these waterbodies have a high state of naturalness and ecological values, and are located within areas of high natural character or outstanding natural landscapes. However, it invited the submitters requesting these changes to provide more information at the hearing.

342. The s42A Report did not support the deletion of the 'Makaawhio River and Kaimata/New River' from the rule, as requested by Jet Boating New Zealand (S161.003), given the low loss of recreational amenity compared to a high degree of cultural benefit by including these rivers in the rule.

343. The s42A Report supported in part an amendment to the Rule to include motorised craft on Lake Māhinapua for the setting of buoys and the direction of regattas and club sailing. It considered the best approach was to provide a specific exemption to the rule for the regattas of the Lake Māhinapua Aquatic Club rather than a general exemption for motorised craft. It noted a further submission by Poutini Ngāi Tahu opposed this request, and encouraged dialogue between the two submitters to reach agreement. It suggested the best approach may be a specific number of days that such an activity can occur and suggested the following wording:

> *'Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club where the craft are propelled by a motor but not exceeding a speed of 5 knots.'*

344. The s42A Report supported a new clause, as sought by Poutini Ngāi Tahu (S620.196), to include 'Mātauranga Māori Monitoring' because this better enabled them to undertake their kaitiaki role.

345. The s42A Report did not support including suction dredging in the rule (Mineral West Coast (S569.031) given the potential to have significant effects on natural character and cultural values in rivers and lakes that are at particular risk of adverse effects.

346. The s42A Report supported Te Tumu Paeroa's request (S440.038) to add a new clause, as follows:

> ***'Access to landlocked parcels where primary and physical access is only achieved through crossing the waterway'***

347. The s42A Report did not consider restricting this to just the landowner, as sought in further submissions by Poutini Ngāi Tahu (FS41.058) would reasonable.

348. In relation to **Rule ASW-R3**, the s42A Report supported adding 'and waterways' to the heading, as requested by Westpower (S547.403). However, it recommended '*and artificial waterways*' in the interests of clarity.

349. In relation to **Rule ASW-R4**, the s42A Report supported adding '*These are temporary Mai Mai installed for the purposes of lawful gamebird hunting',* as requested by Fish and Game (S302.006); but also recommended adding a timeframe as requested by the Grey District Council (SFS1.081) *'provided these are removed within 2 weeks of the end of the game season*'. It noted the same approach is recommended for Rule NC-R2.

350. The s42A Report supported an amendment to make it clear that whitebait stands should also be '*temporary*' (Poutini Ngāi Tahu S620.197) and noted that this was a drafting error. It also supported the request to move the reference to written approval from Poutini Ngāi Tahu to an Advice Note.

351. The s42A Report supported including '*the laying of temporary marker buoys by the Lake Māhinapua Aquatic Club Inc. on Lake Māhinapua during the sailing season of October to April*' (Lake Māhinapua Aquatic Club S332.002). It noted this would be consistent with section 3.4.7 of the Lake Māhinapua Management Plan.

352. The s42A Report did not support the deletion of '*temporary swimming platforms installed for a single swimming season'* (Director General S602.131) and invited the submitter to provide more information at the hearing.

353. The s42A Report did not support Westpower's requests (S547.504 and S547.508) to add two new permitted activity rules because it would duplicate the regulation of activities already controlled by the WCRC. It noted the rule provides for a very limited range of structures as permitted activities, given the WCRC regulates activities in the beds of rivers to address different matters in relation to their regional function.

354. The s42A Report supported improving clarity for existing energy activities and infrastructure structures given the different approach to existing use rights under Section 10A of the RMA than occurs for existing structures and activities on land. It considered it is appropriate that the rule specifically provides for existing lawfully established energy and infrastructure structures.

355. In relation to **Rule ASW-R5**, the s42A Report supported the request to add a new matter of control '*Management of effects on ecological, biodiversity and conservation values*' (Director General S602.132). It noted the further submission (BDC FS149.127) supported this addition but did not support making temporary swimming platforms subject to the rule. It invited the submitter to provide more information at the hearing on their reasoning why they consider

temporary swimming platforms need consent (Director General S602.134), and why they consider that the activity status should be discretionary through the addition of a new rule.

356. In relation to **Rule ASW-R6**, the s42A Report did not support the submissions (Buller Conservation Group S552.125 and Frida Inta S553.125) seeking to extend the list of waterbodies in relation to those where commercial activities are not acceptable because no information was provided regarding which waterbodies such an extension should apply to or why.

357. The s42A Report noted the further submission (West Coast Bulk Logistics Limited FS152.003) seeking a new rule to allow for vessel activities on the surface of rivers associated with Port Operations. It noted this would be covered in Variation 1 to the Plan.

358. The s42A Report supported moving the reference to '*Written Approval form the Poutini Ngāi Tahu Rūnanga*' from the rule to an Advice Note (Poutini Ngāi Tahu S620.199).

359. The s42A Report did not consider the amendment to specifically exclude suction dredging (Tiga Minerals and Metals Limited (S493.068) was necessary given this activity would fall under the definition of 'Industrial Activity', not 'Commercial Activity'.

360. The S42A Report supported inclusion of the following additional matter of discretion: 'Effects on Ecological, biodiversity and conservation values' (Director General S602.133) and considered it was appropriate these matters are considered in any assessment.

361. In relation to **Rule ASW-R7**, the s42AReport supported the amendment sought by Poutini Ngāi Tahu for the reference to limited notification be to Poutini Ngāi Tahu, however, it noted that limited notification clauses are no longer lawful. She proposed an amendment to the clause as follows:

> *When making notification decisions in relation to this rule, the council will be informed by advice from Poutini Ngāi Tahu and should the application be notified it will be served on the relevant Poutini Ngāi Tahu Rūnanga.*

362. The s42A Report did not support the amendment by Tiga Minerals and Metals Limited to exclude suction dredging activities because suction dredging has the potential to have significant effects on natural character and cultural values in rivers and lakes, which is appropriately assessed through a resource consent process.

363. The s42A Report did not consider the amendments to the rule proposed by Forest & Bird to be an improvement to the clarity of the rule but supported the submission in part given a minor amendment to the rule was recommended.

Hearing and Submitter Evidence/Statements

364. Ms Inta, for herself Buller Conservation Group, sought inclusion of the list of sites currently identified in the Buller District Plan that restrict motorised craft to be added to the list in the TTPP. She highlighted the s42A Report agreed that these such waterbodies are highly natural

with high ecological values. She suggested an addition to the ruling stating '*Motorised craft are only allowed on lakes accessible by formed road and exclude the lakes listed in the current Buller Plan'*.

365. Ms Inta requested further restrictions to limit motorised craft to 1/3 of the length of the river and to restrict such craft to the lower reaches of rivers. She also proposed the following additional wording to ASW-R4:

> *(1) These are temporary whitebait stands installed in accordance with West Coast whitebait Fishing regulations and are removed within 2 weeks of the end of the whitebait season*
> *(2) These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within 2 weeks of the end of the game bird season.*

366. Ms Inta also sought to include the list of restricted waterbodies in the current Buller District Plan to be included in ASW-R5.

367. Mr Kennedy, for Westpower, sought to add '*The plan currently regulates watercraft, structures and commercial activities*' to the note regarding '*Activities on the surface of Water rules'*. He considered this would simplify interpretation and application of the rules for Plan users.

368. Mr Kennedy noted concern regarding the s42A Report comment '*If there are activities that should be identified as non-complying, I prefer that a specific rule is included and invite the Department of Conservation to provide information on this at the hearing'* and the implications of this given there was little information and it would be unclear how other submitters on the rules could provide further input. He considered that such a process would normally occur through a further submission process.

369. Ms Young, for the Director General, provided comment on the request to include all swimming platforms in Rule ASW-R5 and indicated she was not aware of any instances where temporary swimming platforms had caused concern, as verified by checking with local DOC staff. She agreed s42A Report recommendation that temporary swimming platforms should be under Rule ASW-R4 and permanent swimming platforms should be considered under Rule ASW-R5. She also agreed that a non-complying activity catch all rule is not appropriate for swimming platforms and agreed permanent swimming platforms should remain a controlled activity.

370. Ms Pull, for Poutini Ngāi Tahu, addressed their further submission (FS41.058) on Te Tumu Paeroa's submission (S440.038) on ASW-R2 for the use of waterbodies to access landlocked parcels of land. She noted support for addressing past errors such as landlocked parcels preventing the use and development of Māori land. She highlighted the two alternatives outlined in the further submission – enabling access on a case by case basis or limiting access to the landowner only. Given the s42A Report recommendation, she recommended limiting the rule to Māori Land to minimise potential effects and replacement of the terms used as follows:

> *Access to **Māori Land that is** a landlocked ~~parcels~~ **site** where primary and physical access is only achieved through crossing the ~~waterway~~ **waterbody***

371. Ms Pull supported the s42A Report recommendation for Rules ASW- R2 and ASW-R4 but sought the following amendments to Rule ASW-R4(4) and to the Advice Note on ASW-R6:

> *Written approval is **recommended** from the relevant Poutini Ngāi Tahu Rūnanga-Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. **In relation to** Lake Māhinapua, written approval from Te Rūnanga o Ngāi Tahu **in addition** to Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended.*

372. After the hearing, Ms Pull provided a supplementary statement of evidence regarding use of Kaimata/New River for jet boating. She advised the cultural experts, Mr Paul Madgwick and Mr Francois Tumahai, were comfortable with the approach identified by Jet Boating New Zealand to use an alternative entry point for jet boating on Kaimata/New River above the State Highway bridge; and that Poutini Ngāi Tahu have no further opposition under further submission FS41.051 on S161.003 by Jet Boating New Zealand, in relation to Rule ASW-R2 and Kaimata/New River. Ms Pull advised that opposition to the removal of Makaawhio River from Rule ASW-R2 remained.

373. Mr Smith, on behalf of Jet Boating NZ, noted they had sought the exclusion of the Makaawhio River (Jacobs River) and the Kaimata/New River from Rule ASW-R2 but that after further consideration and looking at the reality of difficult access around the lower reaches of the Makaawhio River, they now accepted the proposed restriction on this river. In relation to the Kaimata/New River, Mr Smith noted the river afforded high recreational jet boating values when conditions are suitable, and they wanted to retain the use of the river. He noted they had given consideration to using another access points to the river, rather than using the lagoon, and had attempted to consult with Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu but that no response had been received. Mr Smith noted they were keen to pursue an outcome where the river can be shared by users.

374. After the hearing, Jet Boating NZ provided a further statement of evidence supporting the supplementary evidence of Ms Pull and advised of agreement with Poutini Ngāi Tahu that recreational jet boating activities on Kaimata/New River, above the State Highway bridge, will not have more than minor effects.

375. Ms Helen Brosnan, for the West Coast Fish and Game Council, sought a minor amendment to the drafting of Rule ASW-R2(1)(b) and requested that '*and*' in the middle line be replaced with '*or*', so it cannot be read as requiring any motorised watercraft use on the listed rivers to be for both sportfish and gamebird management at the same time. She also indicated that reference to '*Fish and Game New Zealand'* should be changed to *'West Coast Fish and Game Council'* as they are a separate legal identity. In conclusion, she supported the inclusion of a permitted activity rule for temporary mai mai and suggested a suitable maximum size, if the Panel considered it appropriate.

376. Mr Dean Kelly, for West Coast Fish and Game Council, provided a statement of evidence outlining the reasons for the use and role of mai mai for game bird hunting.

377. Mr Dean Van Mierlo presented legal submission on behalf of West Coast Fish and Game Council. He clarified the land status surrounding Lake Māhinapua and indicated support for the s42A Report recommendation regarding to mai mai structures.

378. Mr Rob Daniel, for the Lake Māhinapua Aquatic Club, outlined the Club's establishment in 1943 and its activities and use of Lake Māhinapua for sailing regattas. He noted the Club sought to continue 80+ years of sailing without resource consents or approval from Poutini Ngāi Tahu. He requested all activities be permitted, including recognition of the existing eight permanent marker buoys and use of motorised watercraft travelling more than 5 knots for health and safety during regattas.

Reporting Officer Reply Evidence

379. In her Right of Reply, Ms Easton recommended that Rule ASW-R4 should refer to the existing eight permanent marker buoys used by the Lake Māhinapua Aquatic Club given these had no existing use rights. She also proposed an amendment to ASW-R2 to allow boats used by the Lake Māhinapua Aquatic Club to exceed 5 knots of speed for search and rescue activities, as outline by Mr Daniel at the hearing.

380. In response to the questions from the Panel relating to defining whitebaiting as a 'Commercial Activity', Ms Easton recommended adding an Advice Note stating that Rule ASW-R6 does not apply to whitebaiting.

381. Ms Easton recommended the following further amendments highlighted in yellow in Appendix-Updated Appendix 1 of the Right of Reply:

> ***ASW -R2*** *Use of Motorised Watercraft for Non-commercial Use on the Surface of Rivers Lagoons and Lakes.*
>
> *Activity Status Permitted*
>
> *Where;*
>
> *1. This does not occur on the surface of Lake Mahinapua or Mahinapua Creek/Tuwharewhare, Waitangroto River, Makawhio river, Arahura River, Kaimata/New River, Makatata Stream or Saltwater Lagoon(at Paroa) except*
> *a As provided for in an Iwi/Papatipu Runanga Management Plan for these awa, roto and hapua; or*
> *b Where the activity is for:*
> *i Matauranga Maori Monitoring;*
> *ii Scientific investigations or monitoring;*
> *iii Law enforcement;*
> *iv Search and Rescue work;*
> *v Conservation work undertaken by the Department of Conservation in respect of their duties under the Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;*

vi The control and management of sports fish (as defined in the Conservation Act 1987) and game (as defined in the first schedule of the Wildlife Act 1953) by fish and Game New Zealand;

vii Biosecurity work carried out by the West coast Regional Council or Fish and Game New Zealand;

viii Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody; or

*ix Use of Lake Mahinapua for the yachting regattas and club sailing associated with the Lake Mahinapua Aquatic Club during the sailing season of October to April where the craft are propelled by a motor but not exceeding a speed of 5 knots**, except in an emergency response.***

ASW-R4 *Installation of Structures on the Surface of Natural Waterbodies*

Activity Status Permitted

Where:

a. These are temporary whitebait stands installed in accordance with the West Coast Whitebait Fishing Regulations

b. These are temporary maim ai installed for the purposes of lawful gamebird hunting provided these are removed within two weeks of the end of the game bird season;

c. These are temporary swimming platforms installed for a single swimming season; or

d. These are structure installed by Poutini Ngai tahu that are identified in an Iwi/Papatipu Runanga Management Plan for Arahura River, Mkaawhio River, Waitangiroto River, Mahinapua Creek/Tuwharewhare, Makatata Stream or Lake Mahinapua ~~and have written approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati Waewae or Te Runanga O makaawhio~~

*e. This is ~~the laying of temporary~~ marker buoys **used** by the Lake Mahinapua Aquatic Club Inc on Lake Mahinapua **~~during sailing season October to April~~** or*

f. This is the operation, maintenance and repair of existing structures where this is of the same or similar scale and intensity as of 14 July 2022.

Advice Note:

For the avoidance of doubt this rule does not apply to whitebaiting activities on the surface of water.

Hearing Panel's Evaluation

382. The Panel accepts Ms Easton's recommendation to retain **Rule ASW-R1**, as notified.

383. In relation to **Rule ASW-R2**, the Panel notes that Ms Easton's recommendations do not reflect the agreement between Jet Boating NZ and Poutini Ngāi Tahu to delete Kaimata/New River, above the State Highway Bridge from Rule ASW-R2 and the consequential amendment to Rule ASW-R6. The Panel accepts the restriction on motorised watercraft use should only apply to below the State Highway bridge in the Saltwater Lagoon, which is identified as a Site and Area

of Significance to Māori. The Panel recommends the reference to Kaimata/New River is deleted from the Rule ASW-R2 and Rule ASW-R6.

384. The Panel accept the evidence of the West Coast Fish and Game Council that it is a separate legal entity to Fish and Game New Zealand and that the references to the Fish and Game New Zealand in Rule ASW-R2(1)(v) and (vi) should be corrected. The Panel notes there is no specific submission point from West Coast Fish and Game Council seeking this relief but accept this is a minor correction.

385. The Panel agrees with Ms Easton's recommendation to add '*Mātauranga Māori monitoring*' and accept Poutini Ngāi Tahu's submission point (S620.196).

386. The Panel agrees with Ms Easton's recommendation to add '*Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody'* and to accept Te Tumu Paeroa' submission point (S440.038). The Panel does not agree this should be restricted to Māori Land only or to landowners only, as recommended by Ms Pull, for Poutini Ngāi Tahu. The Panel accepts Ms Easton's recommendation to use the terms '*parcels'* and '*waterbody*'.

387. The Panel agrees with Mr Easton's recommendation to add '*Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club Incorporated during the sailing season of October to April where the craft are propelled by a motor but not exceeding a speed of 5 knots except in an emergency response'* (Neville Higgs S329.001). However, the Panel considers '*craft*' should be replaced with '*watercraft*' given the inclusion of a new definition. The Panel is satisfied this addresses the concerns raised at the hearing by Mr Daniel.

388. The Panel notes there is no information from the Buller District Council regarding Ms Inta and Buller Conservation Group's requests to add the lakes included in the Buller District Plan to ASW-R2. We do not consider this is appropriate without further analysis.

389. The Panel accepts Ms Easton's recommendation to amend **Rule ASW-R3** to add '*and Artificial Watercourses'* (Westpower S547.403)

390. In relation to **Rule ASW-R4**, the Panel accepts Ms Easton's recommendations to add '*temporary*' to clause (1) (Poutini Ngāi Tahi SS620.197) and a new clause *'These are temporary mai mai installed for the purposes of lawful gamebird hunting'* (West Coast Fish and Game Council S302.006).

391. The Panel notes Ms Inta's request at the hearing for use of the same rule wording for the removal of temporary whitebait stands and for temporary mai mai, and her view that these structures should be removed after the season ends. Although the Panel notes Ms Inta did not make a specific submission point on ASW-R4, we agree that consistency is important in relation to enabling temporary seasonal activities and the clauses should be similar for temporary mai mai and whitebait stands. The Panel considers adding a requirement to

remove these structures two weeks after the season ends addresses the submission point (S620.197) seeking to ensure these are temporary.

392. The Panel notes Ms Easton's updates to Rule ASW-R4 and ASW-R5 did not include the amendments sought by Ms Pull in evidence. The Panel has considered the wording proposed by Ms Pull for a new advice note (4) stating that written approval from the relevant rūnanga is recommended given the deletion of written approval from clause (4). We consider it is appropriate for the advice note to state that consultation with the relevant rūnanga is recommended given written approval cannot be required for a permitted activity.

393. The Panel accepts Ms Easton's recommendation to add new clause (5) addresses the concerns raised by the Lake Māhinapua Aquatic Club Incorporated (S332.002) to provide for the existing maker buoys on the surface of Lake Māhinapua and agree this does not need to be limited to a specific period. However, the Panel recommends replacing '*This is marker buoys'* with '*These are marker buoys*' to correct the grammar.

394. The Panel accepts Ms Easton's recommendation to include a new clause '*This is the operation, maintenance and repair of existing structures where this is of the same or similar scale and intensity as of 14 July 2022*' to address Westpower's request (S547.0508) for a new permitted activity. However, we have simplified the wording, as addressed above in relation to the NC rules. We consider a new permitted activity for structures on the bed would duplicate Regional Council functions.

395. The Panel notes Ms Young's agreement that temporary swimming platforms should not be deleted from ASW-R4 (Director General S602.131) and permanent swimming platforms should be under Rule ASW-R5.

396. New **Rule ASW-4A**, as inserted by Variation 1 – Activities on Surface Water to the TTPP is shown in the recommendations below. This is addressed in the Recommendation Report on TTPP Variation 1.

397. In relation to **Rule ASW-R5**, the Panel agrees with Ms Easton's recommendation to add '*Management of effects on ecological, biodiversity and conservation values'* (Director General of Conservation S602.132); and to add an Advice Note to ASW-R6 giving clarity to whitebaiting being exempt from this Rule.

398. The Panel notes Ms Young's evidence for the Director General confirmed agreement that permanent swimming platforms should be considered under Rule ASW-R5 as controlled activities.

399. In relation to **Rule ASW-R7**, the Panel accepts Ms Easton's recommended changes to make the heading of the rule clearer and to reflect wording requested by Poutini Ngāi Tahu.

400. The Panel accepts Ms Easton's recommendation to reject the request from TiGa Minerals and Metals Limited (S493.069) to not include suction dredges as a permitted activity given the

potential for significant adverse environmental effects, in the absence of parameters. However, the Panel notes there is a significant gap in the rule framework in relation to commercial activities on waterbodies not listed in Rule ASW-R6 (which are the identified sensitive waterbodies) with the default activity status being discretionary for those commercial activities.

Hearing Panel's Recommendations

401. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, recommends that Rule ASW-R1 is retained as notified, the addition of new Rule ASW – R4A and the following changes to Rule ASW-R2, Rule ASW-R3, Rule ASW-R4, Rule ASW-R5, Rule ASW-R6 and Rule ASW-R7, as follows:

Activities on the Surface of Water	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.	
Permitted Activities	
ASW-R1	**Use of Non-motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes**
Activity Status Permitted Advice Note: Use of non-motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM-R5 Activity status where compliance not achieved: N/A	
ASW-R2	**Use of Motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes.**
Activity Status Permitted. Where: 1. This does not occur on the surface of Lake Māhinapua or Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makaawhio River, Arahura River, Kaimata/New River **below the State Highway bridge**,[99] Makatata Stream or Saltwater Lagoon (at Paroa) except: a. As provided for in an Iwi/Papatipu Runanga Management Plan for these awa, roto and hāpua; or b. Where the activity is for: i **Mātauranga Māori monitoring**; [100] ii Scientific investigations or monitoring;	

[99] Jet Boating New Zealand S161.003
[100] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.196

iii Law enforcement;
Iv Search and rescue work;
v Conservation work undertaken by the Department of Conservation in respect of their duties under the Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;
vi The control and management of sports fish (as defined in the Conservation Act 1987) **or**~~and~~ game (as defined in the first schedule of the Wildlife Act 1953) by **West Coast** Fish and Game **Council** ~~New Zealand~~; ~~or~~[101]
vii Biosecurity work carried out by West Coast Regional Council or **West Coast** Fish and Game **Council** ~~New Zealand~~; [102]
viii **Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody; or**[103]
ix **Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club Incorporated during the sailing season of October to April where the watercraft are propelled by a motor but not exceeding a speed of 5 knots except in an emergency response.** [104]

Activity status where compliance not achieved: Discretionary

ASW-R3 Installation of Structures on the Surface of Artificial Lakes and Ponds and Artificial Watercourses[105]

Activity Status Permitted.

Activity status where compliance not achieved: N/A

ASW-R4 Installation of Structures on the Surface of Natural Waterbodies

Activity Status Permitted
Where:
1. These are **temporary**[106] whitebait stands installed in accordance with the West Coast Whitebait Fishing Regulations **and are removed within two weeks of the end of the whitebait season; or**
2. **These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within two weeks of the end of the game bird season; or**[107]
3. These are temporary swimming platforms installed for a single swimming season; or
4. These are structures installed by Poutini Ngāi Tahu that are identified in an Iwi/Papatipu Runanga Management Plan for Arahura River, Makaawhio River, Waitangiroto River, Māhinapua Creek/Tuwharewhare, Makatata stream or Lake Māhinapua; ~~and have written approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati WaeWae or Te Runanga o Makaawhio;~~ **or**[108]

[101] RMA First Schedule clause 16(2) correction
[102] RMA First Schedule clause 16(2) correction
[103] Te Tumu Paeroa – The Office of the Māori Trustee S440.038
[104] Neville Higgs S329.001
[105] Westpower S547.403
[106] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.197
[107] West Coast Fish and Game Council S302.006
[108] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.197

5. **These are marker buoys used by the Lake Māhinapua Aquatic Club Incorporated on Lake Māhinapua; or**[109]
6. **This is the operation, maintenance and repair of existing lawfully established structures as of 14 July 2022.** [110]

Advice Note**s**:

1. Whitebait stands are primarily regulated by the West Coast Regional Council through the West Coast Regional Land and Water Plan.
2. Where structures are proposed on the surface of waterbodies check the Natural Character and the Margins of Waterbodies provisions to determine whether consent is required for the landward portion of the structure located in any riparian margin.
3. Where structures are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these are also subject to Rule SASM - R6 in the Sites of Significance to Māori Chapter.
4. **Consultation with the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended. In relation to Lake Māhinapua consultation with Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio is recommended.** [111]
5. **For the avoidance of doubt this rule does not apply to whitebaiting activities on the surface of water.** [112]

Activity status where compliance not achieved: Controlled where standard ~~2~~**3** is not complied with. Discretionary where standards 1, **2, 4, 5** and ~~3~~**6** are not complied with.[113]

ASW – R4A Use of Watercraft for Commercial Activities and Port Activities on the Surface of Water[114]

Activity Status: Permitted

Where: This is the use of the surface of water for commercial activities on water and other Port Activities

1. **Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or**
2. **Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.**

Activity status where compliance not achieved: Restricted Discretionary.

Controlled Activities

ASW-R5 Permanent Swimming Platforms on the Surface of Natural Waterbodies

Activity Status Controlled

[109] Lake Māhinapua Aquatic Club Incorporated S332.002
[110] Westpower S547.0508
[111] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.197
[112] RMA First Schedule clause 16(2) clarification
[113] Consequential amendment as a result of changes to the rule.
[114] New rule added by Variation 1 to the TTPP – Activities on the Surface of Water. See Variation 1 Recommendation Report.

1 Where this does not occur in the Arahura River, Makaawhio River, Makatata Stream or Lake Māhinapua.

Matters of control are:

a. Size, design and location of structure
b. Water safety measures.
c. Compliance with any Iwi/Papatipu Runanga Management plan or where this does not exist advice from the relevant Poutini Ngāi Tahu Rūnanga- Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio; ~~and~~
d. Management of effects on natural character of the waterbody and its margins; **and**
e. Management of effects on ecological, biodiversity and conservation values.[115]

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

ASW-R6 Commercial Activities on the Surface of Rivers, Lagoons and Lakes and not associated with Westport Harbour Port and Port of Greymouth

Activity Status Restricted Discretionary

Where:

~~1.~~ Any commercial activity on the Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tumwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata New River is in accordance with an Iwi-Papatipu Runanga Management plan ~~and has approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati Waewae or Te Runanga o Makaawhio.~~ [116]

Discretion is restricted to:

a. Effects on public access and recreational use of the waterbody;
b. Effects on landscape, natural features or natural character of the waterbody and its margins;
c. Effects on the amenity values or any adjacent residential activities;
d. Effects on significant natural or historic heritage values including effects on scheduled sits or areas;
e. Effects on ecological, biodiversity and conservation values; [117]
f. Effects on noise of the natural character, ecological and amenity values; and
g. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Advice Note**s**:

1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these **are**[118] also subject to rules in the Sites and Areas of Significance to Māori Chapter.

[115] Director General of Conservation S602.132
[116] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.199
[117] Director General of Conservation S602.133
[118] RMA First Schedule clause 16(2) correction

2. **Written approval is recommended from the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. In relation to Lake Māhinapua, written approval from Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended.**[119]

Discretionary Activities

ASW – R7	**Use of Motorised Watercraft for Non - Commercial Use, Commercial Activities, and Structures on the Surface of Water not ~~meeting Permitted, Controlled or Restricted Discretionary Activity~~ provided for in another rule~~Rules~~**[120]

Activity Status Discretionary

Notification:~~Any activity not provided for in an Iwi/Papatipu Rūnanga Management Plan for Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makatata Stream Saltwater Lagoon (at Paroa) or Kaimata/New River always be limited notified to the relevant Poutini Ngāi Tahu rūnanga and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu and should the application be notified, it will be served on the relevant Poutini Ngāi Tahu rūnanga.** [121]

Activity status where compliance not achieved: N/A

Amendments to Planning Maps

Amend the zoning maps so that waterbodies are identified as General Rural Zone. [122]



Paul Roger

Hearings Panel – Chair



Anton Becker

Hearings Panel Member



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member

Date: 11 September 2025

[119] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.199
[120] Royal Forest and Bird Protection Society of New Zealand Inc S560.528
[121] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.200
[122] Frida Inta S553.333 and Buller Conservation Group S552.218

APPENDIX 1 RECOMMENDATIONS

Definitions

RIPARIAN MARGIN

means all land within:

e. 10m of any wetland **that is located in the coastal marine area**;
f. 20m of any lake; and
g. 10m of any ~~stream or~~ river with an average bed width greater than 3m; **and**
h. **3m of any river with an average bed width greater than 1m and less than 3m**.

As measured from the point of annual fullest flow for a river or annual fullest water level for a lake or mean high water springs for a coastal wetland.

Advice Note: Activities within 10m of a natural inland wetland are regulated under the NESF and administered by the West Coast Regional Council.

WATERCRAFT

means a boat or other vessel that travels on water. This excludes fixed structures on water and use for residential activities.

In relation to the Activities on the Surface of water provisions motorised watercraft means a watercraft that is operated or propelled by a motor.

BANK

means the land on either side of a river which confines the natural flow of the water whether the normal flow, or flood flows.

FULLEST FLOW

means the maximum amount of flow or highest water level that can occur without the river water overtopping the banks and beginning to flow over the flood plain.

Natural Character and the Margins of Waterbodies Chapter

OVERVIEW

Waterbodies and their margins are an important part of the West Coast/Te Tai Poutini. Waterbodies are connected (**~~K~~k**i uta ki tai**,** from the mountains to the sea) and have important values, including for biodiversity, cultural**, recreational** or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. **Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA. Te Tai o Poutini Plan also manages activities on the surface of waterbodies**.

The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers**,** including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural

character of the margins of wetlands, lakes and rivers**,** thereby avoiding duplication with Regional Council functions.

The three district council**s** work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies and ancestral, cultural spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/TeTai o Poutini are identified as statutory acknowledgement area**s** and there are also nohoanga entitlements in place in some locations. These waterbodies contain~~er~~ associated ~~kainga~~**kāinga**, ~~pa~~ **pā,** important sites for the gathering of kai, **t**~~T~~auranga ika and specialised zones for various activities of high cultural value**,** such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character**, recreational** and hydrological values**.** ~~t~~**T**hey provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life **and opportunities for access to and along waterways.**

Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity, which contributes to the wellbeing of people and communities.

The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular**,** the councils must have regard to its objectives and policies in consent decision-making.

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NESF) has specific rules which relate to freshwater, in particular in relation to activities in the margins of freshwater wetlands. **These rules relate to the regional functions of the West Coast Regional Council and are administered by that organisation. The provisions in Te Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. The Tai o Poutini Plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF**.

~~Plantation~~ **Commercial** Forestry

~~Plantation~~**Commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~**Commercial** Forestry) Amendment Regulations 2023 (NES-~~P~~**C**F). However the NES-~~P~~**C**F allows that district plans can be more stringent where this gives effect to an objective in the National Policy Statement for Freshwater Management. Where provisions within this chapter over-rule the requirements of the NES-~~P~~**C**F an advice note to that effect is included within the rule.

Other relevant Te Tai o Poutini Plan provisions.

It is important to note that in addition to the zone chapters a number of District **w**~~W~~ide and Overlay chapters also contain provisions that may be relevant for waterbodies, including:

- Public Access - The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- Subdivision - The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation to the provision of esplanade reserves and strips, in particular SUB- S9
- Activities on the Surface of water – The Activities on the Surface of Water Chapter contains provisions that mange activities that occur on the surface of water.
- Coastal Environment – The Coastal environment Chapter contains provisions that manage the natural character of the coastal environment.
- Earthworks - The Earthworks Chapter includes provisions around earthworks management. **These relate to requirements for earthworks within zones and include general standards for earthworks. These rules apply in addition to rules on earthworks within the Natural Character of Waterbodies Chapter.**
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains provisions around vegetation clearance, including in the margins of waterbodies.**
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy infrastructure or transport activities that trigger resource consent under Natural Character of Waterbodies Rules.**

Also ~~**view**~~ the Strategic Objectives and Policies

Advice Note:
Other Relevant Government Bodies
Aside from regional and local government there are other key agencies and government groups involved in the integrated management of waterbodies. These include:

- **Department of Conservation;**
- **West Coast Fish and Game Council**
- **NZ Landcare Trust;**
- **Catchment care and other restoration groups; and**
- **Herenga ā Nuku Aotearoa, the Outdoor Access Commission.**

Natural Character and the Margins of Waterbodies Objectives

NC - 01

To preserve the natural character of lakes, rivers and wetlands and their margins ~~while providing for~~ **and the protection of them from in**appropriate subdivision, use and development ~~where adverse effects can be avoided or mitigated~~.

NC – 02

To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins. notified.

NC – 03

To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ **while ensuring adverse effects** on natural character are minimised.

NC-P1

Avoid, remedy or mitigate adverse effects on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, **development** and land use maintains the elements, patterns and processes that contribute to their natural character.

NC-P2

Provide for ~~indigenous vegetation removal and~~ earthworks within riparian margins of lakes, rivers and wetlands where ~~significant~~ adverse effects on natural character are ~~minimised as far as practicable~~ **avoided, remedied or mitigated** and:

a. It is for the purpose of natural hazard mitigation; or

b. It is for the maintenance, repair, upgrade and extension of network utilities, and **regionally significant** infrastructure including the national grid; or

c It is for the establishment, operation, maintenance or upgrading of renewable electricity generation **actvities**~~structures~~ or **regionally significant** infrastructure where this has a functional or operational need to be located in a riparian margin; or

d It is for Poutini Ngāi Tahu ~~cultural~~ ~~**purposes**~~**Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan;** or

e It is for the repair and maintenance of legally established structures; or

f. The activity has a functional ~~or operational~~ need to be located adjoining a waterbody.

NC-P3

Provide for **new** buildings and structures **and the upgrading of existing buildings and structures** within riparian margins of lakes, rivers and wetlands where these:

a. Have a functional need for their location; and

b. They are of a form and scale that will not adversely ~~effect~~ **affect** the natural character of the riparian ~~area~~**margin**.

NC-P4

Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands **including pest plant and pest animal control.**

Advice Note:

The objective and policy in the Public Access Chapter should also be considered when assessing resource consents in relation to activities in the margins of waterbodies.

~~**NC-P5**~~

~~Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them found, including:~~

~~c. Provision of alternate certain and enduring access; and~~

~~d. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the~~ structure ~~is maintained.~~

Natural Character and the Margins of Waterbodies Rules

Note: There may be a number of plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this chapter as well as rules in other chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of these identified rules. Details of the steps Plan users should take to determine the status of an activity are provided for in General Approach.

Permitted Activities

NC - R1 ~~**Indigenous Vegetation Clearance and**~~ **Earthworks within the Riparian Margin of a River, Lake or Wetland**

Activity status Permitted

1. Where this is outside of any Significant Natural Area identified in Schedule Four and for:

a. Fence lines; or
b. Maintenance, operation, minor upgrade and repair of network utilities ~~critical~~ **regionally significant** infrastructure or renewable electricity generation activities; **or**
c. **New network utilities and regionally significant infrastructure where these are underground and located within a formed legal road or attached to an existing bridge; or**
d. Connections to wastewater, stormwater and reticulated network utility systems **and underground energy and infrastructure connections**; or
e. Installation of an environmental monitoring and extreme weather event monitoring facility; or
f. Maintenance and repair of lawfully established structures; or
g. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
h. The establishment of a river crossing point up to 3m wide; or
i. Poutini Ngāi Tahu Activities; or
j. Activities on Māori Purpose Zoned Land **or a site of significance to Māori in Schedule Three** and **is** undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
k. **Maintenance and repair of lawfully established natural hazard mitigation structures; or**

l. **New** ~~N~~natural hazard mitigation ~~actvities~~ **structures and upgrading of existing natural hazard mitigation structures** undertaken by a statutory agency or ~~their nominated~~ **authorised** contractor **acting on its behalf; or**
m. **Clearance of pest plants and pest animals for biosecurity purposes; or**
n. **Arable, horticultural or pastoral farming use where this activity is lawfully established at 14 July 2022**; **and**

~~2. The amount of indigenous vegetation clearance is not greater than 20m^2 per 200m length of Riparian Margin;~~
3. The amount of earthworks is not greater than **25**~~20~~m^3 per 200m length of Riparian Margin; **and**
4. All earthworks stockpiles are located outside of the riparian margin of the waterbody**.**~~; and~~
5. ~~Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance and earthworks are not located within areas used and identified for natural hazard mitigation structures~~.

Advice Notes:

1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.
2. **Also refer to Rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters.**
3. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater **Management** and the West Coast Regional Land and Water Plan.
4. This Rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.

Activity status where compliance not achieved: Discretionary

NC - R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

Where the buildings and structures **have a functional need to locate in the riparian margin and** are:

a. Network utilities **and regionally significant infrastructure; or**
b. Temporary whitebait stands **and temporary mai mai for game bird hunting provided these are removed within two weeks of the end of the season**; **or**
c. Environmental monitoring facilities**; or**
d. Parks facilities and parks furniture within an Open Space and Recreation Zone**; or**
e. Natural Hazard mitigation structures constructed by a statutory agency or **authorised** ~~nominated~~ contractor **acting on its behalf**; or
f. Renewable energy generation **activities**~~facilities where these have a functional need to locate within the riparian margin~~; or
g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure**; or**

h. Temporary bridges constructed as part of a temporary military training activity; or
i. Pump sheds, less than 5m^2.

Advice Notes:
1. Rules in other Overlay Chapters particularly Historic Heritage, Sites of Significance to Māori, Natural Hazards and Natural Features and Landscapes may apply in these locations.
2. **Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater Management and the West Coast Regional Land and Water Plan.**

Activity status where compliance not achieved: Discretionary

~~**NC-R3 New Natural Hazards Mitigation Structures**~~

~~Activity Status Permitted~~

~~Where:~~
~~1. These are constructed by a Statutory Agency or their authorised contractor~~

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

Restricted Discretionary Activities

NC-R~~3~~3 Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules

Activity Status: **Restricted** Discretionary

Discretion is restricted to:
a. Design and location of the structure;
b. Visual impact of the structure; and
c. Methods to avoid, remedy or mitigate adverse effects on natural character or public access.

Activity status where compliance not achieved: N/A

Discretionary Activities

NC-R~~3~~4 ~~Indigenous Vegetation Clearance and~~ Earthworks within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules

Activity Status: Discretionary

Advice Note**s**:

1. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.
2. The NES-Freshwater has extensive regulation around works that can be undertaken in or near any natural **inland** wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.

Activity status where compliance not achieved: N/A

NC R45 Buildings and Structures within Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules

Activity Status: Discretionary

~~**NC R5 Natural Hazard Mitigation Structures not meeting Permitted Activity Standards**~~

~~Activity Status: Discretionary~~

~~Activity status where compliance not achieved: N/A~~

Public Access Chapter– Te Āheinga Tūmatanui

~~**NC P5**~~**PA-P1**

Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat or when required for public safety due to the operational requirements of regionally significant infrastructure. When assessing proposals ~~for natural hazard structures~~, effects on public access should be considered and ways to minimise them found, including:

a. Provision of alternate certain and enduring access; and

b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

Activities on the Surface of Water Chapter

Overview

On the West Coast/Te Tai Poutini a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngai Tahu. **Activities on the surface of water can provide benefits and contribute to the wellbeing of people and communities.**

The provisions in this chapter manage the effects of activities on the surface of water. Many of the activities that occur on the surface of water have few effects (e.g. occasional recreational boating or sailing). Other more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, amenity and recreational values of waterbodies).

Other Relevant Te Tai Poutini Plan provisions.

- Natural Character and the Margins of Waterbodies- Many activities on the surface of water may also involve activities in the riparian margin if the adjacent riverbank or lakeside.
- Provisions for managing activities next to waterbodies are found in the Natural Character and the Margins of Waterbodies Chapter.
- Sites and Areas of Significance to Māori. – Many rivers and lakes have a high degree of significance to Poutini Ngai Tahu and are identified in Schedule Three Sites and Areas of Significance to Māori, where rivers or lakes are included within Schedule three the Sites of Significance to Māori provisions also apply.
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.**

Other relevant regulations

The responsibility for managing the effects of activities on the bed of waterbodies lies with the West Coast Regional Council and are managed through the West Coast Regional Land and Water Plan.

ASW-O1

The ecological, recreational, natural character, **natural landscape and features,** amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

Activities on the Surface of Water Policies

ASW - P1

Enable the non-commercial use of non-motorised watercraft on rivers, lakes and lagoons.

ASW - P2

Enable the non-commercial use of motorised watercraft on rivers, lakes and lagoons on the West Coast where this does not **have more than minor adverse effects**~~impact significantly~~ on natural character, ecosystems and biodiversity values, Poutini Ngāi Tahu values, public access, amenity or disruption of natural quiet.

ASW - P3

Provide for commercial activities and structures on the surface of West Coast/Te Tai o Poutini rivers, lakes and lagoons provided that the activity does not create:

a. Adverse effects on:
i. Significant natural heritage values including identified scheduled sites;
ii. Cultural and spiritual values including sites and areas of significance to Māori;
iii. Poutini Ngāi Tahu values and in particular as relate to culturally significant rivers and lakes;
b. ~~Significant~~**More than minor** adverse effects on:
i. Amenity values;
ii. Ecological values;
iii. Natural character;
iv. Other recreational uses; and
c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.

ASW – P4

Enable the use of the Port of Greymouth and Westport Harbour Ports and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.

Activities on the Surface of Water

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

ASW-R1 Use of Non-motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes

Activity Status Permitted

Advice Note: Use of non-motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM-R5

Activity status where compliance not achieved: N/A

ASW-R2 Use of Motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes.

Activity Status Permitted.

Where:

1. This does not occur on the surface of Lake Māhinapua or Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makaawhio River, Arahura River, Kaimata/New River **below the State Highway bridge**, Makatata Stream or Saltwater Lagoon (at Paroa) except:

a. As provided for in an Iwi/Papatipu Runanga Management Plan for these awa, roto and hāpua; or
b. Where the activity is for:
i **Mātauranga Māori monitoring**;
ii Scientific investigations or monitoring;
iii Law enforcement;
Iv Search and rescue work;
v Conservation work undertaken by the Department of Conservation in respect of their duties under the Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;
vi The control and management of sports fish (as defined in the Conservation Act 1987) **or**~~and~~ game (as defined in the first schedule of the Wildlife Act 1953) by **West Coast** Fish and Game **Council** ~~New Zealand~~; ~~or~~
vii Biosecurity work carried out by West Coast Regional Council or **West Coast** Fish and Game **Council** ~~New Zealand~~;
viii **Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody; or**
ix **Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club Incorporated during the sailing season of October to April where the watercraft are propelled by a motor but not exceeding a speed of 5 knots except in an emergency response.**

Activity status where compliance not achieved: Discretionary

ASW-R3	**Installation of Structures on the Surface of Artificial Lakes and Ponds and Artificial Watercourses**

Activity Status Permitted.

Activity status where compliance not achieved: N/A

ASW-R4	**Installation of Structures on the Surface of Natural Waterbodies**

Activity Status Permitted
Where:
1. These are **temporary** whitebait stands installed in accordance with the West Coast Whitebait Fishing Regulations **and are removed within two weeks of the end of the whitebait season; or**
2. **These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within two weeks of the end of the game bird season; or**
3. These are temporary swimming platforms installed for a single swimming season; or
4. These are structures installed by Poutini Ngāi Tahu that are identified in an Iwi/Papatipu Runanga Management Plan for Arahura River, Makaawhio River, Waitangiroto River, Māhinapua Creek/Tuwharewhare, Makatata stream or Lake Māhinapua; ~~and have written approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati WaeWae or Te Runanga o Makaawhio;~~ **or**
5. **These are marker buoys used by the Lake Māhinapua Aquatic Club Incorporated on Lake Māhinapua; or**
6. **This is the operation, maintenance and repair of existing lawfully established structures as of 14 July 2022.**

Advice Note**s**:

6. Whitebait stands are primarily regulated by the West Coast Regional Council through the West Coast Regional Land and Water Plan.
7. Where structures are proposed on the surface of waterbodies check the Natural Character and the Margins of Waterbodies provisions to determine whether consent is required for the landward portion of the structure located in any riparian margin.
8. Where structures are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these are also subject to Rule SASM - R6 in the Sites of Significance to Māori Chapter.
9. **Consultation with the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended. In relation to Lake Māhinapua consultation with Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio is recommended.**
10. **For the avoidance of doubt this rule does not apply to whitebaiting activities on the surface of water.**

Activity status where compliance not achieved: Controlled where standard ~~2~~**3** is not complied with. Discretionary where standards 1, **2, 4, 5** and ~~3~~**6** are not complied with.

ASW – R4A Use of Watercraft for Commercial Activities and Port Activities on the Surface of Water

Activity Status: Permitted

Where: This is the use of the surface of water for commercial activities on water and other Port Activities

1. **Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or**
2. **Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.**

Activity status where compliance not achieved: Restricted Discretionary.

Controlled Activities

ASW-R5 Permanent Swimming Platforms on the Surface of Natural Waterbodies

Activity Status Controlled

1 Where this does not occur in the Arahura River, Makaawhio River, Makatata Stream or Lake Māhinapua.

Matters of control are:

a. Size, design and location of structure
b. Water safety measures.

c. Compliance with any Iwi/Papatipu Runanga Management plan or where this does not exist advice from the relevant Poutini Ngāi Tahu Rūnanga- Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio; ~~and~~
d. Management of effects on natural character of the waterbody and its margins; **and**
e. Management of effects on ecological, biodiversity and conservation values.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

ASW-R6 Commercial Activities on the Surface of Rivers, Lagoons and Lakes and not associated with Westport Harbour Port and Port of Greymouth

Activity Status Restricted Discretionary

Where:

~~1.~~ Any commercial activity on the Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tumwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata New River is in accordance with an Iwi-Papatipu Runanga Management plan ~~and has approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati Waewae or Te Runanga o Makaawhio.~~

Discretion is restricted to:

a. Effects on public access and recreational use of the waterbody;
b. Effects on landscape, natural features or natural character of the waterbody and its margins;
c. Effects on the amenity values or any adjacent residential activities;
d. Effects on significant natural or historic heritage values including effects on scheduled sits or areas;
e. Effects on ecological, biodiversity and conservation values;
f. Effects on noise of the natural character, ecological and amenity values; and
g. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Advice Note**s**:

1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these **are** also subject to rules in the Sites and Areas of Significance to Māori Chapter.
2. **Written approval is recommended from the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. In relation to Lake Māhinapua, written approval from Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended**.

Discretionary Activities

ASW – R7 Use of Motorised Watercraft for Non - Commercial Use, Commercial Activities, and Structures on the Surface of Water not ~~meeting Permitted, Controlled or Restricted Discretionary Activity~~ provided for in another rule~~Rules~~

Activity Status Discretionary

Notification: ~~Any activity not provided for in an Iwi/Papatipu Rūnanga Management Plan for Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makatata Stream Saltwater Lagoon (at Paroa) or Kaimata/New River always be limited notified to the relevant Poutini Ngāi Tahu rūnanga and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu and should the application be notified, it will be served on the relevant Poutini Ngāi Tahu rūnanga.**

Activity status where compliance not achieved: N/A

Amendments to Planning Maps

Amend the zoning maps so that waterbodies are identified as General Rural Zone.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Natural Features and Landscapes

- Ngā Āhua me ngā Horanuku Aotūroa

Hearing Dates: 4, 5 and 19 March 2024

HEARING PANEL

Dean Chrystal (Chair)

Sharon McGarry

Maria Bartlett

Paul Rogers

Anton Becker

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Appendix 1 – Recommendations

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa (**NFL**) chapter of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section in Part 2, Schedules 5 and 6 in Part 4 and the planning maps locating these landscapes and features of the Plan.

3. The Section 32 Report[1] provided an evaluation of the options for the management of Outstanding Natural Features and Landscapes through the combined Plan, including the regulatory framework, key resource management issues, the evidence base (research and basis for identifying Outstanding Natural Landscapes and Features (**ONFL** or **ONL** and **ONF**), consultation, information and analysis undertaken) and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2).

5. Ms Easton subsequently provided an Addendum s42A Report[3], which responded to a Landscape Report[4] prepared by Ms Bridget Gilbert, who had reviewed the ONL originally identified in the West Coast districts by Mr Stephen Brown of Brown NZ Ltd and provided expert landscape comment in response to specific ONL related submissions on the pTTPP. As a result, the Addendum Report recommended a number of amendments to ONL boundaries. Ms Gilbert was available to us to answer questions on her report during the hearing.

6. The s42A Report assessed a total of 532 submissions points and 491 further submissions points on the Natural Features and Landscapes topic overall i.e. including Schedules 5 and 6 and the planning maps.

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the chapter:

    - General/Whole Chapter;
    - Overview;
    - Objective;

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

[2] Te Tai o Poutini Plan Section 42A Officer's Report Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

[3] Addendum to Natural Features and Landscapes s42A Report, Response to Landscape Review Report from Bridget Gilbert, 31 January 2024

[4] Te Tai o Poutini Plan Landscape Report prepared for the West Coast Regional Council January 2024

- Policies;
- Rules;
- Subdivision within Outstanding Natural Landscapes; and
- Schedules Five and Six and the associated Planning Maps

8. This Recommendation Report follows this same structure of the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

9. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

10. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

11. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

12. Where there is a recommended change to a notified provision of the TTPP, it is because:

    (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

    (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

13. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

14. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

15. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

16. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any minor amendments.

1.2. Terminology in this Report

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

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

Hort NZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone
NES-CF	National Environmental Standards for Commercial Forestry 2023
NFL	Natural Features and Landscapes
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESCF	National Environmental Standard for Commercial Forestry
NFL	Natural Features and Landscapes
NZCPS	New Zealand Coastal Policy Statement 2010
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai Poutini Plan
Planning standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement

RSI	Regionally Significant Infrastructure
SNA	Significant Natural Area
SASM	Sites and Areas of Significance to Māori
Te Tumu Paeroa	The Office if the Māori Trustee
Transpower	Transpower New Zealand Limited
NZTA Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.3. Hearing Arrangements

18. The hearing was held in two parts. The first was at the RSA Hokitika, 22 Sewell Street, Hokitika on the 4 and 5 of March 2024. The second part was at the NBS Theatre, 105 Palmerston Street, Westport on the 19 March 2024. A number of submitters appeared by internet connection.

19. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and an Addendum Report.

20. We received a legal opinion from Wynn Williams dated 20 June 2024 which addressed the scope of Forest & Bird's further submission (FS 34) on the Te Tai o Poutini Plan Committee's submission (S171.001) as to whether it provided scope for the Panel to make changes to the pTTPP to increase the mapped ONL areas. The advice from Wynn Williams considers the TTPP Committee submission[5] only provides scope to decrease the extent of ONL areas.

21. We received a written Right of Reply from Ms Easton on 8 January 2025, which included reply evidence from Ms Gilbert.

1.4. Appearances

22. The following submitters appeared at the hearing:

Section 42A Reporting Officer – Ms Lois Easton, Principal Consultant with Kererū Consultants Limited

Section 42A Technical Advisor – Ms Bridget Gilbert, Landscape Architect

Mr Murray Stewart for himself

Mr Vance Boyd for himself

Mitchells 2021 Limited - Mr Paul Lynch

[5] Te Tai o Poutini Plan Committee (S171.001)

Totally Tourism Limited and Skyline Enterprises Limited - Mr Sean Dent**,** Planner

Bathurst Resources Limited and BT Mining Limited
- Mr Joshua Leckie, Legal Counsel
- Ms Claire Hunter, Planner

Te Tumu Paeroa - The Office of the Māori Trustee - Ms Ngahuia Huirama, Ms Vanesa Griffiths and Ms Hannah McKinlay

Westpower Limited
- Mr Roger Griffiths, General Manager – Generation and Technology for Westpower
- Ms Sylvie Saskova, Technical Administrator, for Westpower
- Mr Martin Kennedy, Planner

Director General of Conservation ('Director General')
- Mr Matt Pemberton, Legal Counsel
- Ms Amy Young, Planner and

Mr Neil Mouat for himself

Karamea Lime Company Ltd
- Mr Geoff Volckman, Director
- Mr Leicester Murray, Landscape Architect

Mr Dean van Mierlo for himself

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

Mr Hadley Mills for himself

Manawa Energy Limited
- Ms Stephanie Styles, Planner
- Mr James Bentley, Landscape Architect

1.5. Overview of submitter evidence and statements received

23. For those appearing at the hearing legal submissions were received from Mr Joshua Leckie for Bathurst (dated 26 February 2024) and Mr Matt Pemberton for the Director General (dated 26 February 2024).

24. For those appearing at the hearing the following evidence and/or statements were received:

(a) Ms Claire Hunter, planner for Bathurst (dated 12 February 2024);

(b) Ms Amy Young, planner for DOC (dated 12 February 2024);

(c) Ms Stephanie Styles, planner for Manawa (date 12 February 2024);

(d) Mr James Bentley, landscape architect for Manawa (date 12 February 2024);

(e) Mr Sean Dent, planner for Skyline Enterprises Limited and Totally Tourism Limited (date 12 February 2024);

(f) Mr Martin Kennedy, planner for Westpower Limited (dated 12 February 2024);

(g) Mr Leicester Murray, landscape architect for Karamea Lime Co Ltd (dated 12 February 2024);

(h) Ms Ngahuia Huirama, Ms Vanesa Griffiths and Ms Hannah McKinlay for Te Tumu Paeroa - The Office of the Māori Trustee;

(i) Mr Murray Stewart (received 4 March 2024) on behalf of himself;

(j) Mr Paul Lynch (dated 23 February 2024) on behalf of Mitchells 2021 Ltd;

(k) Mr Dean van Mierlo (dated 18 March 2024) on behalf of himself;

(l) Mr Geoff Volckman, Director (dated 11 March 2024) on behalf of Karamea Lime Co Ltd;

(m) Mr Hadley Mills (dated 19 March 2024) on behalf of himself; and

(n) Ms Frida Inta (dated 19 March 2024) on behalf of Buller Conservation Group and herself.

25. Following the receipt of the s42A Report and the Addendum to the s42A Report:

(a) Transpower advised[6] it did not intend to appear at the hearing and that the substance of the relief it had sought had been accepted by the Reporting Officer. Transpower identified two exceptions relating to NFL-P5 and NFL-R6 where it sought further amendments.

(b) Horticulture New Zealand (Hort NZ) did not attend the hearing and provided an industry statement by Ms Emily Levenson, Environmental Policy Advisor (dated 2 February 2024). Ms Levenson said Hort NZ continued to seek an amendment to NFL-R1 to provide for rural production activities to support NFL-P1, which provides for lawfully established horticultural activities in areas of ONFL.

(c) KiwiRail provided a letter[7] that confirmed it would not be filing evidence or attending the hearing. The letter indicated that KiwiRail continued to seek amendments to NFL-P1, NFL-P3 and NFL-R1, but accepted the Reporting Officer's recommendations in relation to NFL–P2, NFL–P5 and NFL–R6.

(d) Terra Firma Mining Limited (Terra Firma) provided a letter[8] confirming it would not be filing evidence and did not wish to be heard at the hearing. The letter provided responses to the Reporting Officer's recommendations on Terra Firma's submission points which were essentially in support of the changes proposed.

(e) Chris Horne, Planner on behalf of Chorus, Spark, One NZ and Forty South advised[9] that the Companies wished to record their support for the s42A recommendations in relation to all of their submissions on this topic and confirmed they would not be filing any evidence. Mr Horne noted that in terms of NFL-R8 the Reporting Officer agreed with the submission (in paragraph 274 of the s42A Report) but that the recommended change had not flowed through to paragraph 280 and Appendix 1 of the s42A Report, which he assumed was a typographical error.

[6] Letter from Rebecca Eng, Technical Lead – Policy, Transpower New Zealand Limited dated 8 February 2024.
[7] Letter from Sheena McGuire, Senior RMA Advisor, KiwiRail dated 7 February 2024
[8] Letter from Lucy Smith, Managing Director dated 19 February 2024
[9] Letter from Chris Horne, Consultant Planner dated 23 January 2024

(f) WCRC provided a letter[10] indicated that they did not wish to appear at the hearing but noted it had provided written evidence that addressed the mapping of ONL54 in relation to a Council-managed quarry and various provisions which would relate to it. WCRC sought changes to NFL-R2(2) and (2)(a) and ECO-R1 (5)(i) to address their concerns. The evidence noted that the Council still intends to relodge a Notice of Requirement seeking that designation for its assets, including quarries, be added to the pTTPP. However, it stated that if the changes sought in WCRC's submission and written evidence relating to its assets were within scope and were accepted by the Hearing Panel, the Council may not need to seek the designation.

(g) Legal Counsel for Russell Robinson and Brunner Builders Limited, Ms Kelsey Barry, filed a memorandum (dated 12 February 2024) along with a statement of evidence by Russell Robinson (dated 12 February 2024). The memorandum sought leave to present the brief in the Settlement Zone Hearing, alongside other technical evidence for the site-specific zoning.

Note: Leave was granted

26. Following the hearing the subsequent information was received as follows:

(a) Additional mapping material from Mr Mouat (dated 16 May 2024);

(b) A supplementary statement of planning evidence from Ms Styles for Manawa (dated 27 March 2024);

(c) A response on behalf of the Director General (dated 21 March 2024) from Mr Pemberton to questions from the Panel;

(d) A joint statement of position and recommendations to the Hearing Panel from Poutini Ngāi Tahu and Te Tumu Paeroa – the Office of the Māori Trust (dated 14 August 2024); and

(e) Formal withdrawal of submission point S440.031 by Te Tumu Paeroa[11] in relation to NFL-P7.

27. Following the hearing, the Panel issued a Minute (Minute 21) identifying ONL where we considered specific review, over and above the general review and refinement of all ONL boundaries discussed at the hearing, was necessary. We noted that in considering the identified ONL areas, boundaries could not be extended beyond what was notified, unless this was sought in submissions, but that ONL could be reduced from that notified.

1.6. Right of Reply

28. Ms Easton provided a written Right of Reply (dated 30 December 2024) it included an updated Appendix 1 showing tracked changes to the notified provisions (Appendix 1), a response to the ONL review by Ms Gilbert and the memorandum from Ms Alice Balme, Wynn Williams to the TTPP Committee regarding matters scope (dated 20 June 2024).

1.7. Procedural Steps and Issues

[10] Letter from Selva Selvarajah, Acting Planning Manager for West Coast Regional Council dated 2 February 2024.
[11] Letter dated 22 August 2022 to Hearing Panel from Ngahuia Huirama on behalf of Te Tumu Paeroa – the Office of the Māori Trustee

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

1.8. Site Visits

30. As part of this hearing, we undertook a number of site visits informed by responses received to Minute 21 (dated 11 April 2024) and matters raised in submissions.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

31. Natural Features and Landscapes one of four chapters within the Natural Environment Values – Ngā Uara Taiao Aotūroa section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui.

32. The Section 32 Report outlined the relevant statutory considerations applicable to natural features and landscapes; and the relationships between the sections of the RMA and higher order documents.

33. The section 42A Report highlighted the relevant section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement 2010 (NZCPS), National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**), National Policy Statement for Renewable Electricity Generation 2011 (**NPS-REG**), Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (**NES-CF**), and the National Planning Standards.

34. The Panel accepts the NPS-IB does not apply to the development, maintenance to the upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities.

35. The Panel notes the NES-CF replaced the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (**NES-PF**). The s42A Report highlights the NES-CF species the activity status for new plantation forestry within a Significant Natural Area (**SNA**) and Outstanding Natural Feature or Landscape (**ONFL**) must be a restricted discretionary activity. However, it does enable a district plan to have more stringent rules to give effect to the National Policy Statement for Freshwater Management (**NPS-FM**) and Policies 11, 13, 15 and 22 of the New Zealand Coastal Policy Statement (**NZCPS**).

36. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendation of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.

37. The National Planning Standards mandatory direction 7.21 requires provisions relating to natural features and landscapes be the Natural Feature and Landscape chapter of the Plan. We are satisfied the Plan structure is consistent with this national direction.

38. The Panel accepts the advice of Wynn Williams that the relief sought by Forest & Bird in further submission (F34) to extend ONL boundaries is outside the scope of the submission from the TTPP Committee to amend the boundaries of ONL to a lesser extent than the Brown mapping (2022).

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. NATURAL FEATURES AND LANDSCAPES

2.1. NFL General/Whole Chapter

Submissions and Further Submissions

39. Twenty-five submission points and 15 further submission points relating to general matters or the whole NFL chapter were summarised in a Table on pages 15-19 of the s42A Report. Seven submission points supported the provisions; one was neutral and seventeen sought amendments.

40. The Panel has considered the relevant submissions and further submissions received and adopts the summaries of each within the s42A Report.

41. In addition to these specific submission and further submission points, the Panel has considered the implications of making Plan wide changes for consistency to replace the use of 'critical infrastructure' with 'regionally significant infrastructure' within the context of the NFL Chapter.

Section 42A Report

42. The s42A Report did not support removing references to sites and areas of significance to Māori (**SASM**) given this gives effect to RMA section 6 matters of national importance.

43. In response to the submission points by Skyline Enterprises Limited to enable the development of a proposed aerial cableway, the s42A Report considered no amendment were required. It concluded such a development would require resource consent as a discretionary activity and that this was appropriate.

44. The s42A Report considered the relationship between the Energy Chapter and the NFL Chapter were clear given the statements in the overview section of those chapters. It noted these clearly state that the overlay provisions apply to energy activities, transport activities and infrastructure activities. It highlighted the national grid infrastructure did not traverse through identified ONL and had its own designation. It stated no opposition to providing a specific policy for the national grid in the NFL Chapter, subject to consideration of appropriate wording.

45. The s42A Report supported amendments to recognise the importance of energy activities and to provide for maintenance and enhancement of the generation and supply of renewable energy, including new activities.

46. The s42A Report agreed there needs to be a consistent approach across the overlays in the Plan but noted there are points of difference too.

47. In responding to submission points relating to the methodology, approach and overall extent of the ONL overlay, the s42A Report outlined the background to development of the overlay. It noted the joint 2013 landscape and natural character assessment undertaken by Stephen Brown for the Councils, the ONL and ONC maps within the coastal environment produced by WCRC in 2016 and the subsequent digitization process of the maps by the WCRC GIS planning team. It noted problems with the accuracy of the ONL boundaries due to differences in the scale of the original maps and the online maps; and modification in the intervening period of

the environment to the extent it was no longer 'outstanding'. It confirmed that a full review of the entire map set was not able to be completed until after the TTPP was notified but that the changes sought as the result of this were in the TTPP Committee's submission.

48. The s42A Report concluded the process and criteria used to assess ONL on the West Coast was consistent with the draft Te Tangi a Te Manu: Aotearoa New Zealand Landscape Assessment Guide. It noted the reassessment by the TTPP Committee and the recent review of the mapping by Ms Bridget Gilbert and concluded the methodology used was appropriate. It supported a more detailed description of the landscape values of each ONL with information available in the Brown Reports.

49. The Landscape Report concluded the updated ONL mapping (January 2024) and notified ONL Schedules were broadly in accordance with landscape assessment best practice and were generally sound. It recommended the following amendments to the notified ONL mapping and Schedules:

    (a) Include reference to SASM that coincide with ONL areas in the relevant ONL Schedule;

    (b) Incorporate any available detailed evidence on tangata whenua values on any relevant ONL Schedule;

    (c) Include clear guidance (perhaps in the preamble) that explains the reasonably high level nature of the Schedules, that the landscape values identified relate to the ONL as a whole (rather than specific sites) and other landscape values may be identified as part of an application specific landscape assessment;

    (d) Careful review by a landscape/GIS expert to ensure sizeable pastoral areas, sizeable plantation forestry areas and landscape dominated by built development are excluded from ONL areas;

    (e) ONL boundaries are 'clipped' to obvious landform and/or contiguous native vegetation cover edges in the immediate vicinity of the ONL;

    (f) Extend mapping of the southern end of ONL 5 to align with the district boundary; and

    (g) Refinement of a number of ONL boundaries in response to submissions.

50. In response to questions, Ms Gilbert considered that to be consistent with Te Tangi a Te Manu a thorough and transparent assessment of landscape values was required. She noted the Chapter would benefit from a preface statement that the assessment undertaken was quite high level and that a site-specific assessment could identify additional values. She considered the assessments undertaken were a good starting point for a further review and that landscape values could be added to the ONL Schedule.

51. The s42A Report did not support removing the overlays and disagreed that the Conservation Act provided for the protection of RMA section 6 matters of national importance. It considered land tenure was not relevant to assessing landscape values and noted land adjacent to public conservation land may form a key part of the wider landscape values. Similarly, it did not support excluding existing lawfully established activity.

52. The s42A Report noted the TTPP Committee's submission sought to excluded Treaty Settlement redress lands and original land still in the ownership of Poutini Ngāi Tahu from the ONL overlay to give effect to both section 6(b) and (e).

53. The s42A Report noted the Poutini Ngāi Tau submission sought further work to review the ONL and ONF sites against the SASM. It noted the consideration of the cultural significance was part of the Brown assessment but that no specific consultation was undertaken with Poutini Ngāi Tahu to inform the assessment. It acknowledged this was a gap and that engagement had occurred with Poutini Ngāi Tahu about how to provide for this within the ONFL schedule. In addition, an analysis of the overlap between ONL and SASM had been undertaken, and it was recommended that reference to the presence of SASM be added to the description of the relevant ONL in Schedule Five of the Plan.

54. The s42A Report recommended the notified ONL mapping be replaced with the September 2022 ONL maps by Brown Limited (as included with the TTPP Committee submission), where these cover an area less than proposed maps.

55. Ms Easton supported amending references to '*critical infrastructure*' to '*regionally significant infrastructure*' on the basis the new term is consistent with the West Coast Regional Policy statement (**RPS**). She acknowledged this matter related to other topic hearings and that any decision in terms of the NFL provisions would need to align with the decisions made on other topics.

Hearing and Submitter Evidence/Statements

56. Mr Sean Dent, for Skyline Enterprises Ltd, provided background to a proposed aerial cableway in Franz Josef Valley and indicated an intention to address the specific provisions for the NFL Chapter in the rezoning hearing in Franz Josef. Mr Dent provided comments on the s42A Report and considered the author should not put weight on the processing and outcome of the Department of Conservation's (**DOC**) draft Management Plan to provide for an Amenities Area for the proposal. He sought a provision of an Amenities Area through the Plan's zoning to enable the development, subject to the Department of Conservation's process under the Conservation Act and the National Parks Act.

57. Skyline Enterprises Ltd also presented evidence to the Panel at the Franz Josef Special Purpose and Settlement Zones hearing held in Franz Josef on 8 October 2024. The Panel's recommendations in relation to Skyline Enterprises Ltd submissions requesting a special zone are addressed in the Recommendation Report for the Special Purpose Zones.

58. Ms Stephaine Styles, for Manawa Energy Limited ('Manawa'), outlined their various Schemes (Kumara, McKays Kaniere, Wahapo and Arnold) locations in relation to identified ONL. She raised concerns regarding the robustness of the assessments undertaken and the age of the information. She noted Manawa sought a review of the methodology behind the mapping and schedules, and inclusion of the values of the ONFL areas. She considered there was a lack of recognition of existing activities and modifications within each ONFL to enable changes from the effects of activities to be judged. She noted the policy required effects on values to be managed and to do this the values need to be described in the Schedules.

59. Ms Styles highlighted the requirement to give effect to the RMA and NPS-REG. She considered changes to provisions to '*maintain and enhance*' rather than '*avoiding adverse effects*' were inconsistent with RMA s6(b) and applied a different test to '*protection*'. She considered the criteria and methodology for the identification and assessment of ONFL needed to be included within the Plan, as set out in the s32 Report; and that the policies should provide a clear hierarchy setting out what activities are enabled, provided for, managed and avoided.

60. Mr James Bentley provided expert evidence on the ONL overlays of relevance to the renewable electricity generation operations of Manawa. Mr Bentley noted that the overall landscape methodology used had not been undertaken according to best practice and was 'high level', resulting in errors. He acknowledged that Mr Brown had used best practice at the time but considered it needed reviewing in line with Te Tangi a te Manu guidelines. He was concerned that only part of the West Coast Landscape had been assessed, and that landscape characterisation had not been done.

61. Mr Bentley noted the ONF were identified on a geological and geomorphological basis, rather than a landscape basis. He stated the identification of ONL appeared to be primarily a '*land use mapping exercise*' and not an assessment of attributes of landscape such as geomorphological or perceptual. He considered the mapping technique had led to '*cut outs*' and '*carve outs*' that do not respond to landscape such as excluding private land. He considered this required a '*finer grade review*' and more detail in the Schedules on the values and existing modifications within ONL. He was concerned the assessment commentary suggested boundaries had been realigned to exclude private land, when landownership is not the question. He considered title boundaries are secondary considerations to landscape values.

62. Mr Bentley highlighted the importance of recognising Manawa's existing activities within the descriptions of ONFL areas. He agreed with Ms Gilbert that despite the age of the original Brown assessments, the fundamentals of identifying relevant landscape attributes for that work were prepared using best practice. He also agreed with Ms Gilbert that further work was needed to look at identified ONFL and SASM given there was little tāngata whenua involvement in the landscape study.

63. In response to questions, Mr Bentley confirmed he did not support withdrawing the ONL overlay and considered the matters raised could be addressed. He acknowledged that mapping errors had occurred when the notified Brown printed maps were digitised. He considered a finer review was required to ensure the ONL line work is correct. He confirmed he had not seen the updated digitised mapping (January 2024). He supported adding a preamble, further work to identify existing modification within ONL and adding more detail into the Schedule's description for each ONL, as well as references to SASM and infrastructure.

64. Mr Leckie's legal submissions for Bathurst highlighted the need to review the accuracy of the notified mapping and the GIS shape files to address uncertainty. He considered there was no justification for including parts of the BCZ, which recognises and provides for mineral extraction activities, within an ONL.

65. Ms Whitney's evidence for Transpower confirmed it no longer sought the relocation of all earthwork provisions to the EW Chapter based on the National Grid specific Rule EW-R7.[12]

66. Mr Kennedy, for Westpower, noted the s42A Report had not proposed any amendments to address the recommendations of Ms Gilbert with regards to a preamble and review of the updated ONL mapping.

67. Mr Hadley Mills spoke to his submission and provided a copy of his speaking notes addressing ONL areas and the need for a permitted activity rule for multi-use tracks. He highlighted the ONL areas were 78% of the entire region and 7% of New Zealand's land area. He considered the Brown Reports did not provide enough evidence to support the ONL classification over

[12] The Panel notes that its recommendation in relation to Rule EW-R7 is to delete this rule as notified and replace it with new Rule EW-RX, in relation to the National Grid.

such large areas and need ground truthing. He noted the ONL boundaries appeared to have been derived from a map layer following an inaccurate and unchecked vegetation layer. He considered only a small proportion of land identified in the Brown Reports had been ground truthed.

68. Mr Mills highlighted the meaning of 'Outstanding' in Te Tangi a Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines. He suggested the approach taken to the assessment was judging 'excellence' within a national or international context and that this was inconsistent with the guidance to assess outstanding within the West Coast context. He considered that 78% of land could not stand out because effectively the whole region is of this landscape typology. He said it was not obvious that forest clad mountains were outstanding when there is no place you cannot see them. He noted the very high proportion of ONL areas in the Queenstown-Lakes District and the problems for that district.

69. Mr Mills considered that because the majority of the ONL layer was within the DOC estate the values were already protected under the Conservation Act. He considered the ONL layer would duplicate this protection and add unreasonable cost to future applicants who already must do a full assessment of effects under the Conservation Act.

Reporting Officer Reply Evidence

70. In the Addendum s42A Report, Ms Easton supported the recommendations in Ms Gilbert's Landscape Report as follows:

For the reasons set out earlier, I recommend the following amendments to the notified ONL Mapping and Schedules:

a) Reference to the SASMs that coincide with ONLs are included in the relevant ONL Schedule.

b) Any more detailed evidence with respect to tāngata whenua values for ONL areas provided by submitters during the hearing process is incorporated in the relevant ONL Schedule text.

c) Clear guidance is included in the TTPP (perhaps by way of a Preamble to TTPP Part 4: Schedule Five: Outstanding Natural Landscapes), that explains:

i. the reasonably high-level nature of the ONL Schedules;

ii. that the landscape values identified relate to the ONL as a whole, rather than specific sites; and

iii. that other landscape values may be identified as part of an application-specific landscape assessment, including landscape modifications that are an accepted part of the landscape (e.g. infrastructure, buildings) and more negative landscape attributes (e.g. pests).

d) The updated ONL mapping (January 2024) is carefully reviewed by a landscape/GIS expert to ensure:

i. The following areas are excluded from the mapped ONLs:

- *Sizeable pastoral areas.*
- *Sizeable plantation forestry areas, particularly on the edges of ONLs.*

- *Areas where the arrangement, scale, and/or prominence of built development exerts a dominant influence on landscape character.*

ii. *ONL linework is 'clipped' to obvious landform and or contiguous native vegetation cover edges in the immediate vicinity of the mapped ONL.*

iii. *The mapping of the southern end of ONL 5 is amended to extend to the district boundary.*

e) *In response to location specific ONL submissions, the following mapping amendments are recommended:*

i. *Minor refinement of the ONL 14 mapping in the vicinity Donovan Drive, Franz Joseph is recommended to follow a 'landscape' rather than a zone boundary. (S449 Totally Tourism Limited.)*

ii. *Minor refinement of the ONL 31 mapping to exclude the patterning of dwellings throughout the lower slopes on Darkies Terrace and include the elevated and contiguous bush area that sits above the dwellings. (S506 Claire and John West and others.)*

iii. *Minor refinement of the ONL 29 mapping to exclude grazing land. (S515 Russell Robinson.)*

iv. *Minor refinement of the ONL 26 mapping to exclude grazing land and plantation forestry areas around the edges of the ONL. (S599 WMS Group (HQ) Limited and WMS Land Co. Limited.)*

v. *Refinement of the updated ONL mapping (January 2024) so that areas of pine plantation on the following properties are excluded from the ONL mapping:*

- *Site between Waitaha River and Poerua River that coincides with ONL 17*
- *Lot 1 Deposited Plan 3135 (near The Forks) ONL15*
- *Site between Lake Hochstetter and Lake Haupiri ONL32 (S620.158 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio.)*

71. In the Right of Reply, Ms Easton recommended replacing 'renewable energy generation' with 'renewable electricity generation' for consistency throughout the Plan.

72. In the response to Westpower's evidence in relation to Rule NFL-R5 and Manawa's evidence in relation to Rule NFL-R6, Ms Easton recommended adding the following new definition for 'Minor Upgrade':

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

73. Ms Easton confirmed she had discussed the recommended definition with Ms Styles and Mr Kennedy to get their input. She also noted that the definition would be very useful in the ECO Chapter and potentially other chapters.

Hearing Panel's Evaluation

74. The Panel agrees with Ms Easton that is not appropriate to remove references to overlays or to remove all references to Sites and Areas of Significance to Māori (**SASM**) in the NFL Chapter.

75. The Panel notes that Te Tangi a Te Manu: Aotearoa New Zealand Landscape Assessment Guide is no longer in a draft form and has been adopted by the Tuia Pita Ora New Zealand Institute of Landscape Architects. The guidelines outline professional best practice and promote both Te Ao Māori and Te Ao Pākeha perspectives, connections between perspectives and flexibility for practice to continue evolving.

76. The Panel accepts the evidence of Ms Gilbert that the identified ONL and ONF have been assessed and reviewed using methodologies that are consistent with the best practice guidance. Ms Gilbert has recommended changes to the preface of the Schedule to acknowledge this was undertaken at a relatively 'high level' and to add description regarding the landscape values considered and that of existing activities. Mr Bentley agreed with Ms Gilbert and her suggested addition of a preamble to Schedule Five.

77. Te Tangi a te Manu states:

> ***Meaning of 'outstanding'***
>
> *'Outstanding' encapsulates both quality and relativity: "conspicuous, eminent, especially because of excellence" and "remarkable in". It is a matter of reasoned judgement. An ONF or ONL will often be obvious. The value of a professional assessment in such circumstances is therefore to explain the reasons (justification) that an ONF or ONL is outstanding and describe the values (and the attributes on which the values depend).*
>
> *While 'outstanding' is a high threshold, it does not mean 'the best' or 'uniquely superior'. ONF/ONLs are not regulated by quota. A district may comprise a high proportion of natural landscapes of such quality as to be ONLs (for instance Queenstown-Lakes). Conversely, it does not mean 'the best of a poor choice': A district may contain few or no ONF/ONLs.*
>
> *A natural feature or landscape might be considered outstanding for many different reasons – it may have outstanding values that derive from its physical and/or perceptual and/or associative dimensions (although often the values arise from the interplay between all three dimensions). It is important that such values (and the attributes that embody the values) are identified precisely because they are what is to be protected.*
>
> *An ONF or ONL is considered outstanding in the context of a region or district. ONFs and ONLs do not have to be outstanding in a national context. (Rather, it is a matter of national importance to protect such regional or district ONFs and ONLs).*

78. The Panel accept the assessments undertaken by Mr Brown and the reviews by Ms Gilbert are consistent with this this approach and meaning of 'outstanding'. The assessment process undertaken looked at the natural landscape and features values within both a district and regional context and identified those areas that meet the outstanding threshold. It did not incorrectly identify only the best or highest value areas or have regard to quota. Te Tangi a te Manu specifically anticipates that some districts may have a high proportion of natural landscapes, and some may have few or none. The West Coast districts and the region has a high proportion of outstanding natural landscapes and features. This fact does not negate the requirement to protect outstanding natural areas as matters of national importance.

79. The Panel agree with Mr Mills that taking an assessment of outstanding within a national or international context only is not appropriate considering the guidance of Te Tangi a te Manu but consider the wording of the meaning is deliberate. It requires an assessment of

'outstanding' in the context of a region or district but clarifies ONL do not have to be outstanding nationally. In this case the assessment was undertaken in the context of the region and while deemed to be 'outstanding' within this context, it is fair to say that many of the natural landscape values could be 'reasonably judged' to be outstanding both nationally and internationally, even if this is not required to warrant protection. The mere fact that most people living on the West Coast are surrounded by views of outstanding natural landscape and features does not diminish the significant natural values or the importance of protecting these as a matter of national importance.

80. The Panel finds the approach to the assessment in terms of identifying 'outstanding' landscapes and features was consistent with best practise guidelines. The further assessments and reviews undertaken have corrected mapping errors from the digital transfer process and the planning process has enabled further reviews and corrections to be made.

81. The Panel accept that many identified ONL meet the criteria with existing activities and infrastructure occurring within the boundaries of the area. This can be due to the sheer nature and scale of the ONL and its sensitivity to change or the nature and scale of the activities and adverse effects. The Panel consider the further detail included in the Schedules assists with acknowledging the activities and infrastructure that currently coexist with the ONL values identified. The Panel finds the NFL provisions sufficiently provide for these while giving effect to RMA section 6(b).

82. The Panel has considered the changes to the ONL boundaries sought by the TTPP Committee to reflect the further map review undertaken. The Panel agrees that where this can be achieved within the scope of the ONL boundaries, as notified (i.e. there is no increase in the extent of area include within the identified ONL), this should be considered. The Panel relies on the expert evidence of Ms Gilbert in this regard given she has reviewed all areas subject to submissions.

83. The Panel does not agree with Mr Mills that the Conservation Act provides for RMA section 6(b) protection. Landscape values are not affected by land tenure. The protection of outstanding landscapes values is not a matter to be achieved under the Conservation Act. There is no duplication of statutory requirements.

84. The Panel agrees with Ms Easton that Skyline Enterprises Limited's proposed aerial cableway at Franz Josef needs to be considered through a resource consent process. No changes to the NFL Chapter are required to enable this to occur. The Panel is satisfied that a consent pathway is provided for in the Plan for such use and development proposals within ONL areas.[13]

85. The Panel consider there is sufficient clarity regarding the relationship between the Energy Chapter and the NFL Chapter. We are satisfied the NFL Chapter recognises the importance of energy activities and infrastructure by the additions to the description of values in Schedules Five and Six and by recording the existence of energy infrastructure within identified ONL areas.

86. The Panel agrees with the Buller District Council that there is a need for a consistent approach to the ONL and SNA overlays given their close correlation and the need to provide for critical infrastructure, lawfully established activities and hazard mitigation.

87. In general, the Panel accepts amending '*critical infrastructure*' to '*regionally significant infrastructure*' and this is considered on a case by case within the context of each provision

[13] This matter is addressed further in the Panel's Special Purpose Zone Recommendation Report

where it is used below. Similarly, the Panel accepts replacing 'renewable energy generation' with 'renewable electricity generation' for consistency throughout the Plan.

88. The Panel finds there is no justification to delete the ONL overlay and policy framework; and consider this would not give effect to Part 2 of the RMA or the objectives and policies of the RPS. The Panel notes the evidence of the ongoing loss of outstanding natural landscape values that has occurred since the first assessment was undertaken by Mr Brown, primarily from cumulative effects of development. This underscores the critical importance of protecting these identified outstanding natural values through the overlays and schedules and the NFL provisions. The Councils have invested significant time and resources into this approach to meet the statutory requirements.

89. The Panel notes Ms Styles' evidence in relation to the requirement to give effect to the RMA and NPS-REG and her request to change the provisions to '*maintain and enhance'* rather than '*avoiding adverse effects'*. The Panel considers this in relation to the specific NFL provisions below.

90. The Panel accepts Ms Easton's recommendation to include a new definition for '*minor upgrades*' to assist with enabling renewable electricity generation activities and network utility infrastructure within ONFL under rule NFL-R5 and associated earthworks within ONFL under rule NFL-R6. The Panel considers this gives effect to the RPS, NPS-REG and NESETA.

91. The Panel notes that the issue of the preamble is addressed under the Schedule 5 heading later in this recommendation.

Hearing Panel's Recommendation

92. No specific changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or the whole NFL Chapter, other than addressed in relation to Schedule 5 later in the recommendation.

93. The Panel accepts Ms Easton's recommendation to replace '*renewable energy generation*' with '*renewable electricity generation'* for consistency throughout the Plan. This is a consequential amendment to the submission by Manawa (S438.035) to use the language of the NPS-REG.

94. The Panel recommends inserting the following definition in the Plan:

> **Minor upgrade means increasing the carrying capacity, efficiency, security, or safety of a network utility, or renewable electricity generation activity where the effects of the activity are the same or similar in character, intensity and scale as the existing structure or activity. This includes increasing generation, transmission or distribution capacity and includes replacing support structures within the footprint of existing lawfully established activities.**[14]

95. The Panel's recommended changes to the NFL Overview wording are set out in the below section and in Appendix 1 of the Right of Reply.

2.2. NFL Overview

Submissions and Further Submissions

[14] Consequential amendment to Westpower Limited (S547.295) and Manawa Energy (S438.096)

96. Fourteen submissions points and five further submission point relating to the Overview were summarised in a Table on pages 26-27 of the s42A Report. All submission points sought amendments to include additional wording in the Overview, except one submission which supported the wording be retained as notified.

97. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

98. The s42A Report did not support any specific reference to '*mature indigenous trees'* given this was only one aspect of the criteria; or specific reference to RMA sections 5(b) and 7(d) or '*ecosystem services'*. It concluded this was unnecessary given the ECO Chapter.

99. The s42A Report did not support adding reference to '*natural character'* give the NFL Chapter addressed RMA section 6(a) matters. However, it acknowledged natural character is a matter than can contribute to making a landscape outstanding.

100. The s42A Report supported Poutini Ngāi Tahu's submission to include an additional paragraph outlining the values to be protected through the ONL and ONF provisions. It supported some additional text to address Westpower's submission point, but not the full detail sought.

101. The s42A Report supported reference in the NFL Chapter to the Strategic Objectives but noted this would need to be developed in light of the decisions on the Strategic Objectives.

102. The s42A Report supported Transpower's submission (S299.082) on the NFL policies as a whole, to move the statement '*also where relevant refer to policies in the Energy, Infrastructure and Transports Chapters'* to the Overview section, indicating that this was consistent with how other relevant matters are referred to within the pTTPP.

103. The s42A Report (page 76) recommended the following amendments:

> ***Overview***
>
> *…The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include critical infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification.* ***Given the topography and extent of outstanding natural features and landscapes on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.***
>
> *The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.*
>
> ***Outstanding natural landscapes (ONLs) have been identified as having the following values:***
>
> - ***Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and land uses within the landscape***

- ***Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity***
- ***Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.***

….
Other relevant Te Tai o Poutini Plan provisions ….

- ***Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters***

- ***Strategic Objectives – The Strategic Objectives are particularly relevant when assessing matters under the Natural Features and Landscape Chapter. The Natural Environment, Poutini Ngāi Tahu, Tourism, Mineral Extraction, and Connections and Resilience Strategic Objectives are particularly relevant.***

…

Hearing and Submitter Evidence/Statements

104. Mr Kennedy, for Westpower, highlighted the need to ensure the overview was consistent with all other chapters to guide Plan users.

Reporting Officer Reply Evidence

105. No further amendments to the Overview were recommended in Ms Easton's Right of Reply.

Hearing Panel's Evaluation

106. The Panel accepts Ms Easton's recommended amendments to the Overview provide important clarifications for Plan users.

107. The Panel accepts the additional paragraph requested by Poutini Ngāi Tahu provides clarity regarding the landscape values assessed in identifying ONL.

108. The Panel considers reference to '*natural character'* is appropriate in relation to the coastal environment and should not be included in the NFL Chapter.

109. The Panel agrees with Ms Easton that additional words sought by Westpower are too detailed and accept that the recommended amendments sufficiently address energy activities and infrastructure.

110. The Panel notes Appendix 1 of the s42A Report includes an additional bullet point that was not identified in paragraph 81 of her recommendations but is addressed in her recommendation on the policies as a whole, in response to Transpower (S299.08). The Panel considers this additional sentence clarifies that the policies in the Energy, Infrastructure and Transport Chapters may be relevant. However, we consider the additional sentience should follow the wording sequence '*Energy, Infrastructure, Transport – objectives, policies and rules.'*

111. The Panel considers it is appropriate to replace the outdated reference to the NES-PF, which has now been replaced with the NES-CF. Schedule 1 Part 2(1) of the NPS-CF requires that every reference in any document to the NES-PF must be read as a reference to the NES-CF.

Hearing Panel's Recommendation

112. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend changes are made to the NFL – Ngā Āhua me ngā Horanuku Aotūroa Overview as follows:

Overview

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features and Outstanding Natural Landscapes which are identified as overlays on the Planning Maps and described in Schedule Five and Schedule Six. The identification of these areas is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development.

The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include ~~critical~~ **regionally significant**[15] infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification. **Given the topography and extent of outstanding natural features and landscapes on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.**[16]

The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.

The West Coast/Te Tai o Poutini Outstanding Natural Landscapes are identified in Schedule Five and Outstanding Natural Features are identified in Schedule Six.

The rules in this chapter relate to earthworks, buildings, structures, plantation forestry and Māori Purpose Activities in Outstanding Natural Landscapes and Outstanding Natural Features. Where Outstanding Natural Landscapes and Outstanding Natural Features are located in the Coastal Environment, the Objectives, Policies and Rules of the Coastal Environment Chapter apply.

Outstanding natural landscapes (ONL) have been identified as having the following values:

- **Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and land uses within the landscape**
- **Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity**
- **Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.** [17]

[15] Consequential Plan wide amendment, as a result of the Panel's Energy, Infrastructures and Transport Recommendation Report.
[16] Westpower Limited S547.277 and S547.0507
[17] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.159

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for **Commercial**~~Plantation~~ Forestry) **Amendment** Regulations **2017** (NES-**C**~~P~~PF)[18]. However the NES-**C**~~P~~PF[19] allows that district plans can be more stringent to protect ONLs, and ONFs and their values. Where provisions within this chapter over-rule the requirements of the NES - **C**~~P~~PF[20] an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within outstanding natural features and landscapes, including:

- **Ecosystems and Indigenous Biodiversity** - the Ecosystems and Indigenous Biodiversity Chapter contains objectives, policies and rules relating to native vegetation clearance including that within outstanding natural features and landscapes.
- **Natural Character and Activities Adjacent to Waterbodies -** the Natural Character and Margins of Waterbodies **Chapter**[21] contains the objectives, policies and rules relating to activities adjacent to waterbodies.
- **Coastal Environment -** the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks.
- **Activities on the Surface of Water** - objectives, policies and rules for activities undertaken on the surface of a lake or river (including jetties, pontoons, fish farms and boating activities), are found in the Activities on the Surface of Water Chapter.
- **Energy, Infrastructure and Transport Chapters – objectives policies and rules.** [22]
- **Strategic Objectives – The Strategic Objectives are particularly relevant when assessing matters under the Natural Features and Landscape Chapter. The Natural Environment, Poutini Ngāi Tahu, Tourism, Mineral Extraction, and Climate Change and Resilience Strategic Objectives are particularly relevant.** [23]

2.3. NFL Objective

Submissions and Further Submissions

113. Twelve submissions points and one further submission point relating to NFL-O1 were summarised in a Table on pages 29-30 of the s42A Report. Six submission points supported the wording as notified, one submission point requested it be deleted, one submission point supported in part and four submission points sought amendments to the wording.

114. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

[18] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[19] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[20] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[21] First Schedule Clause 16(2) correction
[22] Transpower New Zealand Limited S299.082
[23] Westpower Limited S547.279 and S547.0507

Section 42A Report

115. The s42A Report supported Poutini Ngāi Tahu's submission to retain the objective subject to including mana whenua values in Schedules Five and Six of the Plan.

116. The s42A Report did not support deleting NFL-O1 because it is consistent with the clear direction of Chapter 7B – Natural Features and Landscapes (**7B**), Objective 2 of the RPS.

117. The s42A Report supported a combination of the wording sought by the Director General and Manawa to make it more explicit that ONL and ONF must be protected from inappropriate development. However, it did not support replacing '*provide for*' with *'allowing'* given '*providing for'* signals a resource consent may be required.

118. The s42A Report did not support Westpower's submission to delete the objective and replace it with two objectives, considering that it is not necessary or appropriate that the Plan objectives are identical to the RPS.

119. The s42A Report recommended the following amendments:

> ***NFL – O1*** ~~*To protect*~~ *T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini* ***are protected from inappropriate subdivision, use and development,*** *while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.*

Hearing and Submitter Evidence/Statements

120. Ms Styles, for Manawa, sought to remove the unreasonable expectation of '*maintained and enhanced*' and to simplify the wording of NFL-O1 as follows:

> ~~*To protect t*~~***T****he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini* ***are protected from inappropriate subdivision, use and development*** ~~*while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.*~~

121. Ms Young for the Director General considered the wording recommended in the s42A Report was more consistent with the wording of RPS Chapter 7B Objectives 1 and 2.

122. Mr Kennedy, for Westpower, sought replacement of NFL-O1 with the following two objectives to reflect the wording of the objectives of the RPS (Chapter 7B, Objectives 1 and 2):

> 1. *Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development; and*
>
> 2. *Provide for appropriate subdivision, use and development on, in, or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance social, economic and cultural wellbeing*

123. Ms Inta for herself and Buller Conservation Group sought to replace '*avoided and mitigated*' with reference to '*follow the adverse effects hierarchy*'. However, in response to questions, she acknowledged that offsetting and compensation would not be appropriate in all cases.

Reporting Officer Reply Evidence

124. Having considered the evidence of Ms Styles, Ms Easton agreed with deleting '*or enhanced*' from NFL-O1. However, she disagreed with Ms Styles that 'maintaining the values' does not give effects to RMA s6 and provides an additional hurdle beyond the RMA s6 requirements. She considered maintaining the values was effectively a way in which the overall s6 direction is achieved and was consistent with RPS Chapter 7B Policies 1, 2 and 3.

125. Ms Easton recommended the following changes to NFL-O1:

> ***NFL – O1*** ~~*To protect*~~ *T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini* ***are protected from inappropriate subdivision, use and development,*** *while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained* ~~*or enhanced*~~.

Hearing Panel's Evaluation

126. The Panel accepts the reasoning set out in the s42A Report and agree that the definition of RMA '*environment*' is broad and includes natural and physical resources. The Panel agrees the changes recommended are appropriate and are consistent with the wording of the RMA.

127. The Panel notes RMA s6(b) requires the protection of outstanding natural feature and landscapes from inappropriate development. RPS Chapter 7B Objective 1 is consistent with the wording of RMA s6(b). It is RPS Chapter 7B Policy 2 that changes the focus to the protection of '*the values which together contribute to a natural feature or landscape being outstanding*'.

128. The Panel considers Mr Kennedy's requested replacement of NFL-O1 with two objectives simply repeats the RPS objective wording.

129. The Panel considers Ms Styles' requested wording simplifies the objective wording to require the protection of the values of outstanding natural landscapes and features from inappropriate subdivision, use and development. The Panel is satisfied the NFL policies provide guidance for assessing 'appropriate' activities and the rule framework provides for activities within limits and standards. The Panel consider this gives effect to RPS Chapter 7B Objective 2 to provide for appropriate subdivision, use and development. The Panel notes this Objective to '*provide for*' is worded as a policy and the Panel has relied on the NFL policies to give effect to Objective 2.

130. The Panel also notes the rule framework only addresses activities within ONFL. The Panel is concerned there is also potential for significant adverse effects on ONFL values from inappropriate activities located adjacent to ONFL areas. The Panel considers Ms Styles' wording of OFL-O1 would enable any assessment of fully discretionary activities and non-complying activities adjacent to ONFL to have regard to objective NFL-O1 and any relevant policies.

Hearing Panel's Recommendation

131. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submissions identified in the footnotes below are accepted or accepted in part, and recommend changes are made to the Natural Feature and Landscape Objective as follows:

NFL – O1	~~To protect~~ T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini **are protected from inappropriate subdivision, use and development.** ~~while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced~~.[24]

2.4. NFL Policies

Submissions and Further Submissions

132. Six submissions points and nine further submission point relating to the **policies as a whole** were summarised in a Table on pages 31-32 of the s42A Report. Two submission points supported retention of the policy as notified, one sought to move words into the Overview and three submissions requested wording amendments.

133. Thirty submission points and 74 further submission points relating to **NFL-P1** were summarised in a Table on pages 34-39 of the s42A Report. Eight submissions supported the policy as notified, two sought to delete the policy and 20 submissions sought amendments. Nearly all the further submission points supported submission points seeking addition of a new clause 'Activities with a functional or operational need to locate in these areas.

134. Eighteen submission points and three further submission points relating to **NFL-P2** were summarised in a Table on pages 44-46 of the s42A Report. Eleven submission points supported the policy as notified and seven submission points sought the amendments to the wording.

135. Twenty-six submission points and 71 further submission points relating to **NFL-P3** were summarised in a Table on pages 47-51 of the s42A Report. Sixteen submission points supported retention of the policy as notified and ten submission points sought wording amendments. Seventy further submissions supported submission points to include 'minerals extraction, exploration and prospecting'.

136. Twelve submission points relating to **NFL-P4** were summarised in a Table on pages 52-54 of the s42A Report. Six submission points supported the policy as notified, one sought clarification of the term 'minimise' and five submission points sought the amendments to the wording.

137. Twenty-seven submission points and seven further submission points relating to **NFL-P5** were summarised in a Table on pages 55-58 of the s42A Report. Eight submission points supported the policy as notified and 19 submission points sought the amendments to the wording.

138. Eight submissions points relating to **NFL-P6** were summarised in a Table on pages 61-62 of the s42A Report. Five submissions points supported the policy as notified and three submission points sought the amendments to the wording.

139. Eight submissions points and three further submission points relating to **NFL-P7** were summarised in a Table on pages 63-64 of the s42A Report. Eleven submissions points supported the policy as notified and seven submission points sought the amendments to the wording.

[24] Manawa Energy Limited S438.085

140. The Panel has considered the relevant submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report

141. In relation to the **policies as a whole**, the s42A Report did not support Manawa's request for a substantial revision of the policies to include the criteria and methodology for identification of ONFL in the policies and a new policy. It considered this was not necessary given the criteria and methodology were outlined in the s32 Report and the entire West Coast had been assessed. It stated that 'It is not anticipated that further ONFL will be identified' (para, 93, pg.33).

142. The s42A Report did not support Manawa's request to replace '*minimise*' with '*manage*' given the difference in meaning and highlighted the RPS widely used '*minimise*'. In response to questions, Ms Easton agreed this depended on the context and also the final recommended wording of the Strategic Objectives.

143. The s42A Report supported the inclusion of additional information characterising the landscapes and describing their values in the Schedules. However, it did not support including information on existing activities and modifications, as this information would inevitably become out of date. It supported modifications to the mapping to improve accuracy through updated mapping.

144. The s42A Report did not support adding policy direction, explanation or definitions for 'non-biodiversity offsetting or compensation', as requested by Forest & Bird.

145. In relation to the **NFL-P1**, the s42A Report did not support Ms Inta and the Buller Conservation Group's request to delete the policy considering there were a range of activities that could be undertaken in NFL without significantly adversely affecting their values. However, in response to questions, Ms Easton agreed that to protect outstanding values the threshold for adverse effects would need to be '*no more than minor*' rather than no '*significant*' adverse effects.

146. The s42A Report supported replacing the words '*do not adversely affect*' with '*maintain*', as requested by Chorus NZ Ltd, Spark NZ Trading Ltd and Vodaphone NZ Ltd, given this was clearer; but did not support replacing the wording '*where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for*' with '*which have no more than minor adverse effects*', sought by GDC because it considered this changes the intent from the values. It noted the Manawa submission seeking to add '*do not significantly adversely affect*' is addressed by replacing this with 'maintain'.

147. The s42A Report partly supported the wording changes sought by Westpower to include the word 'together'; but did not support replacing '*provide for*' with '*allow*' or rewording to require adverse effects on values being avoided, remedied or mitigated. In response to questions regarding adding 't*ogether*', Ms Gilbert agreed it was important to consider values individually and as well as collectively. Ms Easton agreed that '*individually and collectively*' would be clearer than '*together*'.

148. The s42A Report did not support amendments to NFL-P1 to allow for residential activities, as requested by five individual submitters; and considered this required careful design and implementation through the resource consent process to avoid, remedy and mitigate significant cumulative adverse effects on ONL and ONF. However, it agreed the wording could be clearer with regard to providing for existing residential activities. In response to questions

about the appropriate threshold of adverse cumulative effects to protect outstanding values, Ms Easton considered the threshold of '*no more than minor*' normally related to the coastal environment.

149. The s42A Report did not support including '*mineral extraction, mineral exploration and anticipated activities in the BCZ and MINZ*', as requested by Bathurst Resources, given the recommended definition for 'lawfully established' provides for mineral extraction activities permitted through a Coal Mining License issued under the Coal Mines Act. It did not support expanding the policy but recommend replacing '*existing*' with '*lawfully established*' and adding '*mineral extraction activities'*

150. The s42A Report did not support the request by Birchfield Coal Mines Limited, Birchfield Ross Mining Limited, TiGa Minerals and Metals Limited and WMS Group Limited to include a new clause (j) '*Activities with a functional or operational need to locate within these areas, including mineral extraction, exploration and prospecting'* in NFL-P1. It considered the environmental effects of new activities in ONFL need to be assessed via a resource consent process. While it acknowledged minerals are fixed in location, it concluded there was no policy direction to support providing for mineral activities within ONFL as permitted activities.

151. The s42A Report supported Manawa's request to replace '*energy*' with '*renewable <u>electricity</u> generation*'; but did not support use of '*energy activities*' given all activities are captured by the term '*network utility operation*' and regionally significant infrastructure (**RSI**), except for small scale generation.

152. The s42A Report supported the Director General's request to delete clause NFL-P1(g). In relation to the Director General's request to delete clause (d) relating to natural hazard mitigation activities, it highlighted the need to be consistent with the Natural Hazards Chapter which differentiated between structures constructed by a statutory agency and those constructed by private individuals. It recommended amendments to clause (d) to add '*maintenance and repair'* of hazard mitigation '*<u>structures</u>*'; and a new clause (e) for the upgrade of hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor. It considered new infrastructure and renewable energy generation activities should be excluded from the policy because it was hard to argue that such activity would have more than minor adverse effects.

153. The s42A Report supported Ngāi Tahu's submission to replace '*uses*' with '*activities*' in NFL-P1(h) given this is a defined term. It did not support adding '*and Māori Landowner*' to clause (h), as requested by Te Tumu Paeroa, given the direct link to the permitted activity rule in relation to '*Poutini Ngāi Tahu activities*' and this terms definition. It noted it would be inappropriate to put the Councils in a position of needing to investigate the whakapapa of individual Māori landowners.

154. The s42A Report highlighted the RMA section 6 directives, NPS-REG, NPS-ET, Policies 2 and 3 of the RSI Chapter of the RPS, and Policy 4 of the Natural Features and Landscapes Chapter of the RPS. It noted these provisions required an understanding of the scale, placement and parameters of new infrastructure to ensure there would be no more than minor adverse effects on ONL and ONF.

155. The s42A Report did not support Westpower's request to include reference to '*energy activities and critical infrastructure'*, it recommended adding '*regionally significant infrastructure'* to address this and for consistency across the Plan.

156. In relation to **NFL-P2**, the s42A Report supported replacing '*possible*' with '*practicable*', as requested by Manawa; and including '*otherwise minimised'* and '*or compensated in accordance with the effects management hierarchy'* at the end, as sought by the Director General.

157. The s42A Report did not support deleting '*offset*', as sought by the Director General, on the basis that both offset and compensation were appropriate in the context. In response to questions regarding whether it is appropriate to use offsetting and compensation to protect outstanding NFL values and the higher order policy direction, Ms Easton requested time to consider this in her Right of Reply.

158. The s42A Report did not support deletion of 'significant' in front of adverse effects, as sought by the Director General, given the direction of the RPS that appropriate activities have *'no more than minor adverse effects'.* However, in response to questions, Ms Easton agreed that avoiding significant adverse effects was not the correct threshold to apply to protect outstanding NFL values.

159. The s42A Report did not support including '*Where possible take precautionary approach'*, as sought by Te Mana Ora, given the adverse effects of earthworks and structures on landscape values were reasonably certain and understood. It did not support including 'together', as requested by Westpower to be consistent with the RPS, given the context where significant effects on one value could be considered acceptable.

160. In relation to **NFL-P3**, the s42A Report noted that the purpose was to recognise existing activities and land uses using examples, but that this was not intended to be an exhaustive list. It supported including '*land uses'* and '*other activities'* to capture the matters raised in submissions, including energy activities and critical infrastructure as sought by Westpower.

161. The s42A Report supported replacing '*not adversely affected*' with '*maintain and enhanced'*, as requested by Terra Firma Mining Limited, given it better reflected the RPS direction. It also supported replacing '*provide for'* with '*allow*', as sought by the Director General, again because it better reflected the directives in the higher order documents.

162. The s42A Report supported improving the sentence structure of the policy to provide more clarity, as requested by Waka Kotahi.

163. Transpower requested clarification NFL-P3 did not apply to the National Grid.

164. In relation to **NFL-P4**, the s42A Report supported replacing 'minimise' with 'avoid, remedy or mitigate', as requested by Westpower, given the context used. It also considered its replacement with 'manage', as requested by Manawa, but concluded the term 'avoid, remedy or mitigate' was clearer.

165. The s42A Report supported the addition of a new clause - '*Landscaping buildings and structures with appropriate vegetation to soften outlines*', as requested by the Buller Conservation Group and Ms Inta, as a useful and practicable mitigation measure for structures.

166. The s42A Report also supported the addition of a new clause - '*Limiting landform modification through earthworks'*, as requested by the Director General, given this could have significant adverse effects on ONFL.

167. In response to submissions from Manawa and Westpower, the s42A Report supported adding a sentence applying to all clauses - '*where these mitigation measures are practicable'*. It did not support adding new clauses to exempt energy activities and infrastructure providers, but recognised infrastructure may need to locate in ONFL, particularly in South Westland and around the Paparoa Ranges. It did not support replacing '*limiting*' with '*reducing*' in NFL-P4(c), as requested by Transpower given the rules framework limits height.

168. In relation to **NFL-P5**, the s42A Report supported the submissions of Forest & Bird and Terra Firma Mining Limited to replace the beginning of the policy and to refocus it. It recommended amendments as follows:

> ~~*Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:*~~
>
> ~~***When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:***~~

169. The s42A Report supported the addition of '*nature*', 'and '*extent*' and '*feature*' to NFL-P5(a); and the addition of '*short term*' to NFL-P5(d), as requested by the Director General.

170. The s42A Report supported the addition of a new clause – 'The extent to which an activity or structure is lawfully established', as requested by Bathurst; and a new clause - 'The management of effects on natural character, amenity, recreation, historical and biodiversity values', as requested by the Director General.

171. The s42A Report did not support adding a new clause requiring an assessment of alternatives or reference to the effects management hierarchy, as requested by the Director General. It stated an assessment of alternatives is only required where there are significant adverse effects on ONFL and that advice notes were recommended for rule NFL-R11 and NFL-12 to reference Schedule 4 of the RMA.

172. The s42A Report rejected a similar submission from Te Tumu Paeroa requesting additional wording to NFL-P5(e) requiring the consideration of the adverse effect of all practicable alternatives.

173. The s42A Report supported the addition of '*and Māori landowners'*, as requested by Te Tumu Paeroa, but considered there was a difference between Māori landowners and Poutini Ngāi Tahu. It noted Māori landowners can whakapapa to Poutini Ngāi Tahu, while not being registered with the iwi, and may have been in continuous ownership of their land since before Te Tiriti was signed. It considered this was appropriate where the relationship whakapapa was in place and recommended adding '*or Māori landowners who whakapapa to Poutini Ngāi Tahu'* to address the further submission by Ngai Tahu opposing Te Tumu Paeroa's submission.

174. The s42A Report did not support rewriting NFL-P5 to reflect the wording of the RPS, as requested by Westpower, given it assists with practical detail of matters to be considered. It also did not support adding '*constraints or requirements'* to clause (e) given the use of '*functional need and operation need'* elsewhere in the Plan. It supported deletion of (j)(i)-(iii) to remove duplication with NFL-P4.

175. In response to questions, Ms Easton noted new clause NFL-P5(k) may not be required depending on the definition of '*lawfully established activity'*. She also agreed adding '*proposed*' would make it clearer.

176. In relation to **NFL-P6**, the s42A Report supported Ngāi Tahu's submission in part to amend the policy to include reference to the Iwi/Papatipu Rūnanga Management Plan. It considered this would help achieve Part 2 of the RMA. It noted the NPS-IB has specific provision for 'specified Māori Land' and considered the approach to SNA and ONL should parallel each other. It suggested that Māori Purpose Zone land in the Plan also be identified as '*specified Māori Land*' in terms of the NPS-IB.

177. The s42A Report did not support amending the policy to be subject to policies NFL-P1 to NFL-P5 given RMA section 6 matters of national importance must be balanced and none have more weight than any others. It considered the policies and rules of the NFL chapter balanced RMA section 6(b) and (e) requirements in accordance with Treaty principles.

178. In relation to **NFL-P7**, the s42A Report recommended adding '*or Māori landowners who whakapapa to Poutini Ngāi Tahu*' to address the request of Te Tumu Paeroa and the opposing further submission by Ngāi Tahu. Again, the s42A Report did not support amending the policy to be subject to policies NFL-P1 to NFL-P5 to balance RMA section 6 matters.

Hearing and Submitter Evidence/Statements

179. Mr Pemberton, counsel for the Director General, highlighted RPS Policy 4 which allows activities that have no more than minor adverse effects in ONFL areas. He considered NFL-P3 and NFL-P4 appeared to reflect this but NFL-P2 was inconsistent with the '*no more than minor*' threshold.

180. Ms Young, for the Director General, confirmed support for the s42A Report recommendations in relation to policies.

181. Following the hearing, Mr Pemberton provided a further written response to questions regarding the effects management hierarchy, including national direction and court decisions. He noted the effects management hierarchy is used in the NPS-FM and NPS-IB, which do not relate to natural landscapes and features. He acknowledged difficulty in offsetting and compensation in relation to effects on natural landscape and features, and concluded '*avoid, remedy or mitigate'* was appropriate to ensure effects were 'no more than minor' in line with Policy 4 of the RPS.

182. Mr Leckie, for Bathurst, highlighted the need to ensure the treatment of lawfully established activities was consistent throughout the Plan. He submitted special purpose zones, such as the MINZ and BCZ, needed careful consideration in terms of the interplay between the purpose of the zones with matters relating to landscape and biodiversity values. He noted opposition to removing '*significant*' from NFL-P2 given this would require the avoidance of all adverse effects as a priority and the RMA is not a no effects statute.

183. Ms Hunter, for Bathurst, supported the recommended amendment to NFL-P1 but questioned the need for the second '*lawfully established'*. In response to questions, she agreed that deleting the second reference changed the intent but considered it wasn't necessary.

184. In relation NFL-P5, Ms Hunter stated that in assessing landscape values consideration should be given to existing modifications of the environment (including those which may be able to be developed either through consents or other existing approvals such as Coal Mining Licenses). However, in response to questions, she agreed unlawful modifications would not be part of the '*existing environment'*. She highlighted the importance of a consenting pathway for activities that can demonstrate functional or operational need to locate within ONL areas.

185. Mr Kennedy, for Westpower, noted that NFL-P1 was wider by using '*provide for'* than Policy 4 of the RPS which uses *'allow'*. He emphasised the importance of providing a consenting pathway for new infrastructure within ONFL areas. He noted a policy was required that recognises the need to provide for RSI in certain circumstances. He considered NFL-P1, NFL-P2, NFL-P3 and NFL-P4 should be reworded as follows:

> ***NFL-P1***
>
> *Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six ~~where they do not adversely affect maintain~~ **adverse effects on** the values that together contribute to a natural feature or landscape being outstanding **are avoided, remedied or mitigated**, for:*
>
> *a. – g.*
>
> *h. **New regionally significant infrastructure where there is a functional or operational need to locate in these areas**.*
>
> *Items h. and i. to become i. and j.*
>
> ***NFL-P2***
>
> *Where practicable, avoid significant adverse effects on the values that **together** contribute to ... cannot be avoided, ensure that the adverse effects are **otherwise remedied or mitigated, including any proposed offsetting or compensation**.*
>
> ***NFL-P3***
>
> *Recognise that there are settlements, farms, land uses, ~~and~~ infrastructure **(including RSI)** and other activities located within outstanding natural ~~landscapes~~ **features or** outstanding natural landscapes ~~features~~ and ~~provide for~~ **allow** new activities and existing uses in these areas where **adverse effects on** the values that **together** contribute to the outstanding natural landscape or feature are ~~not adversely affected maintained or enhanced~~ **no more than minor**.*
>
> ***NFL-P4***
>
> *Require that new building **and** structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate** any adverse visual effects **including** by:*
>
> *a. … d.*
>
> *where these mitigation measures are practicable **and taking into account the function and operational needs of RSI.***

186. Ms Styles, for Manawa, requested the addition of '*existing*' in NFL-P1(e) and (f) to provide further clarity. Ms Styles considered replacing '*do not adversely affect'* with '*maintain and enhance*' was inconsistent with RMA section 6(b) and recommended it be retained as notified. She supported the reframing of NFL-P5

187. In supplementary evidence, Ms Styles recommended inclusion of a new policy as follows:

> ***NFL PX***
>
> *Ensure that the landscapes of the West Coast Region are recognised by:*

a. assessing the values and characteristics of the landscapes according to the following criteria:

i. biophysical (abiotic, biotic);

ii. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and iii. associative (shared and recognised values, mana whenua values, historic heritage associations); and

b. identifying and mapping those areas that are Outstanding Natural Features and Outstanding Natural Landscapes, based on their values and characteristics; and

c. describing the values and characteristics of each Outstanding Natural Feature or Outstanding Natural Landscape within Schedules Five and Six.

188. In her supplementary evidence, Ms Styles also recommended the following amendments to address Manawa's submission points:

NFL - P1

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ protect the values that together contribute to a natural feature or landscape being outstanding and are for:

a. Existing land uses and lawfully established activities including ~~existing~~ lawfully established residential activities, regionally significant infrastructure, network utilities, renewable ~~energy~~ electricity generation activities, mineral extraction, agricultural, horticultural and pastoral activities;

b. Conservation activities;

c. Recreational activities;

d. Maintenance and repair of ~~N~~natural hazard mitigation ~~activities~~ structures;

e. Upgrading of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor

~~e~~. f. Operation, maintenance and upgrade of existing renewable electricity generation facilities;

~~f~~. g. Operation, maintenance and upgrading of network infrastructure~~;~~, and regionally significant infrastructure;

g. ~~Upgrading and/or~~ Establishment of new regionally significant infrastructure and renewable electricity generation facilities where there is a functional need for them to be located in these areas;

h. Poutini Ngāi Tahu ~~uses~~ activities; or

i. The alteration, maintenance or removal of existing buildings or structures.

NFL - P2

Where ~~possible~~ practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural

> *features described in Schedule Six. Where significant adverse effects cannot practicably be avoided, ensure that the adverse effects are otherwise minimised, remedied, mitigated ~~or offset~~ or compensated as appropriate ~~in accordance with the effects management hierarchy~~.*
>
> ***NFL - P3***
>
> *Recognise that there are settlements, farms, land uses, ~~and~~ infrastructure and other activities located within outstanding natural ~~landscapes~~ features or outstanding natural landscapes ~~features~~ and ~~provide for~~ allow new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected ~~maintained or enhanced~~.*

189. In relation to NFL-P4, Ms Styles recommended replacing '*Limiting*' with '*Reducing*' in clause (d).

190. Transpower advised it supported the replacement of '*minimise*' in NFLF-P4 and accepted the recommended changes based on ENG-P8. It continued to seek the addition of '*within outstanding features or landscapes*' in NFL-P5; and '*An energy activity undertaken*' at the beginning of NFL-R6(b).

191. Ms Inta, on behalf of herself and the Buller Conservation Group, requested that '*minerals extraction'* not be added to NFL-P1(a) given this would not protect ONFL from inappropriate activities; and clauses (f) and (g). In relation to NFL-P2, she considered the amendments recommended were not consistent with their submissions and noted Policy 4 of the RPS directed allowing activities that have '*no more than minor'* adverse effects not the avoidance of significant adverse effects, which was a much higher threshold. She suggested replacing '*The management of*' with '*Adverse*' at the beginning of NFL-P5(l).

192. Ms Leveson for Horticulture New Zealand ('Hort NZ') noted support for the recommended s42A Report amendments to NFL-P1 and NFL-P3.

193. At the hearing, Te Tumu Paeroa acknowledged the Māori Trustee's submission points relating to NFL-P1, NFL-P5 and NFL-P7 could have been expressed more clearly. The Trustee requested provision for the traditional activities of owners of Māori freehold land and considered this submission point provided scope for changes sought to the policies and rules. The Trustee disagreed with Ms Easton's recommended additional wording in NFL-P5 and NFL-P7 and remained of the view that this should be '*or owners of Māori lan*d'.

194. Following the hearing, the Panel received a joint statement provided by Ngāi Tahu and Te Tumu Paeroa[25] advising of their agreement to add a new clause – '*Use and development of Māori Land*' in NFL-P1 instead of adding '*and Māori Landowner*' to clause (h). However, subsequent to this, Te Tumu Paeroa withdrew S440.031 seeking the addition of Māori Landowners to NFL – P7.

195. KiwiRail sought to retain '*do not adversely affect'* in NFL-P1 and NFL-P3, as it considered '*maintain*' implied there would be no adverse effects.

Reporting Officer Reply Evidence

[25] A joint statement of position and recommendations to the Hearing Panel from Ngāi Tahu and Te Tumu Paeroa – the Office of the Māori Trust (dated 14 August 2024)

196. In response to Ms Styles and the expert evidence of Ms Gilbert and Mr Bentley, Ms Easton agreed it would be helpful to add a new policy outlining the criteria for identifying ONL. She noted it was likely that further mapping amendments would be likely to address areas identified as outstanding but are outside the scope of what was notified. She considered a new policy would support both further analysis at the resource consent stage and the future identification of additional ONL areas to be included through a plan change process. She recommended the following new policy be included as the first policy in the chapter:

> ***NFL- PXXX***
>
> *To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:*
>
> *a. Assessing the values and characteristics of the landscapes according to the following factors:*
>
> *i. Physical characteristics and values;*
>
> *ii. Perceptual characteristics and values;*
>
> *iii. Associative characteristics and values*
>
> *b. Including these on the planning maps as Outstanding Natural Landscapes; and*
>
> *c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.*

197. Also, in response to the evidence of Ms Styles and the direction of the NPS-REG, Ms Easton agreed there should be provision for new renewable electricity generation in NFL-P1. She recommended amendments to clause (h) to achieve this.

198. In relation to the evidence from KiwiRail, Ms Easton did not support retaining 'do not adversely affect' given the words have an 'avoid' connotation. She considered the intent of the NFL-P1 was clearer with replacing '*do not adversely affect'* with '*maintain*'. She also agreed that there should be consistency in the wording between NFL-P1 and NFL-P3; and recommended '*or enhanced*' be deleted from NFL-P3.

199. In response to questions from the Panel, Ms Easton considered whether there was scope in the submissions to use '*protect*' instead of '*maintain*' in NFL-P1 and NFL-P3. She concluded there was no scope to make this amendment. The Panel also asked whether there should be consistency of wording between these two policies and Ms Easton agreed that there should be consistency and preferred the term '*maintain'* without reference to '*enhance*'.

200. Ms Easton acknowledged the supplementary legal submissions on behalf of the Director General and the practical difficulties in applying the offsetting and compensation components of the effects hierarchy to natural landscapes and natural features. For this reason, she recommended including '*or where appropriate offset or compensated'* and confirmed she no longer recommended adding reference to the effects hierarchy in NFL-P2.

201. In considering whether the wording recommended in NFL-P2 is consistent with the 'no more than minor' threshold in RPS Policy 7B4, Ms Easton noted this related to activities that are '*allowed*' in ONFL. She considered NFL-P2 related to activities that may have '*significant adverse effects*' that would be subject to the resource consent process and the policy would be used as part of that assessment.

202. Ms Easton responded to the Panel's questions regarding use of '*soften outlines'* in NFL-P4(e) and recommended '*landscaping buildings and structures to reduce visual effects'* was more appropriate to capture screening of buildings or filtering of views.

203. Ms Easton confirmed she had revisited her recommendations based on Te Tumu Paeroa's withdrawal of their submission point relating to NFL-P7. She noted she no longer recommended adding '*or Māori Landowners who whakapapa to Poutini Ngāi Tahu'* to clause (f) to address the withdrawn submission point.

204. Ms Easton confirmed her recommended amendments to the NFL policies in Appendix 1 of the Right of Reply as follows:

NFL – P1 *Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ **maintain** the values that **together** contribute to a natural feature or landscape being outstanding and are for:*

*a. Existing land uses and lawfully established activities including ~~existing~~ **lawfully established residential activities, regionally significant infrastructure,** network utilities, **renewable** energy **generation** activities, **mineral extraction**, agricultural, horticultural and pastoral activities;*

b. Conservation activities;

c. Recreational activities;

*d. **Maintenance and repair of** ~~N~~natural hazard mitigation ~~activities~~ **structures**;*

*e. **Upgrade of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor;***

~~e.~~ f. Operation, maintenance and upgrade of renewable electricity generation facilities;

*~~f.~~ g. Operation, maintenance and upgrade of network infrastructure **and regionally significant infrastructure**;*

*h. ~~Upgrading and/or n~~**N**ew ~~infrastructure and~~ renewable electricity generation **activities** ~~facilities~~ where there is a functional need for **them** ~~it~~ to be located in these areas~~;~~*

*i. Poutini Ngāi Tahu ~~uses~~ **activities**; or*

j. The alteration, maintenance or removal of existing buildings or structures.

NFL – P2 *Where ~~possible~~ **practicable**, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are **otherwise minimised**, remedied, mitigated ~~or~~ offset **or were appropriate compensated.***

NFL – P3 *Recognise that there are settlements, farms, **land uses,** ~~and~~ infrastructure **and other activities** located within outstanding natural ~~landscapes~~ **features** or outstanding natural **landscapes** ~~features~~ and ~~provide for~~ **allow** new activities and existing uses in these areas where the values that contribute to the*

*outstanding natural landscape or feature are ~~not adversely affected~~ **maintained**.*

NFL – P4 *Require that new buildings, and structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate** any adverse visual effects **including** by:*

a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;

b. Using naturally occurring building platforms, materials and colour that blends into the landscape;

*c. **Limiting landform modification through earthworks**; ~~and~~*

d. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; and

*e. **Landscaping buildings and structures with appropriate vegetation to** ~~soften outlines~~ **reduce visual effects where these mitigation measures are practicable.***

NFL – P5 ~~*Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:*~~

When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:

*a. The **nature**, scale **and extent** of modification to the landscape;*

b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;

c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;

*d. The temporary, **short term** or permanent nature of any adverse effects;*

e. The functional, technical, operational or locational need of any activity to be sited in the particular location;

f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;

g. Any positive effects the development has on the identified characteristics and qualities;

h. Any positive effects at a national, regional and local level;

i. Any relevant public safety considerations; and

j. The measures proposed to mitigate the effects on the values and characteristics~~, including:~~

~~i. The location, design and scale of any buildings or structures, or earthworks;~~

~~*ii. The intensity of any activity; and*~~

~~*iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;*~~

k. The extent to which an activity or structure is lawfully established; and

l. The management of effects on natural character, amenity, recreation, historical and biodiversity values.

NFL – P6 *Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features* ***by identifying this as specified Māori land*** *where land use and subdivision is consistent with tikanga and mātauranga Māori* ~~*and minimises adverse effects on the outstanding values of the landscape or feature*~~ ***as outlined within an Iwi/Papatipu Rūnanga Management Plan.***

NFL – P7 *Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu* ***and Māori landowners who whakapapa to Poutini Ngāi Tahu*** *to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.*

~~*Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.*~~

Hearing Panel's Evaluation

205. The Panel accepts Ms Easton's recommendation to add a new policy guiding the identification of ONL areas. The Panel acknowledges the evidence of Ms Gilbert in relation to areas meeting the criteria for ONL that were not included in the notified Plan. The Panel agrees these areas should be included as part of a future plan change process and the new recommended policy is appropriate to guide this process.

206. In relation to **NFL-P1**, the Panel considers the intent is to provide for activities that do not adversely affect the values that contribute to the ONL or ONF being outstanding. To give effect to RMA section 6(b) and the RPS provisions, these outstanding natural features and landscapes must be protected from inappropriate subdivision, use and development. Ms Easton's view is that replacing '*not adversely affect*' with '*maintain*' better reflects the '*no more than minor*' direction of the RPS. Whereas, Ms Styles considered maintenance and enhancement is not supported by the higher order documents. The Panel considers the word '*maintain*' is required in the absence of the word '*protect*' and the direction of the higher order statutory documents. The Panel considers this is more enabling than '*not adversely affect*'

207. The Panel notes the wording in Appendix 1 for NFL-P1 does not reflect the wording recommended in Ms Easton's Right of Reply which recommended adding '*that individually and together*'. This recommendation responds to questions from the Panel to Ms Easton, Ms Gilbert, Mr Bentley and Mr Leckie regarding the requested addition of 'together' from Mr Kennedy on behalf of Westpower. While the Panel agrees that adding both '*individually and together*' is desirable, it is mindful that this is not what was requested by Westpower in submissions. The Panel therefore considers not adding '*together*' is appropriate in the

absence of scope to add both '*individually and together*'. The Panel considers maintenance of the values generally encompasses both.

208. The Panel agrees with Ms Easton that the recommended amendments to NFL-P1 to give effect to the direction of the NPS-REG are appropriate. The Panel also agrees with Ms Styles that it is appropriate to add '*existing*' to clauses (f) and (g). However, the Panel considers this should be '*existing lawfully established*' and that for consistency this same phasing should also apply to clauses (d), (e) and (i). The Panel also considers the wording of clause (a) can be improved by deleting 'lawfully established' in front of 'residential' given it is superfluous.

209. The Panel agrees with Ms Easton's recommendation to add a new clause to NFL-P1(e) to include '*Upgrade of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor'* but also consider this should be '*or authorised contractor acting on its behalf'* at the end to make it clear the statutory agency is in control of the works. This wording is consistent with the Panel's recommended wording Plan wide.

210. Ms Easton's Right of Reply did not further discuss the Poutini Ngāi Tahu and Te Tumu Paeroa memorandum of 14 August 2024 with agreed changes to Policy NFL-P1. The memorandum recommended addition of new clause (j) *Use and development of Māori land'* which the Panel agrees is appropriate given the interaction of outstanding natural landscapes with Māori land.

211. In relation to **NFL-P2**, the Panel disagrees with Ms Easton that use of '*otherwise minimised, remedied, mitigated or where appropriate offset or compensated*' gives effect to the RMA s6 and RPS Chapter 7B Objective 71 direction to '*protect*' outstanding natural features and values from inappropriate use and development. The Panel also disagrees that the '*more than minor*' threshold only relates to allowing activities, as jurisprudence directs that the protection of significant (outstanding) environmental values requires the avoidance of more than minor effects.

212. The Panel questioned Mr Pemberton and Ms Young in relation to the appropriate threshold of acceptable adverse effects to protect outstanding natural features and landscapes, and both agreed this would be '*no more than minor*' adverse effects.

213. The Panel considers it is appropriate to delete '*significant*' to give effect to RMA section 6(b) and the RPS Chapter 7B Objective 1 that require the protection of outstanding natural features and landscapes. Outstanding natural features and landscapes values are finite and are irreplaceable and therefore it is not necessarily appropriate to offset or compensate for any loss of values. There is no higher order direction enabling offsetting or compensation to achieve the protection of outstanding natural feature and landscapes at a policy level. To enable such 'trade offs' of outstanding areas would result in an overall reduction in values and adverse cumulative effects. The Panel considers it is appropriate to direct that where adverse effects on outstanding NFL values cannot be avoided, these must be remedied and mitigated to be no more than minor to ensure these values are protected as matters of national importance.

214. The Panel therefore accept the submission points of Forest & Bird, the Buller Conservation Group and Ms Inta that '*significant*' should be deleted from NFL-P2 to give effect to RMA s6 and RPS. However, this does recognise that minor adverse effects may be appropriate where the outstanding natural features and landscapes can be protected. The Panel considers this should be recognised in the policy by including the '*no more than minor*' threshold as a consequential amendment to deleting '*significant*'.

215. In relation to **NFL-P3**, the Panel agrees it is unnecessary to include specific reference to '*minerals extraction, exploration and prospecting'* or '*rural production activities'* given the recommended inclusion of '*land uses*' and '*other activities'*. However, the Panel consider the word '*other*' is superfluous. The Panel finds changing the order of '*landscape*' and 'feature' as recommended is also unnecessary and does not improve clarity. The Panel acknowledges the RPS uses '*together*' in reference to values but accept the opinion of the two experts questioned that effects on individual values are also important to consider as well as effects on the collective values. The Panel consider it is not necessary to add '*together'* as any assessment on the '*values*' would include both individually and collectively.

216. The Panel's consideration of the replacement of '*not adversely affected*' with '*maintained*' in relation to NFL-P1 also applies to NFL-P3. This is addressed above.

217. In relation to Transpower's request for clarification as to whether NFL-P3 applies to the National Grid, the Panel consider it does. However, the Panel considers any concerns regarding providing for the National Grid are addressed by amendments to rule NFL-R5 to clarify that additions and alteration to building and structures and minor upgrades, including Network Utility Infrastructure, are provide for; and any new activities or infrastructure have a discretionary activity pathway. The Panel also note that NFL-P3 would need to be read in conjunction with NFL-P5 which consideration of functional and operational needs amongst other matters.

218. In relation to **NFL-P4**, the Panel agrees with Ms Easton that use of '*avoid, remedy or mitigate'* is appropriate given the context used. The Panel accepts the recommended addition of a new clause '*and limits landform modification through earthworks*' (as requested by the Director General S602.090) but considers this should be '*and <u>minimises</u> landform modification <u>from</u> earthworks*' to be clearer and to use consistent wording with the other clauses. The Panel considers replacing '*soften outlines*' (requested by Ms Inta) with 'reduce visual effects' in the wording of new clause (e) would be clearer and was supported by Ms Gilbert in response to Panel questions at the hearing.

219. The Panel agree that '*limiting*' is appropriate given the rules limit structure height. However, the Panel consider use of '*limiting*' in the context of clauses (c) and (d) is unclear and should be replaced with '*minimising*' rather than '*reducing*' as sought by Manawa. The Panel notes that inclusion of a new definition for '*minimise*' was recommended in Appendix 1 of the s42A Report for the Introduction and General Provisions Hearing; and consider the use of *minimising* is therefore more appropriate and that this definition[26] avoids the need to add the qualifier '*where these mitigation measures are practicable*', as requested by Manawa (S438.090) and Westpower (S547.288).

220. The Panel accepts Ms Easton's recommended amendments in relation to **NFL-P5** to reframe the policy as requested by Forest & Bird (S250.231) and Terra Firma Mining Limited (S537.016). However, the Panel considers the words '*in addition to the above policies'* is superfluous given any assessment must consider all relevant policies.

221. The Panel rejects the amendment sought by Transpower (S299.081) in its tabled statement (dated 8 February 2024) to insert '*within outstanding natural features or natural landscapes*' for clarity, as this policy may be relevant when assessing land use or subdivision activities adjacent to ONFL areas.

[26] Recommended definition - **Minimise** means to reduce to the smallest amount reasonably practicable.

222. The Panel accepts the Director General's submission point (S602.091) in relation to providing an assessment of alternatives. The Panel considers this requirement would assist an assessment under clause (e) of '*The functional, technical, operational or locational need of any activity to be sited in the particular location*'. The Panel therefore recommends adding '*including an assessment of alternative sites*' at the end of clause (e).

223. The Panel notes Appendix 1 of the Right of Reply did not include '*or features*' on the end of clause (a), as requested by the Director General. This appears to be an omission given the statement in paragraph 169 of the s42A Report that this addition was supported to correct an error. The Panel accepts the Director General's submission point and agrees with the s42A Report that '*features*' should be added to clause (a).

224. The Panel considers Ms Easton's recommendation to add a new clause NFL-P5(k) '*The extent to which an activity or structure is lawfully established'* to address the submission point of Bathurst (S491.022) is unnecessary. Any assessment of the effects of a proposal on the 'existing environment' requires consideration of the presence of existing lawfully established activities, including existing land use activities, existing authorisations and land use zoning, as highlighted by Ms Young for the Director General. The Panel also notes clause (a) (as amended by the Panel) would require consideration of the nature, scale and extent of modification of the of existing environment. For these reasons, the Panel is unconvinced the addition of new clause (k) is required.

225. The Panel accepts Ms Easton's recommendation to add a new clause NFL-P5(l) (now new clause (k)) to address the submission points of the Director General, and Ms Inta and the Buller Conservation Group.

226. The Panel also accepts Ms Easton's recommendation to delete '*Also where relevant refer to the policies in the Energy, Infrastructure and Transport Chapters*' after NFL-P7 given this is an error and it is unnecessary.

227. Ms Easton's Right of Reply did not further discuss the Poutini Ngāi Tahu and Te Tumu Paeroa memorandum of 14 August 2024 with agreed changes to Policy NFL-P5. The memorandum recommended addition of new clause (k) '*any effects on values or attributes of Māori land'*. The Panel is unsure what '*or attributes'* might refer and recommends instead adding the words '*any effects on values of Māori land'*.

228. In relation to **NFL-P6**, the Panel accepts Ms Easton's recommended amendments to partly accept the submission point of Poutini Ngāi Tahu. The Panel accepts the recommendation to add 'as outlined within an Iwi/Papatipu Rūnanga Management Plan' but consider this should be '*including as outlined'*. The Panel also accept the submission point to delete reference to minimising adverse effects. The Panel considers there is no scope to add '*specified Māori land*' within the Poutini Ngāi Tahu submission.

229. In relation to **NFL-P7**, the Panel notes that following the hearing and further discussions with Poutini Ngāi Tahu, Te Tumu Paeroa withdrew submission point S440.031 on NFL-P7[27]. The Panel considers Ms Easton's recommended amendment shown in Appendix 1 of the Right of Reply responds to this submission and therefore is no longer within scope given the withdrawal of the submission. However, the Panel notes that Appendix 1 of the Right of Reply deletes '*Also where relevant refer to policies in the Energy, Infrastructure and Transport*

[27] Letter dated 22 August 2024 to Hearing Panel from Ngahuia Huirama on behalf of Te Tumu Paeroa – the Office of the Māori Trustee

Chapter' from below the policies and adds it to the Overview. The Panel accept this recommended change, which is addressed above in relation to the Overview.

Hearing Panel's Recommendations

230. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend that changes are made to the Natural Landscape and Features policies as follows (noting that the policies have been renumbered as a result of a new NFL-P1):

NFL- P1

To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:

a. Assessing the values and characteristics of the landscapes according to the following factors:

i. Physical characteristics and values;

ii. Perceptual characteristics and values;

iii. Associative characteristics and values

b. Including these on the planning maps as Outstanding Natural Landscapes; and

c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.

NFL – P2

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ **maintain**[28] the values that contribute to a natural feature or landscape being outstanding and are for:

a. Existing land uses and lawfully established activities including ~~existing~~ **residential activities,**[29] **regionally significant infrastructure,**[30] network utilities, ~~energy~~ **renewable electricity generation**[31] activities, **mineral extraction**,[32] agricultural, horticultural and pastoral activities;

b. Conservation activities;

c. Recreational activities;

[28] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.046
[29] Chris and Jan Coll S558.108, Chris J Coll Surveying Limited S566.108, Neil Mouat S535.021, William McLaughlin S567.189 and Laura Coll S574.108
[30] Westpower Limited S547.284
[31] Manawa Energy Limited S438.087
[32] Bathurst Resources Limited and BT Mining Limited S491.021

d. **Maintenance and repair of existing lawfully established**[33] ~~N~~**n**atural hazard mitigation ~~activities~~ **structures**; [34]

e. Upgrading of existing lawfully established[35] **natural hazard mitigation structures where this is undertaken by a statutory agency or authorised contractor acting on its behalf;**[36]

~~e.~~**f.** Operation, maintenance and upgrade of **existing lawfully established**[37] renewable electricity generation facilities;

~~f.~~**g.** Operation, maintenance and upgrade of **existing lawfully established**[38] network infrastructure **and regionally significant infrastructure**;[39]

~~g.~~**h.** ~~Upgrading and/or n~~ **N**ew ~~infrastructure and~~ renewable electricity generation **activities** ~~facilities~~ where there is a functional need ~~for it~~ to be located in these areas;[40]

~~h.~~**i.** Poutini Ngāi Tahu ~~uses~~ **activities**; ~~or~~[41]

~~i.~~**j.** The alteration, maintenance or removal of existing **lawfully established**[42] buildings or structures; **and**[43]

k. Use and development of Māori land.[44]

NLF – P3

~~Where possible a~~ **A**void ~~significant~~[45]adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where ~~significant~~[46] adverse effects cannot be avoided, ensure that the adverse effects are remedied~~,~~ **and** mitigated ~~or offset~~[47] **to be no more than minor**.[48]

NFL – P4

Recognise that there are settlements, farms, **land uses,**[49] and infrastructure **and activities**[50] located within outstanding natural landscapes or outstanding natural features ~~and~~ **by** provide**~~ing~~** for new activities and **allowing**[51] existing uses in these areas where the values that

[33] Consequential amendment Manawa Energy Limited S438.087
[34] Director General of Conservation S602.087
[35] Consequential amendment Manawa Energy Limited S438.087
[36] Director General of Conservation S602.087
[37] Manawa Energy Limited S438.087
[38] Manawa Energy Limited S438.087
[39] Westpower Limited S547.284
[40] Director General of Conservation S602.087
[41] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.161
[42] Consequential amendment Manawa Energy Limited S438.087
[43] Clause 16(2) First Schedule of the RMA
[44] Te Tumu Paeroa – the Office of the Māori Trustee S440.029 and Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio FS41.451
[45] Buller Conservation Group S552.213, Frida Inta S553.217 and Royal Forest and Bird Protection Society of New Zealand Inc S560.230
[46] Buller Conservation Group S552.213, Frida Inta S553.217 and Royal Forest and Bird Protection Society of New Zealand Inc S560.230
[47] Royal Forest and Bird Protection Society of New Zealand Inc S560.230
[48] Consequential amendment Buller Conservation Group S552.213, Frida Inta S553.217 and Royal Forest and Bird Protection Society of New Zealand Inc. S560.230
[49] Straterra S536.051
[50] Horticulture New Zealand S486.032
[51] Director General of Conservation S602.089

contribute to the outstanding natural landscape or feature are **maintained** ~~not adversely affected~~.[52]

NFL – P5

Require that new buildings, and structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate**[53] any adverse visual effects **including**[54] by**:**

a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;

b. Using naturally occurring building platforms, materials and colour that blends into the landscape;

c. Minimising landform modification from earthworks;[55] ~~and~~

~~c.~~**d.** ~~Limiting~~ **Minimising**[56] the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; **and**[57]

e. Landscaping buildings and structures with appropriate vegetation to reduce visual effects.[58]

NFL – P6

~~Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:~~

When assessing whether a proposal for land use or subdivision is appropriate, consider following matters: [59]

a. The **nature,** scale **and extent** of modification to the landscape **or feature**;[60]

b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;

c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;

d. The temporary, **short term**[61] or permanent nature of any adverse effects;

e. The functional, technical, operational or locational need of any activity to be sited in the particular location, **including an assessment of alternative sites**;[62]

[52] Terra Firma Mining Limited S537.015
[53] Westpower Limited S547.288
[54] Consequential amendment to Manawa Energy Limited S438.090 and Westpower Limited S547.288 below
[55] Director General of Conservation S602.090
[56] Manawa S438.090
[57] Clause 16(2) First Schedule of the RMA
[58] Buller Conservation Group S552.082 and Frida Inta S553.082
[59] Royal Forest and Bird Protection Society of New Zealand Inc S560.231 and Terra Firma Mining Limited S537.016
[60] Director General of Conservation S602.091
[61] Birchfield Coal Mines Limited S601.047, Birchfield Ross Mining Limited S604.041, TiGa Minerals and Metals Limited S493.061, and WMS Group (HQ) Limited and WMS Land Company Limited S599.066
[62] Director General of Conservation S602.091

f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;

g. Any positive effects the development has on the identified characteristics and qualities;

h. Any positive effects at a national, regional and local level;

i. Any relevant public safety considerations; ~~and~~[63]

j. The measures proposed to mitigate the effects on the values and characteristics;

~~i. The location, design and scale of any buildings or structures, or earthworks;~~

~~ii. The intensity of any activity; and~~

~~iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;~~[64]

k. The management of effects on natural character,[65] **amenity, recreation, historical and biodiversity values; and**[66]

l. Any effects on values of Māori land.[67]

NFL – P7

Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision **are** ~~is~~[68] consistent with tikanga and mātauranga Māori ~~and minimises adverse effects on the outstanding values of the landscape or feature~~ **as outlined within an Iwi/Papatipu Rūnanga Management Plan.** [69]

NFL – P8

Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu and to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.

~~Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.~~

2.5. NFL Rules

Submissions and Further Submissions

231. The s42A Report grouped the NFL rules into those relating to:

[63] Clause 16(2) First Schedule of the RMA
[64] Westpower Limited S547.292
[65] Buller Conservation Group S552.083 and Frida Inta S553.083
[66] Director General of Conservation S602.091
[67] Te Tumu Paeroa – the Office of the Māori Trustee S440.030 and Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio FS41.453
[68] Clause 16(2) First Schedule of the RMA
[69] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.163

- natural hazard mitigation;
- residential activities;
- other permitted activities;
- activities requiring resource consent; and
- subdivision within ONL.

232. In relation to **hazard mitigation**, a Table on pages 64-67 of the s42A Report summarised 18 submission points and five further submission points on rule **NFL-R3;** and eight submission points on **NFL-R9**. Three submission points supported NFL-R3 as notified, 14 sought amendments and one requested it be deleted. Six submission points requested amendments to NFL-R9 and two requested it be deleted.

233. In relation to **residential activities**, a Table on pages 70-74 of the s42A Report summarised nine submission points relating to rule **NFL-R1;** 13 submission points relating to **NFL-R5**, 14 submission points relating to **NFL-R6;** and 16 submission points relating to **NLF-R8.** All submission points sought amendments.

234. In relation to **other permitted activities**, a Table on pages 76-86 summarised 11 submission points and one further submission point relating to rule **NFL-R1;** six submission points relating to **NFL-R2**, nine submission points relating to **NFL-R4;** five submission points and one further submission point relating to **NLF-R5**; 18 submission points and 75 further submission point relating to **NLF-R6**; nine submission points relating to **NFL-R7**; and 12 submission points and four further submission point relating to **NFL-R8.**

235. In relation to **activities requiring resource consent**, a Table on pages 94-100 summarised 23 submission points and five further submission points across multiple rules; 15 submission points and two further submission points point relating to rule **NFL-R10;** two submission points relating to **NFL-R11**, seven submission points relating to **NFL-R12;** two submission points relating to **NLF-R13**; 10 submission points **NLF-14**; and 14 submission points relating to **NFL-R15.**

236. In relation to **subdivision with ONL**, a Table on pages 106-108 summarised 16 submission points and three further submission points.

237. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

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238. The s42A Report highlighted submissions that sought a consistent approach in the rule framework for activities within SNA and ONL. It supported this but noted some differences in the statutory documents to give effect to.

239. The s42A Report considered the submissions to the natural hazard mitigation activity rules for **NFL-R3** and **NFL-R9** together given the latter rule is the default to the former rule. It did not support submissions that sought more enabling rules within ONFL areas. It also noted the opposition to the permitted and controlled activity rules for natural hazard mitigation activities within ONFL areas and recommended to change this to restricted discretionary status. It considered '*natural hazard mitigation activities'* was too wide and recommended

'*natural hazard mitigation structures*' only be permitted. It considered who constructed the structure was a relevant matter because a statutory agency would look at the wider hazard and have a higher degree of oversight, design and awareness of unintentional environmental effects. It recommended permitting the maintenance and repair of lawfully established natural hazard mitigation structures; and the upgrading of lawfully established natural hazard structures by a statutory agency. It recommended new natural hazard mitigation structures and upgrading lawfully established structures within ONFL areas should require resource consent as a restricted discretionary activity under NFL-R9.

240. The s42A Report recommended changes to NFL-R3 to permit the repair and maintenance of lawfully established structures; and the upgrade of hazard mitigation structures undertaken by a statutory agency or their nominated contractor.

241. In relation to NFL-R9, the s42A Report recommended changes to make hazard mitigation structures that do not meet NFL-R3 a restricted discretionary activity. It noted the submission points made by Manawa may warrant a separate rule for temporary energy activities. It supported the addition of the following three new clauses in response to submissions –

- *Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;*
- *Managing adverse effects on historical, cultural and biodiversity values; and*
- *Amenity and visual effects*

242. The s42A Report considered the submissions to rules **NFL-R1**, **NFL-R5**, **NFL-R6** and **NLF-R8** relating to residential activities within ONFL together. Overall, it did not support any changes to make the rules more enabling or to amend the limits, given the requirement to protect ONFL values. It did not support providing for residential development within ONFL as a permitted activity, due to the potential to create cumulative effects. It considered the 5m height limit for new buildings was appropriate given it provided for a single storey building and anything higher than this would need careful design and implementation to avoid cumulative effects on outstanding values. It also noted the ability to refuse consent was important within ONFL areas. Similarly, it concluded the 1m cut height and 500m^3 volume for earthworks within ONFL were appropriate to avoid significant adverse effects. It did not support removing reference to the '*coastal environment*' given the structure of the Plan and the requirements of the National Planning Standards. It noted the NFL Overview stated that where buildings and structures located within ONFL areas were in the coastal environment, the Coastal Environment Chapter provisions applied. However, to make this clearer to Plan users, it recommended including the following Advice Note in NFL-R8:

> *Where buildings and structures are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.*

243. The s42A Report considered the submission points relating to rules **NFL-R1, NFL-R2, NFL-R4, NFL-R5, NFL-R6, NFL-R7** and **NFL-R8** relating to other permitted activities together**.**

244. In relation to **NFL-R1,** it recommended deleting '*railway*' from NFL-R1 and replacing '*critica*l' with '*regionally significant*' to be consistent with the wider Plan. It did not support creating a hierarchy between the provisions in the ECO and CE Chapters given all matters of national importance must be provided for. It did not support including '*minor upgrading*' given this was not defined but '*upgrading*' was defined but recommended NFL-R5 be amended to allow for the upgrading of buildings and structures associated with energy activities and infrastructure. It did not support the addition of '*energy activities'* given these were included

in definitions of '*infrastructure', 'network utilities'* and '*regionally significant infrastructure'*. It also did not support adding '*rural production activities*' given this was undefined and the term was very wide. It supported removing reference to '*vegetation clearance*' given this is addressed in the ECO Chapter.

245. In response to questions regarding the 5m height limit in NFL-R1, Ms Easton noted that the Buller District Council's plan provisions had been quite restrictive and that some consider 5m is too high to avoid cumulative effects on outstanding values.

246. In relation to **NFL-R2**, the s42A Report highlighted that the rule was deliberately restrictive to minimise cumulative effects and therefore it did not support changes to be more enabling. It did not support recognising the proposed aerial cableway sought by Skyline Enterprises Ltd as a permitted activity and considered such a development should be appropriately considered as a discretionary activity under NFL-R15.

247. In relation to **NFL-R4**, the s42A Report did not support making the rule more enabling without further information from submitters. No changes were recommended.

248. In relation to **NFL-R5**, the s42A Report supported amendments to clarify it applied to 'Energy Activities and Infrastructure' and that the 5m height limit applied to the addition or alteration. It did not support Manawa's request to enable 30% increases in height given this would allow a 9m high structure to be increase to 12m as a permitted activity.

It recommended the addition two new clauses to limit the scale of any additions or alterations and to require compliance with the permitted activity standards in Rule INF-R7 and Rule ENG-R4, as follows:

- *The maximum area of any addition is no greater than 50m^2, or 10% of the total floor area, whichever is the greater; and*

- *Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.*

249. In relation to **NFL-R6**, the s42A Report recommended several deletions in response to submission points. It did not support changes to further permit the development, use and maintenance of multi-use recreation trails given conservation activities are permitted and NFL-R6 provides for 500m^3 of earthworks in any 12-month period. It noted the ECO chapter rules specifically provide for vegetation clearance for track formation; and that no land use consents are required for such work undertaken by DOC if it is consistent with the Conservation Management Strategy and Park Management Plans, regardless of the scale of the activity. It did not support adding '*or 4ha whichever is the larger'* to clause (3)(b) because only a 'handful' of properties in Iveagh Bay at Lake Brunner were affected and this did not justify making the plan more complex. It did not support amendments to NFL-R6 to permit energy activities, transport infrastructure undertaken by statutory agencies, or mineral extraction given the potential for adverse effects on ONFL values. It did not consider reference to the need to comply with the ECO chapter rules for vegetation clearance was necessary.

250. The s42A Report did not address the Director General submission point S602.094 to change NFL-R6 default from a controlled activity to a restricted discretionary activity. However, the Panel consider this submission point below.

251. In relation to **NFL-R7**, the s42A Report recommended an amendment to include '*Poutini Ngāi Tahu Activities*' to correct a drafting error. It did not consider adding a new clause '*subject to rules in the ECO chapter and rules and policies in NFL'* was necessary given the compliance with the ECO provisions is a requirement of the Plan and as a permitted activity an assessment of the NFL policies was not required.

252. In relation to **NFL-R8**, the s42A Report recommended amendments to delete the word '*stock*' from clause (2) and to add '*and for energy network utilities Rule ENG-R4*' to clause (4) but did not support widening this to include '*energy activities*'. It supported adding '*single*' and '*per allotment*' to clause (5) and a new subclause (b) '*The gross floor area of any building does not exceed 100m*^{2}'. It recommended adding '*and mahinga kai activities'* to clause (6); and a new clause to include '*A bridge constructed for Temporary Military Training Activity'*.

253. The s42A Report did not support deleting the provision for new network utility structures within ONFL in rule NFL-R8 given the direction of the NPSET and the RPS. Similar to NFL-R7, it did not consider cross referencing to the ECO rules was necessary. It also did not consider a standard for parks facilities and park furniture within ONFL was necessary given areas managed by DOC were not subject to the Plan provisions.

254. In response to questions regarding the changes supported to NFL-R8(4) in paragraph 274 of the s42A Report, Ms Easton agreed to adding the words addressing height and area limits, as requested by Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd (S663.049). She acknowledged these had been inadvertently omitted from the recommendation and Appendix 1.

255. The s42A Report considered the submission points relating to rules **NFL-R10, NFL-R11, NFL-R12, NFL-R13, NFL-R14,** and **NFL-R15** relating to activities requiring resource consent together. It supported adding the following three new clauses to all controlled and restricted NFL rules:

- *Adverse effects on historical, cultural and biodiversity values;*
- *Amenity and visual effects; and*
- *Identifying and avoiding impacts on Poutini Ngāi Tahu values.*

256. The s42A Report did not support a new restricted discretionary activity rule for mineral extraction and noted this would be subject to rules NFL-R14 and NFL-R15. It considered the strategic direction to support minerals extraction does not outweigh RMA section 6. It concluded a discretionary activity status for mineral extraction was appropriate to address uncertainty as to adverse effects and to give a high degree of oversight the ONFL status warrants. It also did not support downgrading discretionary activity rules to restricted discretionary for these reasons. It did not support adding a new clause '*subject to rules in the ECO chapter and rules and policies in NFL*'.

257. In relation to **NFL-R10**, the s42A Report recommended adding '*Upgrade, Maintenance, Operation and Repair*' to clause (1)(d) and replacing '*facility*' with '*activity*'. It recommended replacing '*critical*' with '*regionally significant*' and deleting clause (2). It recommended the same new clauses as matters of discretion, as recommended above in relation to NFL-R9. It supported changing the rule activity status from a controlled activity to restricted discretionary to be consistent with the approach taken in the Natural Character of Waterbodies and other ONFL rules.

258. The s42A Report considered that it was appropriate to have a new restricted discretionary activity rule for earthworks associated with mineral extraction within MINZ and BCZ special zones that overlap with ONL. It noted the areas of overlap with ONL related to:

- Dunganville Mineral Extraction Zone;
- Buller Coalfield Zone: Denniston Plateau – Escarpment Mine and Te Kuha Mine;
- Reefton Mineral Extraction Zone;
- Inangahua Mineral Extraction Zone; and
- Paparoa Range – Paparoa Coalfield Mineral Extraction Zone.

259. The s42A Report recommend the following wording for the new rule:

> ***NFL 10A*** *Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule 5.*
>
> *Activity Status Restricted Discretionary*
>
> *Where:*
>
> *1. These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone; and*
>
> *2. This includes earthworks and buildings associated with the activity. Discretion is restricted to:*
>
> *a. Any requirements for landscape evaluation;*
>
> *b. Managing adverse effects on historical, cultural, and biodiversity values;*
>
> *c. Amenity and visual effects;*
>
> *d. Managing effects on public access and natural character;*
>
> *e. Effects on the values that make the feature Outstanding;*
>
> *f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;*
>
> *g. Extent and design of earthworks; and*
>
> *h. Landscape measures.*
>
> *Activity status where compliance not achieved: Discretionary*

260. In relation to **NFL-R11**, the s42A Report recommended including 'Poutini Ngāi Tahu Activities' to correct the same drafting error identified in NFL-R7.

261. In relation to **NFL-R12**, the s42A Report recommended including the three new matters of discretion recommend above in relation to NFL-R9 and NFL-R10, and three new additional matters, as follows:

- *Any functional or operational needs that relate to the proposal and its location;*
- *Any matters of public safety; and*

- *Any positive effects at a local, regional or national level.*

262. The s42A Report did not support changing the activity status from restricted discretionary to discretionary given the degree of restriction proposed and the direction of the RMA and RPS. It considered that providing there were clear and appropriate matters of discretion, there were a range of appropriate activities that could be located within ONFL without degrading the values. It noted that given the large extent of ONFL, it was important to provide a consent pathway for activities that have a functional and operational need to occur in these areas and for appropriately designed and located residential activities.

263. The s42A Report noted Manawa sought the deletion of 'landscape measures', as a matter of discretion, due to overlaps with other matters of discretion. However, it did not support this as it could include planting or requirements on the colour and reflectivity of materials.

264. In relation to **NFL-R13**, the s42A Report recommended the activity status be changed from discretionary to non-complying due to the potential for plantation forestry to have very significant adverse effects on ONFL values.

265. In relation to **NFL-R14**, the s42A Report recommended a consequential change to delete 'controlled' given the amendments to change the two controlled activity rules to restricted discretionary.

266. In relation to **NFL-R15**, the s42A Report did not recommended any changes, except a consequential change to add 'mineral extraction' from the recommendation to include a new rule for mineral extraction in the MINZ and BCZ zones.

267. The s42A Report also considered the relevant submission points on subdivision within ONL in relation to Rule **SUB-R11**. It supported the addition of three new clauses as follows:

- *Matters outlined in Policies NFL P1 – NFL -P9 as relevant;*
- *Measures to address any natural hazards or geotechnical constraints; and*
- *Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities*

268. The s42A Report did not support replacing SUB-R11(b) with a 15mx15m building platform; or deleting '*and the need for access to be provided to any esplanade reserve or strip created*' from SUB-R11(f) given no reasons were provided for the requested changes sought by submitters.

269. The s42A Report did not support changing the activity status of SUB-R11 to a discretionary activity, given the high degree of management of activities provided by the overlays which restrict activities within these areas, ONFL, SNA and the coastal environment. It outlined the approach taken in other districts was predominantly as a discretionary activity but noted that most Councils do not have the number and extent of ONL identified on the West Coast. It considered Tasman was the most similar and that it is restricted discretionary or discretionary depending on the rural zone type.

Hearing and Submitter Evidence/Statements

270. Transpower advised it continued to seek the replacement of clause NFL-R6(2)(b) with *'An energy activity undertaken'*.

271. Ms Young, for the Director General, confirmed support for the s42A Report recommendations in relation to the rules, except for the 500m^3 volumetric limit for earthworks in NFL-R6(3)(b) which she sought be reduced to 200m^3 due to potential disturbance of high geodiversity. In relation to NFL-R8, she highlighted that the wording of RPS Policy 3 indicates regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure will require a resource consent and would not be permitted activities.

272. In relation to SUB-R11, Ms Young accepted the s42A Report recommendation to retain a restricted activity status based on the inclusion of a new matter of discretion – 'Matters outlined in Policies NFL P1 – NFL P9 as relevant'. She said "*Provided the matters of restriction do allow for an assessment against the policies of the Plan, that a Restricted Discretionary Activity is appropriate.*"

273. Mr Leckie, for Bathurst, highlighted the need to not intentionally undermine the anticipated mineral extraction activities within the MINZ and BCZ where earthworks are permitted.

274. Ms Hunter, for Bathurst, agreed with the s42A Report recommendation that new mineral extraction activities within ONL should be a restricted discretionary activity under new rule NFL-10A. However, she highlighted the need to review these overlaps to ensure these special purpose zones were free of any ONL encumbrance. She noted the matters of discretion appeared to cover broader matters than landscape and visual amenity and considered 'landscape measure' was unclear. She recommended redrafting the list as follows:

- *The effects on landscape and visual amenity values, and view of the activity particularly from public roads and areas; and*
- *Mitigation and remediation measures.*

275. Ms Styles noted that Manawa is not a statutory agency and that NFL-R3 and NFL-R9 were therefore unreasonably restrictive given other parties establish, operate and maintain hazard mitigation structures to provide for RSI and protect infrastructure from natural hazards. To resolve this, she requested the following amendments to NFL-R3:

> ***NFL - R3***
>
> *Repair and Maintenance, and Upgrading of Natural hazard mitigation ~~activities~~ structures including earthworks in an Outstanding Natural Landscape described in Schedule Five*
>
> *Activity Status Permitted*
>
> *Where:*
>
> 1. *The natural hazard mitigation structure has been lawfully established and is to protect regionally significant infrastructure ~~activities are to protect critical infrastructure~~;*
> 2. *Any upgrading of natural hazard mitigation ~~activities~~ structures is ~~are~~ undertaken by a statutory agency or their nominated contractor or the owner of the regionally significant infrastructure where there is no change to more than 10% to the overall dimensions, orientation or outline of the structure as of 14 July 2022; and*

3. *The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.*

Activity status where compliance not achieved: Controlled

276. Ms Styles supported the controlled activity status for rule NFL-R10 and deletion of 'landscape measures' as a matter of discretion in NFL-R12, unless the meaning was clarified.

277. In her supplementary evidence for Manawa, Ms Styles recommended inclusion of the following to NFL-R1:

Where:

1. Earthworks, structures and vegetation clearance associated with renewable electricity generation activities are permitted under the Energy and Ecosystems and Biodiversity chapters.

278. In relation to NFL-R5 and NFL-R6, Ms Styles recommended the following amendments:

NFL - R5

Additions or alterations to buildings and structures including upgrades to ~~Energy~~ Renewable Electricity Generation Activities, Electricity Generation Activities and Regionally Significant Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

1. *The maximum height of any addition or alteration to buildings and structures above ground level is 5m or a 10% increase above the existing building / structure height, whichever is the greater; and*

2. *The maximum area of any addition is no greater than 50m^2, or 10% of the total floor area, whichever is the greater; and*

3. *Any upgrades ~~to infrastructure are undertaken by a network utility operator~~ are in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.*

Advice Note: Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply. Activity status where compliance not achieved: Restricted Discretionary

NFL - R6

Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and

2. This is ancillary to:

a. An infrastructure activity undertaken by a network utility operator ~~in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7~~; or

b. An Electricity Transmission or Distribution Activity, or Renewable Electricity Generation Activity, in accordance with the Permitted Activity standards in Energy Rule ENG - R4; or

3. For other earthworks (other than those provided for in clause 1 and 2 above), the following standards are complied with:

a. The cut height or fill depth does not exceed one metre vertically; and

b. No more than 500m3 of earthworks are undertaken/12 month period/site.; and

c. ~~The earthworks are undertaken outside of the Coastal Environment.~~

279. Mr Bentley noted that the meaning of 'landscape measures' as a matter of discretion was ambiguous and that it needed to be either deleted or clarified.

280. Ms Leveson for Hort NZ sought amendments to insert 'rural production activities' to NFL-R1 to ensure that horticulture activities were provided for. She considered NFL-R1 was a fitting place to provide for horticultural activities enabled under NFL-P1. She supported the s42A Report recommended amendments to NFL-R8 but considered it was unclear whether the rule provided for activities that do not occur within a building.

281. Mr Kennedy, for Westpower, highlighted their support for a controlled activity status for NFL-R9 and considered the recommended change to restricted discretionary for any RSI as they related to Westpower activities required resolution. He requested the addition of a new matter of discretion - 'The operational and functional needs of infrastructure, including regionally significant infrastructure.'

282. In relation to NFL-R5, Mr Kennedy supported the recommended amendments to link any upgrades to infrastructure undertaken by a network utility operator to rules INF-R7 and ENG-R4 to avoid the 5m height limit in clause (1).

283. In relation to NFL-R10, Mr Kennedy supported retention of a controlled activity status for the maintenance, operation and upgrading of existing network infrastructure. He noted NFL-R10 was not intended to apply to the installation of network infrastructure (given recommended NFL-R6(2)(a)) and NFL-R12 applied to all other network infrastructure activities. He considered these rules needed to be rationalised on this basis; and that the matters of discretion should be the same for both rules if the restricted discretionary status is recommended.

284. KiwiRail supported deleting 'railway' in NFL-R1 on the basis that the recommended definition of 'Regionally Significant Infrastructure' includes 'rail network'.

285. Ms Inta for herself and the Buller Conservation Group requested the inclusion of 'per title or 4ha, whichever is the larger' in NFL-R6; and considered NFL-R12(k) making 'positive effects' a matter of discretion was a nonsensical inclusion.

286. Mr Mills requested a series of permitted activity rules to allow for future bush clearing, earthworks, waterway culverts, bridge building and any activities associated with the development, use and maintenance of multi-use recreation trails. He considered these rules should cut across all overlays except for wetland layers.

Reporting Officer Reply Evidence

287. Ms Easton highlighted the intention of the Plan is that where ONL and ONF are located in the Coastal Environment, the provisions of the Coastal Environment Chapter apply, as outlined in the Overview and the provision of advice notes. She recommended the addition of an advice note to rule NFL-R8 based on the advice notes included for NFL-R5 and NFL-R6 but with the following consistent wording:

> *Where activities are located in the Coastal Environment, the provisions **are located** in the Coastal Environment Chapter **and this rule does not** apply.*

288. Ms Easton highlighted the withdrawal of Te Tumu Paeroa's three submission points relating to the NFL policies removed any scope for requested amendments to the rules, as no submission were made on the NFL rules.

289. Ms Easton highlighted the recommended definition for 'minor upgrade' and considered this enabled providing for minor upgrade of renewable energy generation activities and network utility infrastructure (as defined in the Plan) as a permitted activity under Rule NFL-R5. She considered this avoided the need to cross reference to the Energy and Infrastructure Chapters.

290. In response to Ms Styles' evidence in relation to NFL-R6, Ms Easton noted that the recommended deletion of clause (b) because electricity generators do not meet the definition of 'network utility operator'. She remained of the view it was not appropriate to add 'ancillary earthworks and vegetation clearance' associated with additions/alterations to structures and buildings permitted in Rule NFL-R5. However, on reflection she agreed that ancillary earthworks associated with additions/alternations to buildings and structures should be provided for in Rule NFL-R6 by replacing clause (b) with the following:

> ***Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.***

291. Ms Easton confirmed her recommended further amendments to the Rules NFL-R5 and NFL-R6 shown in yellow highlight in Appendix 1 of the Right of Reply, as follows:

NFL – R5 *Additions or alterations to buildings and structures **including minor upgrades to** ~~Energy~~ **Renewable Electricity Generation Activities and Network Utility Infrastructure** within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six*

Activity Status Permitted

1. ***This is a minor upgrade of infrastructure undertaken by a Network Utility Operator or of a Renewable Electricity Generation Activity; or***

2. For all other activities:

i. *The maximum height of **any addition or alteration** to buildings and structures above ground level is 5m; and*

ii. The maximum area of any addition is no greater than 50m², or 10% of the total floor area, whichever is the greater. ~~*; and*~~

~~*3. Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.*~~

Advice Note: Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.

Activity status where compliance not achieved: Restricted Discretionary

NFL – R6 *Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six*

Activity Status Permitted

Where:

1. *All performance standards for Earthworks Rule EW - R1 are complied with; and*

2. *This is ancillary to:*

   a. *An infrastructure activity undertaken by a network utility operator* ~~*in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7;*~~ *or*

   b. ~~*An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG - R4;*~~ ***Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.***

3. *For other earthworks, the following standards are complied with:*

   a. *The cut height or fill depth does not exceed one metre vertically;* ***and***

   b. *No more than 500m^3 of earthworks are undertaken/12 month period/site.; and*

   ~~*c. The earthworks are undertaken outside of the Coastal Environment.*~~

Advice Note:

~~*1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R340.*~~

2. *This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - CF.*

3. *Where activities are located in the Coastal Environment, the provisions* ***are located*** *in the Coastal Environment Chapter* ***and this rule does not apply****.*

Activity status where compliance not achieved: Controlled

Refer to the Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment

Hearing Panel's Evaluation

292. The Panel notes the s42A Report concludes the limits in rules NFL-R1, NFL-R5, NFL-R6 and NLF-R8, relating to activities within ONFL are sufficient to avoid significant adverse effects. The

Panel considers this is not consistent with the direction of the RMA s6 or the provisions of the RPS which require the protection of ONFL from inappropriate use and development. As discussed above, the Panel accepts that protection requires the avoidance of more than minor adverse effects. The Panel has kept this threshold of effects in mind in making its recommendations on the rules.

293. The Panel has carefully considered the submissions seeking more enabling rules and those seeking more restrictive rules and is satisfied the rules strike a balance between protecting outstanding ONFL and enabling appropriate use, development and subdivision. The Panel accepts the limits and standards recommended by Ms Easton are appropriate to avoid adverse cumulative effects.

294. The Panel rejects the submission point of Mr Mills requesting permitted activity rules to allow for future bush clearing, earthworks, waterway culverts, bridge building and any activities associated with the development, use and maintenance of multi-use recreation trails, which would cut across all overlays except for wetland layers. The Panel is satisfied the rules appropriately provide for activities that have minor adverse effects on ONFL.

295. In relation to **NFL-R1**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for deleting '*railway*' replacing '*critica*l' with '*regionally significant*' to be consistent with the wider Plan.

296. In relation to **NFL-R2**, the Panel agree with Ms Easton that permitted conservation activities is intended to be restrictive to minimise cumulative adverse effects on outstanding values. The Panel agrees that any proposed aerial cable should not be provided for as a permitted activity under NFL-R2.

297. In relation to **NFL-R3** and **NFL-R9**, the Panel agree that a consistent approach in the rule framework for activities within SNA and ONL is desirable. The Panel also agree with Ms Easton that '*natural hazard mitigation activities*' is too wide in NFL-R3 and accept the recommendation this should be limited to '*natural hazard mitigation <u>structures'</u>*. The Panel recommends this change is also made in Advice Notes (1) and (2) and in NFL-R9, which were not shown in Appendix 1 of the Right of Reply.

298. In relation to **NFL-R3**, the Panel agrees with Ms Easton that the entity that constructs the natural hazard mitigation structure is a relevant matter; and accept a statutory agency would need take a wider assessment to hazard mitigation than an individual property would, with clear responsibility for controlling the design, construction and maintenance of the structure. The Panel accepts the recommended changes to the rule to permit the maintenance and repair of lawfully established natural hazard mitigation structures only; and the upgrading of lawfully established natural hazard structures by a statutory agency or their nominated contractor. The Panel considers it appropriate to include 'or authorised contractor acting on its behalf' as a consequential amendment to be consistent Plan wide.

299. The Panel has considered Ms Styles' request to add '*or the owner of the regionally significant infrastructure'* to NFL-R3 in recognition that Manawa is not a statutory agency but agree with Ms Easton that this is too broad. The Panel notes that Manawa's activities would be enabled by rule NFL-R5, which permits additions or alterations to buildings and structures, including minor upgrades to renewable electricity generation activities and network utility infrastructure within ONFL. The Panel considers this is appropriate.

300. The Panel agrees with Ms Easton that new natural hazard mitigation structures and upgrades to structures within ONFL areas not meeting NFL-R3 should require resource consent as a restricted discretionary activity. The Panel consider it is critical that the consent authority retains the ability to refuse consent to ensure ONFL values are protected.

301. In relation to **NFL-R9**, the Panel considers the wording '*will not destroy*' is not consistent with RMA section 6 and the RPS. This wording suggests significant adverse effects may be acceptable if the values that make it outstanding are not destroyed. This does not give effect to the RMA or RPS, which require the protection of outstanding NFL. The Panel recommends this is reworded to require protection of the outstanding values.

302. The Panel considers the wording of NFL-R9 should clarify that it relates to '*structures*' undertaken '*in Outstanding Natural Landscapes identified in Schedule Five and Outstanding Natural Features identified in Schedule Six'*, as the default to NFL-R3. The Panel considers NFL-R9(h) '*landscape measures'* is unclear and should be corrected to '*measures to mitigate landscape effects'*. The Panel recommends changes to NFL-R9 address these matters.

303. The Panel accepts Ms Easton's recommended changes to **NFL-R5** and **NFL-R6** (in Appendix 1 of her Right of Reply) to permit additions or alterations to buildings and structures, including minor upgrades to renewable electricity generation activities and network utility infrastructure within ONFL; and earthworks associated with these activities. However, the Panel considers the wording of NFL-R5(2)(i) is unclear and recommends this is reworded as follows:

> *The maximum height of* *any addition or alteration* ~~*to buildings and structures*~~ ***is 5m*** *above ground level* ~~*is 5m*~~***; and***

304. In relation **NFL-R6**, the Panel agrees with Ms Inta and the Buller Conservation Group that NFL-R6(3)(b) is improved by adding '*or 4ha, whichever is the greater'* and do not consider this makes the rule any more complex.

305. The Director General submitted that where the activity status of Rule NFL-R6 is not complied with, the default activity status should be restricted discretionary and not controlled. The Panel agrees and considers it is appropriate that the consent authority has the ability to refuse consent for earthworks within an ONL or ONF area to protect these outstanding values as matters of national importance under RMA s6.

306. The Panel notes that in paragraph 166 of the s42A Report, Ms Easton's recommends adding an Advice Note to NFL-R11 and RFL-R12 in response to the Director General's submission point (S602.091) in relation to the requirement to assess alternatives where there are significant adverse effects on an RMA s6 matter of national importance. However, this was not reflected in Appendix 1 of the s42A Report or Appendix 1 of the Right of Reply. The Panel consider adding advice notes is not necessary. The Panel notes the addition to NFL-P5(e) requires the consideration of alternative sites and consider this is sufficient.

307. The Panel agree with the recommendation to add new Rule NFL-10A and consider this addresses the concerns raised in relation to mining activities within the BCZ and MINZ zones.

308. The Panel notes Manawa sought the deletion of '*landscape measures'* from NFL-R12(h). The Panel accepts Ms Easton's view that the intent is to control measures to mitigate landscape effects such as planting, screening and the colour and reflectivity of materials. The Panel agrees and considers this is addressed by rewording *'Landscape measures'* to read '*Measures to mitigate landscape effects*'. The Panel tested this wording with Ms Gilbert at the hearing,

and she agreed that 'landscape measures' was unclear and supported the suggested wording. The Panel considers this change should be made to all references in the NFL rules to '*landscape measures*' to clarify what this means without changing the intent.

309. The Panel is not convinced that adding a new clause NFL-R12(k) making '*positive effects*' a matter of discretion is necessary given it is a consideration under RMA s104.

310. The Panel acknowledge the view of Ms Young who now considers that the subdivision of land with an ONL or ONF under SUB-R11 can be addressed as a restricted discretionary activity with the amendments to the matters of discretion now proposed. The Panel considers there are sufficient matters of discretion to assess the potential environmental effects of activities on identified outstanding values and attributes, and we recommend these addition matters now be included.

311. Overall, the Panel accepts Ms Easton's recommended changes in Appendix 1 of the Right of Reply, subject to the minor amendments outlined above.

Hearing Panel's Recommendation

312. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footer below are accepted or accepted in part and that changes are made to the Natural Features and Landscapes Rules and Rule SUB11 as follows:

Natural Feature and Landscapes Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.	
Permitted Activities	
NFL -R1	**Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, ~~railway, critical~~ regionally significant[70] infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**
Activity Status Permitted	
Advice Note: 1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Biodiversity Chapter. 2. Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.	

[70] Manawa Energy Limited S438.092 and West Coast Regional Council S488.009

3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

Activity Status where compliance not achieved: Refer to other relevant Overlay Chapter where these activities occur in multiple overlays.

NFL -R2	**Conservation Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note:

Any indigenous vegetation clearance associated with Conservation Activities is subject to the provisions in the Ecosystems and Biodiversity Chapter

Activity Status where compliance not achieved: N/A

NFL– R3	**<u>Repair, maintenance and upgrading of</u>[71] ~~N~~<u>n</u>atural hazard mitigation <u>structures</u>~~activities~~[72] including earthworks in an Outstanding Natural Landscape described in Schedule Five**

Activity Status Permitted

Where:

1. The natural hazard mitigation **<u>structure has been lawfully established</u>**~~activities are to protect critical infrastructure~~; [73]

2. ~~The~~ **<u>Any upgrading of</u>**[74] natural hazard mitigation ~~activities~~ **<u>structures</u>**[75] are undertaken by a statutory agency or ~~their nominated~~ **<u>authorised</u>**[76] contractor **<u>acting on its behalf</u>**[77]**<u>, where there is no change to more than 10% to the overall dimensions, orientation or outline of the structures as of 14 July 2022</u>**; [78] and

3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.

Advice Notes:

1. Any indigenous vegetation clearance associated with natural hazard mitigation ~~activities~~ **<u>structure</u>**[79] is subject to the provisions in the Ecosystems and Biodiversity Chapter

2. For any natural hazard mitigation ~~activity~~ **<u>structure</u>**[80] within Outstanding Natural Landscapes in the coastal environment, refer to the Coastal Environment Chapter.

3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

[71] Forest and Bird S560.233 and the Director General of Conservation S602.092
[72] Director General of Conservation S602.087 consequential amendment
[73] Manawa Energy Limited S438.092
[74] Consequential amendment - Forest and Bird (S560.233) and the Department of Conservation S602.092
[75] Director General of Conservation S602.087 consequential amendment
[76] Plan wide consequential amendment [discussed in EW, LIGHT, TEMP]
[77] Plan wide consequential amendment [discussed in EW, LIGHT, TEMP]
[78] Plan wide consequential amendment [discussed in EW, LIGHT, TEMP]
[79] Director General of Conservation S602.087 consequential amendment
[80] Director General of Conservation S602.087 consequential amendment

Activity Status where compliance not achieved: Controlled

NFL – R4	**Demolition and Removal of a Structure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note: Where structures are identified as Historic Heritage Items in Schedule One, then the Historic Heritage Rules apply.

Activity Status where compliance not achieved: N/A

NFL -R5	**Additions or alterations to buildings and structures, <u>including minor upgrades to</u> ~~Energy~~ <u>Renewable Electricity Generation Activities and Network Utility Infrastructure,</u>[81] within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. **<u>This is minor upgrade of infrastructure undertaken by a Network Utility Operator or Renewable Electricity Generation Activity; or</u>**[82]
2. For all other activities:

<u>a.</u> The maximum height of **<u>any addition or alteration</u>**[83] ~~buildings and structures~~ **<u>is 5m</u>** above ground level ~~is 5m~~**; <u>and</u>**[84]

<u>b.</u> **<u>The maximum area of any addition is no greater than 50m², or 10% of the total floor area, whichever is the greater.</u>**[85]

Advice Note<u>s</u>:

~~1.~~ Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply **<u>and this rule does not apply</u>**.[86]

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R6	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and
2. This is ancillary to:

[81] Manawa Energy Limited S438.092 and Westpower S547.293
[82] Consequential amendment Manawa Energy Limited S438.092 and Westpower S547.293
[83] Consequential amendment Manawa Energy Limited S438.092 and Westpower S547.293
[84] Consequential amendment Manawa Energy Limited S438.092 and Westpower S547.293
[85] Director General of Conservation S602.092
[86] Consequential amendment Westpower S547.297

a. An infrastructure activity undertaken by a network utility operator ~~in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7; or~~[87]

b. ~~An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG - R4;~~ **Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.** [88]

3. For other earthworks, the following standards are complied with:

a. The cut height or fill depth does not exceed one metre vertically; **and**

b. No more than 500m^3 of earthworks are undertaken~~/~~ **per**[89] 12 month period~~/~~ **per**[90] site **or per 4 hectares, whichever is the greater.**[91]~~; and~~

c. ~~The earthworks are undertaken outside of the Coastal Environment.~~ [92]

Advice Notes:

~~1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R3.~~[93]

~~2.~~ **1.** This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - **C**~~P~~F.[94]

~~3.~~ **2.** Where activities are located in the Coastal Environment, the provisions **are located** in the Coastal Environment Chapter apply **and this rule does not apply**. [95]

Activity Status where compliance not achieved: ~~Controlled~~**Restricted Discretionary**[96]

Refer to relevant Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment.

NFL – R7	**Poutini Ngāi Tahu Activities or**[97] **Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. These are:

a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or rock; or

b. Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; and

[87] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.048
[88] Manawa Energy Limited S438.096
[89] RMA Schedule 1, Clause 16 correction
[90] RMA Schedule 1, Clause 16 correction
[91] Buller Conservation Group S552.089 Frida Inta S553.089
[92] Westpower S547.286
[93] Director General of Conservation S602.094
[94] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2023, which replaces the NES-PF.
[95] Westpower S547.297 consequential amendment
[96] Director General of Conservation S602.094
[97] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.164

2. All Permitted Activity standards in Rule EW - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R8	**Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape described in Schedule Five**

Activity Status Permitted

Where the structure is:

1. A fence; or
2. Associated with ~~stock~~[98] water reticulation including tanks, pipes and water troughs; or
3. For parks facilities or parks furniture in any Open Space Zone; or
4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7 **and for energy network utilities Rule ENG-R4,**[99] **underground lines or small network utility structures not exceeding 3m in height and 5m² in area**;[100] or
5. For a **single**[101] small-scale renewable electricity generation activity **per allotment, where:** ~~with a maximum height above ground level of 5m~~[102]

a. **The maximum height is 5m above ground level; and**[103]

b. The gross floor area of any building does not exceed 100m²; or[104]

6. For agricultural, pastoral and horticultural activities and **mahinga kai activities**[105] or any accessory building where:

a. The maximum height is 3m above ground level; and

b. The gross floor area of any building does not exceed 100m²**; o**r

7. **A bridge constructed as part of a Temporary Training Activity.**[106]

Advice Note:

1. Where buildings and structures are located in the Coastal Environment, the provisions located in the Coastal Environment Chapter apply and this rule does not apply. [107]

Activity status where compliance not achieved: Restricted Discretionary

Controlled Activities

[98] Horticulture New Zealand S486.034
[99] Westpower Limited S547.297
[100] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.049
[101] Manawa Energy Limited S438.097
[102] Manawa Energy Limited S438.097
[103] Manawa Energy Limited S438.097
[104] Manawa Energy Limited S438.097
[105] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.165
[106] New Zealand Defence Force S519.032
[107] Westpower S547.297 consequential amendment

NFL – R9	**Natural Hazard Mitigation ~~Activities~~ Structures[108] in an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature in Schedule Six,[109] including Earthworks not meeting Rule NFL - R3**

Activity Status ~~Controlled~~ Restricted Discretionary[110]

Where:

~~1. These are to protect Critical Infrastructure; and~~

2. ~~These will not destroy~~**A**any **Outstanding Natural Landscape identified in Schedule Five or**[111] Outstanding Natural Feature identified in Schedule Six **and** ~~or~~ the values which make it Outstanding **are protected**.[112]

~~Matters of control~~Discretion is restricted to:[113]

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural and biodiversity values;[114]

c. Amenity and visual effects;[115]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;[116]

g. Extent and design of earthworks; and

h. **Measures to mitigate** ~~L~~landscape ~~measures~~ **effects**.[117]

Notification: Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.

Activity status where compliance not achieved: Discretionary

NFL – R10	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R6**

Activity Status ~~Controlled~~ Restricted Discretionary[118]

Where:

1. These are for:

[108] Director General of Conservation S602.087 consequential amendment
[109] Buller District Council S538.646 for clarity and to be consistent with the header of other rules
[110] Director General of Conservation S602.092 and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.233
[111] Buller District Council S538.646 for clarity and to be consistent with the header of other rules
[112] Consequential amendment Manawa Energy Limited S438.085
[113] Consequential amendment to Director General of Conservation S602.096 and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.234
[114] Director General of Conservation S602.085
[115] Director General of Conservation S602.085
[116] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.169
[117] Consequential amendment Manawa Energy Limited S438.100
[118] Director General of Conservation S602.097 and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.570

a. Walking/cycling tracks; **or**

b. Roads, farm tracks or fences; **or**

c. Installation of network utility infrastructure; or

d. Installation, **upgrade, maintenance, operation and repair**[119] of a renewable electricity generation ~~facility~~ **activity**; [120] ~~or~~

e. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; **or**

f. Protection of ~~critical~~ **regionally significant**[121] infrastructure from natural hazards~~;~~**.** ~~and~~

~~2. Earthworks are the minimum required to undertake the activity.~~[122]

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values; [123]

c. Amenity and visual effects; [124]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values; [125]

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~l~~**l**andscape **effects** ~~measures~~. [126]

Advice Note:

1. **Within the Coastal Environment,** ~~For~~ **Rule NFL-R10 E**~~e~~earthworks within Outstanding Natural Features and Landscapes **does not apply.** ~~in the Coastal Environment~~ **R**~~r~~efer to the Coastal Environment Rules.[127]

2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - ~~P~~**C**F.[128]

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

[119] Manawa Energy Limited S438.099 and Westpower Limited S547.300
[120] Manawa Energy Limited S438.097
[121] Manawa Energy Limited S438.099
[122] Russell and Joanne Smith S477.009, Stewart & Catherine Nimmo S559.009, Claire & John West S506.009, Joel and Jennifer Watkins S565.016, Lauren Nyhan Anthony Phillips S533.009, Tim and Phaedra Robins S579.016, Tim Macfarlane S482.009, Director General of Conservation S602.097
[123] Director General of Conservation S602.085 and S602.085
[124] Director General of Conservation S602.085 and S602.085
[125] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.169
[126] Consequential amendment Manawa Energy Limited S438.100
[127] Westpower Limited S547.300
[128] RMA Schedule 1, Clause 16 correction

NFL – R10A	**Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule Five.**[129]

Activity Status Restricted Discretionary

Where:

1. **These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone; and**
2. **This includes earthworks and buildings associated with the activity.**

Discretion is restricted to:

a. **Any requirements for landscape evaluation;**
b. **Managing adverse effects on historical, cultural, and biodiversity values;**
c. **Amenity and visual effects;**
d. **Managing effects on public access and natural character;**
e. **Effects on the values that make the feature or landscape Outstanding;**
f. **Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;**
g. **Extent and design of earthworks; and**
h. **Mitigation measures for landscape effects.** [130]

Activity status where compliance not achieved: Discretionary

NFL – R11	**Poutini Ngāi Tahu Activities or**[131] **Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R7**

Activity Status Restricted Discretionary

Where:

1. These are on land within a Māori Purpose Zone; and
2. This includes earthworks and buildings associated with the activity.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. **Managing adverse effects on historical, cultural, and biodiversity values;** [132]

c. **Amenity and visual effects;** [133]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

[129] Bathurst Resources Limited S491.023
[130] Consequential amendment Manawa Energy Limited S438.100
[131] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.168
[132] Director General of Conservation S602.085
[133] Director General of Conservation S602.085

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values; [134]

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~L~~landscape **effects** ~~measures~~.[135]

Activity status where compliance not achieved: Discretionary

NFL – R12	**Buildings or Structures and associated Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules.**

Activity Status Restricted Discretionary

Where:

1. This is an addition to an existing building or a building accessory to an existing building; or
2. The building is identified on an approved subdivision plan for the site or for a residential building where there is no existing residential building on the property; or
3. This is required for:

a. A network utility;

b. A renewable electricity generation activity;

c. An agricultural pastoral or horticultural activity;

d. A conservation activity; or

e. A recreational activity in an Open Space Zone.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values; [136]

c. Amenity and visual effects; [137]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;[138]

g. Extent and design of earthworks; ~~and~~

h. **Mitigation measures for** ~~L~~landscape **effects** ~~measures~~; [139]

i. Any functional or operational needs that relate to the proposal and its location; and[140]

[134] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.167, S620.169 and S620.170
[135] Manawa Energy Limited S438.100 consequential amendment
[136] Director General of Conservation S602.085
[137] Director General of Conservation S602.085
[138] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.169
[139] Manawa Energy Limited S438.100
[140] Manawa Energy Limited S438.100 and Westpower Limited S547.304

j. Any matters of public safety.[141]

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NFL – R13	**Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature**

Activity Status ~~Discretionary~~Non-complying[142]

Activity status where compliance not achieved: N/A

NFL – R14	**Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, ~~Controlled~~**[143] **or Restricted Discretionary rules**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NFL – R15	**Earthworks, Mineral Extraction**[144] **and Natural Hazard Mitigation Activities within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules**

Activity Status Discretionary

Notification:

1. Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.
2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - **C**~~P~~PF.[145]

Activity status where compliance not achieved: N/A

NFL – R16	**Poutini Ngāi Tahu and Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R11.** [146]

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Subdivision Rules

[141] Manawa Energy Limited S438.100
[142] Royal Forest and Bird Protection Society of New Zealand Inc S560.240
[143] Consequential changes to Director General of Conservation S602.092 and S602.097; and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.233 and S560.570
[144] Consequential amendment to Bathurst Resources Limited S491.023
[145] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2023, which replaces the NES-PF.
[146] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.170

SUB – R11	**Subdivision to create allotment(s) of land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six**

Activity Status Restricted Discretionary

Where:

1. The site is outside of the Coastal Environment;
2. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB – R8, SUB – R9 or SUB – R14
3. The area is not a Significant Natural Area identified in Schedule Four; and
4. All Subdivision Standards are complied with.

Discretion is restricted to:

a. **Matters outlined in Policies NFL P1 – NFL -P9 as relevant;**[147]

b. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;

c. The size, design, shape, location and layout of allotments;

d. The provision of infrastructure and services for **transport,**[148] drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. **Measures to address any natural hazards or geotechnical considerations;**[149]

g. **Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;**[150]

h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and

i. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

SUB – R16	**Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay**

Activity Status Discretionary

Where:

[147] Director General of Conservation S602.126
[148] Grey District Council (S608.641)
[149] Buller District Council (S608.641)
[150] Westpower Limited (S547.381)

1. No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight.

Activity status where compliance not achieved: Non-complying

2.6. Recommendation on Schedule Five: Outstanding Natural Landscapes - Te Rārangi Tuarima: Ngā Whenua Aotūroa Puru Rourou

Submissions and Further Submissions

313. The s42A Report summarised nine submission points supporting Schedule Five which sought it be retained as notified.

314. One submission from the TTPP Committee sought amendments to reflect the updated boundaries of the ONL from the landscape assessment review, where these cover a lesser area of land than the notified mapping (Brown Ltd September 2022 mapping). Two further submissions supported or supported this in part.

315. One submission from the BDC sought careful consideration of the individual submissions regarding land use implications and the accuracy of boundaries.

316. Six submission point sought to continue to have land excluded from an ONL. One submission point was supported by two further submissions.

317. One submission point sought new ONL area for the Denniston Plateau.

318. Three submission points sought to include 'The Pyramids' feature at Karamea in an ONL. Sixty-nine further submissions opposed the three submissions points requesting a new ONL to include 'The Pyramids'.

319. Submission points relating to specific ONL boundary adjustments are addressed in the section below.

Section 42A Report

320. The s42A Report supported using the most up to date and accurate boundaries for identified ONL.

321. The s42A Report noted the Koiterangi Lime Company's quarry is adjacent to ONL 23 but confirmed it remains outside the ONL boundaries.

322. The s42A Report did not consider the Denniston Plateau met the criteria to be identified as an ONL and rejected the submission to include it as an ONL. The Landscape Report confirmed Ms Gilbert had visited the area and considered the map of Environment Court's view on outstanding natural landscape on Denniston Plateau (as provide at the hearing by Bathurst) to inform her assessment of the landscape values of the Denniston Plateau. She considered the updated digitised mapping (January 2024) was correct given the level of modification across the Plateau meant it failed to meet the 'naturalness test'. She considered there was no need to remove any overlap of the ONL with the BCZ and noted there were other overlaps between ONL and MINZ areas.

323. The s42A Report noted the proposed lime quarry expansion at Fenian Road, Karamea is 'quarry reserve' that is outside but adjacent to Kahurangi National Park. It highlighted the area

of land known as 'The Pyramids' did not meet the criteria to be identified as an ONL. It noted Ms Gilbert would be asked to confirm this view.

324. Ms Gilbert's Landscape Report confirmed she had reviewed the updated digitised mapping (January 2024) and visited the area. She considered the general extent and configuration of ONL 1 in the vicinity to be correct - capturing the elevated undeveloped land with contiguous bush cover and excluding the elevated landform where quarrying activities are prominent and dominant. She recommended no change to the updated digitised mapping (January 2024).

325. The Addendum to the s42A Report acknowledged the poor quality of the updated Brown Ltd maps in the s42A Report. It noted that this mapping had now been digitised into the Council's Geographic Information System (GIS) mapping and updated maps for the relevant parts of the ONL discussed in Section 11 of the s42A Report were now provided.

Hearing and Submitter Evidence

326. Mr Leckie, for Bathurst, highlighted the overlap between the BCZ and ONL 41 and considered there was no clear justification in the landscape studies as to why a portion of the BCZ has been identified within the ONL and that there was inconsistency between the notified TTPP maps and the GIS shapefiles. He noted a previous Environment Court decision[151] had confirmed the Denniston Plateau did not qualify as an ONL.

327. Mr Geoff Volckman, a director of Karamea Lime Co Ltd (**KLC**), present a statement of evidence outlining background to the Fenian Road quarry site and the importance of the quarry to the community. He sought more permissive framework for mineral extraction and farming operations. He highlighted the importance of the small KLC operated lime quarry at Fenian Road, Karamea to the Buller area. He noted the TTPP Committee had recognised the mapping error in only partially zoning the quarry land in the MINZ. He noted 70 submitters opposed a new ONL overlay over the quarry area.

328. Mr Leicester Murray, a landscape architect for KLC, considered the quarry area should not be included within the coastal environment overlay and did not meet the criteria to be included as an ONL. He assessed the site with reference to Te Tangi a Te Manu and agreed with Ms Gilbert that the land should not be categorised as an ONL. He considered the quarry area should remain outside any the ONL overlay.

Evidence in Reply

329. In Reply, Ms Easton advised that Ms Gilbert had worked with the Council GIS consultant to refine the mapping of ONL. She confirmed that any of Ms Gilbert's recommendations to increase any ONL areas were largely restricted to public conservation land; and that in most cases Ms Gilbert's review had reduced the ONL areas that affect private land.

330. Ms Easton identifies four areas where Ms Gilbert recommends extension of the ONL area across private land, as follows:

    (a) ONL 29 at Whataroa where there is a wetland and low likelihood of development due to restrictions around wetland modification;

[151] *West Coast Environmental Network Inc. v Royal Forest and Bird Society of New Zealand Incorporated* [2013] NZEnvC 047.

(b) ONL 27 at Inchbonnie where the area is river flats and there is a low likelihood of development, except for modification for improved farming (e.g. vegetation clearance and humping and hollowing);

(c) ONL 52 at Kongahu/Karamea where the area has been subdivided into lifestyle/bush lots, but the houses have not yet been built (13 lots affected); and

(d) ONL 54 at Little Wanganui where the area is river flats and there is a low likelihood of development, except for modification for improved farming (e.g. vegetation clearance and humping and hollowing).

331. Ms Easton referred to the legal advice from Wynn Williams and considered there was limited scope to expand ONL boundaries. However, she highlighted the submission of Brian Anderson (S576.007) which seeks to amend the boundaries to objectively identify areas with particular values provides some scope for increasing ONLs; as well as the submission point of Manawa Energy (S438.142) to '*Review and amend the entire landscape study methodology and outputs to follow best practice and to include the necessary assessment against national guidance including review of all of the ONFL mapping to improve accuracy and appropriate identification of areas*.'

332. Ms Easton confirmed Ms Gilbert had reviewed the ONL boundary in relation to the Denniston Plateau and agrees there is an overlap of the Buller Coalfield Zone and the ONL area. Ms Easton did not recommend the removal of the ONL from the Buller Coalfield Zone on the basis of Ms Gilbert's review.

333. Ms Easton noted she had approached all three electricity distribution companies about providing GIS data to enable a non-statutory information layer to be built to acknowledge existing modifications to the environment when the ONL assessment was undertaken. She considered this could be done outside of the plan process when all the relevant information can be provided.

334. In reply evidence, Ms Gilbert confirmed she had reviewed the ONL mapping to exclude:

(a) sizeable pastoral areas;

(b) sizeable plantation forestry areas, particularly on the edges of the ONLs; and

(c) areas where the arrangement scale, and/or prominence of built development exerts a dominant influence on landscape character.

335. Ms Gilbert noted the review exercise had also included 'clipping the ONL linework' to obvious landform and or contiguous native vegetation cover edges in the immediate vicinity of the mapped ONL and amended the southern end of ONL 5 to extend it to the district boundary.

Hearing Panel's Evaluation

336. The Panel accepts Ms Easton's recommended wording for a new 'Preamble' section, which stemmed from the discussion in the NFL General/Whole Chapter section above, to be added at the beginning of Schedule Five, as shown in Appendix 1 of the Right of Reply. The Panel is satisfied this wording goes some way towards addressing the Manawa submission and we note was supported by Mr Bentley and that it is consistent with the evidence of Ms Gilbert in relation to acknowledging the assessments undertaken are 'high-level' and that ONL include modifications existing at the time the assessment was undertaken.

337. The Panel also accepts the addition of wording to the '*Site Type and Values'* column of Schedule Five to include reference to any identified SASM in ONL, where relevant as detailed in Appendix 1.

338. The Panel accepts there has now, post notification, been careful consideration and review of the ONL boundaries. However, where these would extend the ONL and affect private land, the Panel considers the ONL boundary should be retained as notified for reasons of natural justice as any extension might otherwise have been opposed in submission. In the Panel's view, any such changes would need to be part of a subsequent plan change process.

339. The Panel acknowledges that there may be some, albeit limited scope, to extend ONL boundaries where these affect public land administered by DOC. However, the Panel considers there is difficultly in including only further DOC land in ONL because this would create a series of anomalies (for example private land inside an ONL which might otherwise have been part of the ONL) and/or hard edges, which are then not reflective of the ONL values.

340. Given the above circumstances, the Panel considers retaining the notified ONL boundaries, except where they are reduced via submissions or refinement through the review, is the most appropriate course of action at this stage for reasons of natural justice and plan integrity. To introduce the amendments to ONL boundaries, as proposed by Ms Gilbert to increase the extent of ONL, would in our view require a Schedule 1 of the RMA plan change process.

341. The Panel accepts the evidence of Ms Gilbert that the area known as 'The Pyramids' in Karamea does not meet the criteria to be identified as an ONL. The Panel agrees with Ms Easton's recommendation to not include this area in an ONL and has rejected the relevant submissions[152].

342. The Panel accepts there is no evidence to support creating a new ONL on the Denniston Plateau and has rejected that submission[153]. The Panel also accepts that there are overlaps between the ONL and BCZ, and that this reflects the existing landscape values and the evidence of Ms Gilbert. The Panel considers the appropriateness of the BCZ boundaries in recommendation report on Mineral Extraction.

343. Submissions on individual ONL or ONF boundary adjustments are considered below.

Recommendation

344. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission identified in the footer below be accepted in part and that changes are made to the **Natural Features and Landscapes – Schedule 5** as follows:

> **Preamble**
>
> **Schedule Five identifies and describes 55 Outstanding Natural Landscapes (ONLs). The ONL Schedules are a tool to assist with the identification of the landscape values that are to be protected within an area. They contain both factual information and evaluative content and are to inform plan development and plan implementation processes and assist technical landscape assessment. The ONL Schedules are based on the scale of the relevant ONL and form a relatively 'high-level' summary of the more natural landscape values of the area. This means that the landscape values identified in an ONL Schedule may not apply to a site within**

[152] Fernando Tarango S342.001, Laurence Rueter S381.001, Lanah Hake Tarango S337.002
[153] Karen Lippiatt S439.008

the ONL. The ONL Schedules do not address established modifications that form part of the landscape to which they apply, such as infrastructure, rural buildings, farmhouses, roads, pastoral land use and production forestry. It is acknowledged that this existing modification is of a scale, character and/or location such that the area still qualifies as ONL. Given the scale of the landscape assessment underpinning the ONL schedules and the high-level nature of the schedules themselves, a finer grain proposal-specific assessment of landscape values will typically be required for plan development or plan implementation purposes (including plan changes or resource consent applications). Through any proposal-specific landscape assessment, landscape modifications and/or additional landscape values may be identified that are not recorded in the ONL Schedules.[154]

Add to the 'Site Type and Values' column of Schedule Five reference to identified SASM in ONL's 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 26, 27, 29, 31, 32, 39, 41, 43, 44, 46 and 55 as detailed in Appendix 2 to this recommendation.

2.7. Recommendation on Schedule Six: Outstanding Natural Feature - Te Rārangi Tuaono: Ngā Ahuatanga Aotūroa Puru Rourou

345. The s42A Report summarised four submission points supporting the ONF boundaries and sought the ONF be retained as notified.

346. Four submission points sought identified properties remain excluded from ONF generally; one submission point sought the exclusion of land within the Punakaiki Village.

347. The Panel notes the identified properties and land within the Punakaiki Village remain outside any ONF.

348. The Panel recommends the Schedule Six is retained as notified.

2.8. Recommendation on specific ONL and ONF boundary adjustments

ONL 4

349. Five submission points relating to ONL 4 sought adjustments to the boundary to remove properties in the settlement at Hannahs Clearing. One of the submission points sought to include a spatial description of the ONL within the schedule. One further submission supported the removal of the ONL from the southern end of Hannahs Clearing.

350. The s42A Report noted these submission points would be addressed after Ms Gilbert's further review.

351. In the Addendum to the s42A Report, Ms Easton supported the submission points of Ms Raylene Black (S420.001 and S420.002) and Mr Vance and Mrs Carol Boyd (S447.008 and S447.009); and recommended the updated digitised maps (January 2024) to exclude this area from the ONL, as recommended by Ms Gilbert in her Landscape Report.

352. The Panel is satisfied that the updated ONL boundaries recommended by Ms Gilbert address the requests of submitters and align with the natural character mapping. The Panel agrees Ms

[154] Manawa Energy Limited S438.83

Easton's recommendation to amend the boundaries of ONL 4, as shown in the updated digitised mapping (January 2024) and accepts the relevant submissions[155].

ONL 10

353. One submission point relating to ONL 10 sought adjustments to the boundary to remove Section 8, Weld at Bruce Bay.

354. The s42A Report recommended rejecting this submission because the whole property is within the ONL area, as well as within the Outstanding Coastal Natural Character overlay, and that there is no current development on this part of the coastline.

355. The Addendum to the s42A Report provided an updated map of ONL 10 and recommended amending the boundaries to reflect the updated digitised maps (January 2024).

356. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) at Bruce Bay. She considered the ONL boundaries were correct – capturing the contiguous bush-clad land and the undeveloped river flats. She did not support excluding the submitter's land given its similarity to surrounding land and the very limited extent of development that is anticipated because of the zoning and lot arrangements.

357. The Panel is satisfied the ONL boundary across the submitter's land is appropriate and have rejected the submission.[156] However, while we acknowledge the recommended update by Ms Gilbert may well be appropriate given the outstanding natural landscape values and the absence of development along this part of the coastline the property concerned is private property, as are some others in the vicinity, and in line with our previous expressed concerns in this regard, we do not recommend the seaward extension of the ONL boundary.

ONL 14 and ONF 16

358. Two submission points relating to ONL 14 sought adjustments to the boundary. One from Totally Tourism Limited to remove Lot 33 Deposited Plan 409401 at Donavan Drive, Franz Josef; and one from Skyline Enterprises Ltd opposing ONF 16 to enable development of a proposed aerial cableway.

359. The s42A Report supported the Totally Tourism Limited submission in part by recommending adjustments to the boundary so that slightly less of the property was affected. However, it noted Ms Gilbert had been asked to review the ONL boundaries.

360. The s42 Report rejected the submission from Skyline Enterprises Ltd given the location of the proposed aerial cableway is within the ONL area, as notified and the updated digitised mapping (January 2024).

361. In her Landscape Report, Ms Gilbert confirmed she had reviewed the extent and configuration of ONL 14 and ONF 16. She noted that her assessment had appropriately taken into account the existing environment 'as it is' and not as it may be as a result of future development that may or may not occur. She recommended minor changes to the updated digitised mapping

[155] Vance & Carol Boyd S447.008 and S447.009, Raylene Black S305.002
[156] A & S Marshal S542.001

(January 2024) in the vicinity of Donovan Drive to align the ONL boundary to the landform, vegetation and unmodified land, and to the Settlement Zone boundary.

362. Mr Dent, for Totally Tourism Limited, sought to ensure the extent of ONL 14 at the Franz Alpine Resort did not 'afflict' the permitted residential and commercial activities. He confirmed the updated map in his Figure 3 showing the refined GIS mapping would resolve the submitter's concerns but that there was insufficient information from Ms Gilbert to comment on her recommendation following her review of the ONL boundaries.

363. In Reply, Ms Gilbert confirmed her recommendation to make minor refinements to the ONL 14 mapping in the vicinity Donovan Drive to follow a '*landscape*' rather than a zone boundary.

364. The Panel accept the evidence of Ms Gilbert that ONL boundaries should follow the landscape and not zone boundaries. The Panel consider the recommended ONL 14 boundaries will not prevent residential and commercial activities within those zones.

365. The Panel do not consider any amendments to the ONL or ONF boundaries are appropriate to recognise future development proposals and accept Ms Easton's recommendation to reject Skyline Enterprises Ltd submission point[157].

366. The Panel is satisfied that the updated ONL boundaries recommended by Ms Gilbert are appropriate given the outstanding natural landscape values of the existing environment. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 14, as shown in the updated digitised maps (January 2024) except where it increases in extent.

367. The Panel accepts Ms Easton's recommendation to reject the Skyline Enterprises Ltd submission opposing ONF 16 and recommends retaining ONF 16 as shown in the updated digitised maps (January 2024).

ONL 15

368. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 15.

369. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 15 to better follow landform or landcover.

370. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.015) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

371. The Landscape Report confirmed Ms Gilberts review of the notified mapping of ONL 15. She considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing.

372. In relation to the submission from Ngāi Tahu, Ms Gilbert recommended amendments to the updated digitised mapping (January 2024) to exclude pine plantations near 'The Forks' that coincide with ONL 15.

[157] Skyline Enterprises Limited S250.008, S250.010

373. Mr Bentley's evidence for Manawa noted the ONL boundary has shifted slightly in the updated mapping (January 2024). He broadly agreed that the Manawa scheme on this location should be within the ONL but considered there should be reference to the existing infrastructure in the ONL description. No further information was received from Manawa after the hearing.

374. In response, Ms Easton didn't agree it was necessary to detail all the existing modifications in the ONL descriptions.

375. In Reply, Ms Gilbert confirmed her recommendation to make minor refinement of the boundaries of ONL 15 to exclude substantial areas of pine plantation.

376. The Panel agrees with Ms Easton's recommendation to amend the boundaries of ONL 15, as shown in updated digitised mapping (January 2024) except where it increases in extent and accepts in part the relevant submissions.[158]

ONL 16

377. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 16 to better follow landform or landcover.

378. The Landscape Report confirmed Ms Gilbert's review of the notified mapping of ONL 16. She considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing.

379. Similar to ONL 15, Mr Bentley considered there should be reference to Manawa's existing infrastructure in the ONL description.

380. In response, Ms Easton didn't agree it was necessary to detail all the existing modifications in the ONL descriptions.

381. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 16, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 17

382. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 17.

383. In the Addendum to the s42A Report, Ms Easton supported in part the submission points of Ngāi Tahu (S620.015) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

384. The Landscape Report confirmed Ms Gilbert's review the notified mapping of ONL 17. She recommended amendments to the updated digitised mapping (January 2024) to exclude pine plantations between the Waitaha River and the Poerua River that coincide with ONL 17.

385. In Reply, Ms Gilbert confirmed her recommended minor refinement of the boundaries of ONL 17 to exclude substantial areas of pine plantation.

[158] Manawa S438.142, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158

386. The Panel agrees with Ms Easton's recommendation to accept the submission[159] and amend the boundaries of ONL 17, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 20

387. One submission point sought adjustments to the boundaries of ONL 20 to reflect the on the ground landscape values at Ross.

388. The s42A Report supported the submission and noted the updated Brown Ltd maps of the Ross area substantially altered the extent of the ONL.

389. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 20. She considered the general extent and configuration aligned with the landform and/or bush edges to be correct in the vicinity of Ross and no further changes were required. She considered the ONL aligned with the landform and/or bush edges; and the areas of modification (limestone quarry and disused mine) included do not influence the impression of the ONL from Ross or dominate the landscape character of the ONL.

390. The Panel agrees with Ms Easton's recommendation accept the submission and to amend the boundaries of ONL 20, as shown the updated digitised mapping (January 2024) except where it increases coverage and accepts in part the relevant submission[160].

ONL 22

391. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 22.

392. One submission point sought adjustments to the boundaries of ONL 22 to remove paddocks and reflect the bush.

393. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.015) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report. Ms Easton noted the exception to this is Lot 1 DP 3156 (between Hokitika and Ross) which appears to be in contiguous bush cover.

394. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 22. In relation to the submission from Ngāi Tahu, Ms Gilbert did not recommended amendments to the updated digitised mapping (January 2024) given Lot 1 3156 (between Hokitika and Ross) appeared to be in contiguous bush cover. She considered the updated mapping to be correct in this location.

395. The Panel agrees with Ms Easton's recommendation accept both submissions[161] and to amend the boundaries of ONL 22, as shown the updated digitised mapping (January 2024) except where it increases coverage.

ONL 25

[159] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158
[160] Lynley Hargreaves S481.022
[161] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158, Chris Boxall S24.001

396. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 25 to better follow landform or landcover.

397. Two submission points sought adjustments to the boundaries of ONL 25 to remove the ONL from Lot 2 DP 324352 at Lake Kaniere Road and Lots 1 and 2 DP 55403 at Hans Bay Road.

398. The s42A Report noted there had been significant modification to the mapping around the Blue Bottle Terrace Area and some modifications at Lake Kaniere. It confirmed the updated Brown Ltd maps do not include Lot 2 DP32352.

399. The Landscape Report noted Ms Gilbert had reviewed the updated digitised mapping (January 2024) and confirmed Lot 2 DP 324352 was excluded from the ONL; and that the general extent and configuration of the boundaries around 31 Hans Bay Road is correct – capturing elevated and bush clad land, including on the site. She recommended no changes to the boundaries of ONL 25 shown in updated digitised mapping (January 2024).

400. In relation to the submission from Manawa, Ms Gilbert also considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing.

401. Mr Bentley's evidence for Manawa noted the ONL boundary in the updated mapping (January 2024) included aspects of Manawa's McKays and Kaniere power schemes, including the lake, canals and part of the penstocks. He supported the Brown corrections around Kennedy Creek and Ms Gilbert's amendments around the Blue Bottle Terrace area. He considered there should be reference to the existing infrastructure in the in the ONL description.

402. Again, in response, Ms Easton didn't agree it was necessary to detail all the existing modifications in the ONL descriptions.

403. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 25, as shown in updated digitised mapping (January 2024) except where it increases coverage and accepts in part the relevant submissions.[162]

ONL 26

404. On submission point from WMS Group sought the removal of Lot 1 DP 3854 from ONL 26 to reflect consent decisions.

405. In the Addendum to the s42A Report, Ms Easton supported in part the submission point of WMS Group (S599.062) and recommended a minor refinement of the ONL 26 boundary to exclude grazing land and plantation forestry areas around the edges of the ONL.

406. The Landscape Report confirmed Ms Gilbert had considered the updated digitised mapping (January 2024) of ONL 26 to be correct in the vicinity of Lake Mahingapua, with minor refinement near Ruatapu Road to exclude grazing land.

407. In Reply, Ms Gilbert recommended minor refinement of the boundaries of ONL 26 to exclude grazing land and plantation forestry areas around the edges of the ONL.

[162] Manawa S438.142, Stuart Marshall and Susan Gooch S433.001, Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers S556.002

408. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 26, as shown in the updated digitised mapping (January 2024) except where it increases coverage and accepts in part the submission[163].

ONL 27 and 28

409. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 27 to better follow landform or landcover.

410. Mr Murray Stewart sought to remove property in the Hohonu area at 746 Taramakau Settlement Road from ONL 27 and ONL 28.

411. Mr Stewart spoke to his submission at the hearing raising concern that the boundaries of ONL 27 and ONL 28 include areas of regenerating indigenous bush and gorse. He was concerned the ONL appeared to be used as a *de facto* SNA and would hinder the development and maintenance of farmland and infrastructure, including the access to rock for river protection works. He requested all private land be excluded from the ONL.

412. The Landscape Report by Ms Gilbert had noted that no ONL overlay applied to Mr Stewart's property. She recommended no change to the updated digitised mapping (January 2024). The Panel noted however that Mr Stewart presentation at the hearing had referred to land on the southern side of State Highway 73 which we noted was in Mr Stewart's ownership and was impacted by ONL 27. He also owned land impact by ONL 28 above the Taramakau Settlement Road.

413. As a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that the mapping of ONL 27 has been amended to exclude the small-scale quarries on the edge of the area located on southern side of SH73. She confirmed that no other changes are recommended to the mapping of ONL 27 in this location as it would appear from the aerial photography of the area that any river protection works are of a scale that they do not form a dominant or prominent element that shapes landscape values. She also noted that the Schedule 5 Preamble recommended by Ms Easton, acknowledges that the Schedules do not address modifications, such as infrastructure, and that such existing modifications are of a scale, character and/or location that the area still qualifies as outstanding.

414. The Landscape Report confirmed Ms Gilbert's review the notified mapping of ONL 27 and ONL 28. She considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing. However, no further detail was provided after the hearing.

415. Mr Bentley's evidence for Manawa noted the ONL boundary in the updated mapping had shifted to include the Taramakau River; and to remove part of the Kapitia Reservoir. He supported these amendments but considered further refinement was necessary to the north of the reservoir. He considered there should be reference to the Manawa's existing infrastructure (Dillman, Duffers and Kumara Power Scheme) in the in the ONL description.

416. The Panel notes that the boundary of ONL 27 has been principally reduced from the notified version in the areas of concern to Manawa and Mr Stewart. However, there has been an increase in extent to include the Taramakau River, as noted by Mr Bentley. This increase, while principally incorporating Crown land in the form of the riverbed, includes some additional

[163] WMS Group (HQ) Limited and WMS Land Co. Limited S599.062

private property, and in line with our previous expressed concerns in this regard, we do not recommend this extension of the ONL boundary.

417. The Panel recommends that the boundaries of ONL 27 and ONL 28 are amended only where they reduce the notified boundaries and accepts in part the relevant submissions.[164]

ONL 29

418. Mitchells 2021 Ltd sought to remove their proposed subdivision area from ONL 29.

419. Mr Paul Lynch presented a statement at the hearing on behalf of Mitchells 2021 Ltd (dated 23 February 2024) in relation to the boundaries of ONL 29 and its request to exclude areas it intends to subdivide. He noted ONL 29 was now larger than notified and affected the lower-lying proposed subdivision area. He estimated an additional 21ha were now included in the ONL boundaries. He considered the ONL boundary should follow the toe of the mountain range behind, removing 34ha from the ONL (as shown in his Appendix 1).

420. Mr David Ellerm sought to amend the ONL 29 boundary at Iveagh Bay.

421. Russell Robinson sought to amend the ONL 29 boundary at Moana to more accurately reflect the forest vegetation associated with the reserve and Arnold River environment.

422. In the Addendum to the s42A Report, Ms Easton supported in part the submission point of Russell Robinson (S515.002) and recommended the ONL mapping be amended to exclude grazing land, as recommended by Ms Gilbert in her Landscape Report.

423. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 29. She considered the general extent and configuration to be correct, as it aligned with the landform and/or bush edges. She recommended no change to the updated digitised mapping (January 2024).

424. In relation to Mitchells 2021 Ltd submission, Ms Gilbert noted that her assessment had appropriately taken into account the existing environment 'as it is' and not as it may be as a result of future development that may or may not occur. She recommended no change to the updated digitised mapping (January 2024). Further, as a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that no change to the mapping of ONL 29 near Mitchells is supported from a landscape perspective.

425. In relation to Mr Ellerm's submission, Ms Gilbert considered the updated digitised mapping (January 2024) to be correct in the vicinity of Iveagh Bay.

426. In Reply, Ms Gilbert confirmed that she recommended no changes to the updated digitised mapping (January 2024) of ONL 29, other than minor refinement of the boundaries to exclude grazing land in the vicinity of the reserve and Arnold River area.

427. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 29, as shown in the Addendum to the s42A Report except where it increases coverage and accepts in part the relevant submissions.[165]

ONL 31

[164] Manawa S438.142, Murray Stewart S217.003
[165] Mitchells 2021 Limited S448.003, David Ellerm S581.028, Russell Robinson S515.002

428. Thirteen submission points sought adjustment to the boundaries of ONL 31 to remove private properties to the boundary with the Rapahoe Scenic Range Reserve.

429. The Addendum to the s42A Report noted the Landscape Report advised that the updated digitised mapping (January 2024) of ONL 31 had amended the notified mapping. The Landscape Report recommended minor refinement to exclude the patterning of dwellings throughout the lower slopes across the western side of the Rapahoe Range and include the elevated and contiguous bush area that sits above the dwellings. On this basis, Ms Easton supported in part submission points of Claire & John West (S506.001 and S506.023), Lauren Nyhan Anthony Phillips (S533.001, S533.023), Russell and Joanne Smith (S477.001, S477.023), Tim Macfarlane (S482.001, S482.023, S482.023), Stewart & Catherine Nimmo (S559.001, S559.023), Tim and Phaedra Robins (S579.001, S579.004) and Joel and Jennifer Watkins (S565.002).

430. In Reply, having heard the evidence in support of submissions, Ms Gilbert confirmed her recommended minor refinements of the ONL 31 mapping, as addressed in her Landscape Report. She indicated in response to the Panel's Minute 21 that ONL 31 had been amended to remove large scale production forestry areas.

431. The Panel is satisfied that the areas of contiguous indigenous vegetation above the dwellings in the Port Elizabeth Heights subdivision meets the criteria to be included within ONL 31. The Panel accepts that this may differ from the boundary of the Rapahoe Scenic Reserve.

432. The Panel agrees with Ms Easton's recommendation to accept the submissions[166] in part and amend the boundaries of ONL 31, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 32

433. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 32.

434. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.158) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

435. In Reply, Ms Gilbert recommended further minor refinement of the boundaries of ONL 32 to exclude substantial areas of pine plantation.

436. The Panel agrees with Ms Easton's recommendation to accept the submission in part[167] and amend the boundaries of ONL 32, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 33

437. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 33.

438. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.158) and recommended the ONL mapping be amended to remove plantation

[166] Claire & John West S506.001 & S506.023, Lauren Nyhan Anthony Phillips S533.001 & S533.023, Russell and Joanne Smith S477.001 & S477.023, Tim Macfarlane S482.001 & S482.023, Stewart & Catherine Nimmo S559.001 & S559.023, Tim and Phaedra Robins S579.001 & S579.004, Joel and Jennifer Watkins S565.002

[167] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158

forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

439. The Panel agrees with Ms Easton's recommendation to accept the submission in part[168] and amend the boundaries of ONL 33, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 41

440. New Zealand Carbon Coal & Carbon Limited sought adjustments to the boundary of ONL 41 to exclude mining areas.

441. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 41. She considered the general extent and configuration aligned with the landform and/or bush edges was correct in the vicinity of the Paparoa Coalfield and no changes were required to excluded active mining areas.

442. As a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that the overlap of ONL 41 with the Buller Coalfield Zone is supported from a landscape perspective, as there is nothing in the overlap area that sets it apart from the balance of the ONL.

443. The Panel agrees with Ms Easton's recommendation to accept the submission in part[169] and amend the boundaries of ONL 41, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 43 and ONL 49

444. Terra Firma Mining Limited sought adjustments to ONL 43 and ONL 49 to remove the green line or clarify what feature it indicates.

445. The s42A Report noted that the green lines indicated the boundaries between landscape units. It accepted the submission and considered an amendment to the map key was necessary to clarify this.

446. The Panel agrees with Ms Easton's recommendation to accept the submission[170] and amend the map key to identify the boundary line between landscape units.

ONL 44

447. Seven submission points sought adjustments to the ONL 44 boundaries to remove parts of properties, correct inaccuracies, revisit the north boundary and extend the ONL, and retain the Te Miko area within the ONL.

448. The tabled statement by Mr Dean van Mierlo (dated 18 March 2024) addressed his submission point requesting the amendment of the boundaries for ONL 44 to remove the eastern/upper part of Lot 2 DP 307444, Blk V Brighton SD. Mr van Mierlo noted the Addendum to the s42A Report appeared to recommend a substantially larger ONL area than was originally notified and considered there was no scope for this movement of the ONL boundary through the submission of the TTPP Committee.

[168] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158
[169] New Zealand Coal & Carbon Limited S472.003
[170] Terra Firma Mining Limited S537.033

449. Mr Neil Mouat spoke to his submission at the hearing emphasising the extremely limited land available for development at Punakaiki given the multiple Plan overlays and physical constraints. He highlighted the need for a development strategy to ensure areas are available for development to support and complement the existing tourist infrastructure.

450. In the Addendum to the s42A Report, Ms Easton supported in part the submission point of Mr John Baltrop (S572.001) and recommended the ONL mapping be amended to remove a stand of pine trees on the submitter's land. She noted the general extent and configuration of ONL 44 in the vicinity of Pahautane, including on the submitter's land, is correct, as recommended by Ms Gilbert in her Landscape Report.

451. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 44 and her field work in the area. She considered the general extent and configuration to be correct as it aligned with the landform and/or bush edges. She noted that the mapping excluded parts of the local area where dwellings and other modification are a dominant landscape element.

452. In relation to Mr van Mierlo's submission (S570.004), Ms Gilbert noted that the ONL appropriately included the elevated and contiguous bush clad land on his property. She recommended no changes to the updated mapping were required.

453. In relation to 'Mr Baltrop and others' submissions, Ms Gilbert noted the updated digitised mapping (January 2024) had been amended to exclude the stand of pine trees on the submitter's land. She recommended no changes to the updated mapping were required.

454. In relation to Ms Jenkin's submission (S575.001), Ms Gilbert noted that the ONL appropriately included the elevated and contiguous bush clad land on her property. She recommended no changes to the updated mapping were required.

455. In relation to Mr Mouat (S535.081), Ms Gilbert considered the ONL appropriately included the elevated and contiguous bush areas on his property. She recommended no changes to the updated mapping were required.

456. As a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that the mapping of ONL 44, 45 and 46 had been reduced (and extended in places), in the vicinity of Fox River, near Pahautane in the October 2024 mapping version, so that it better aligns with the extent of mature contiguous bush cover.

457. The Panel accepts the recommendations of Ms Gilbert and agrees with Ms Easton's recommendation to amend the boundaries of ONL 44, as shown in updated digitised mapping (January 2024) except where it increases coverage. As a result, the various submissions are accepted in part[171].

ONL 45 and ONL 46

458. One submission sought to not schedule land within the Punakaiki Village.

[171] Neil Mouat S535.081, Suzanne Hills S443.030, Amanda Jenkins S575.001, Dean Van Mierlo S570.004, Teresa Wyndham-Smith S312.009, Fiona McDonald S561.001, Jon Barltrop S572.001

459. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 46. She considered the general extent and configuration aligned with the landform and/or bush edges to be correct and no changes were required.

460. The Panel agrees with Ms Easton's recommendation to accept the submission[172] given the settlement area at Punakaiki is not included in any ONL.

ONL 54

461. The WCRC sought the removal of a small area (Section 27, Block XV, Oparara SD) of private land within the MINZ on the western boundary of ONL 54. WCRC are concerned the ONL may make it difficult in the future to undertake quarry activities as part of the MINZ for the WCRC's hazard mitigation activities. In its tabled statement, the WCRC noted the area contained suitable lag deposit (quarry rock) from an old debris slip but advised that the landowner had recently confirmed they were happy for the ONL to remain over the south-east corner of their property. The WCRC advised it intends to 'relodge a Notice of Requirement' seeking those designations for its assets, including quarries, be added to the pTTPP.

462. The WCRC also raised concerns with Rule MINZ-R2 and Rule ECO-R1 in relation to operating a quarry in the MINZ, however, this is addressed in the Mineral Extraction and Ecosystems and Indigenous Biodiversity Recommendation Reports.

463. The s42A Report noted the updated ONL showed the area within the ONL.

464. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 54. She considered the general extent and configuration to be correct in the vicinity Section 27, Block XV, Oparara SD and aligned with the landform and/or bush edges. No changes were recommended to the updated mapping (January 2024). She reconfirmed that position again in her response to the Panel's Minute 21, noting there was nothing in the overlap that sets it apart from the balance of the ONL.

465. The Panel accepts the recommendations of Ms Gilbert and agrees with Ms Easton's recommendation to amend the boundaries of ONL 54, as shown in updated digitised mapping (January 2024) except where it increases coverage and accepts in part the submissions[173] give there is some reduction in the ONL.



Dean Chrystal
Hearings Panel – Chair



Anton Becker
Hearings Panel Member

[172] Jane Whyte & Jeff Page S467.032, S467.033
[173] West Coast Regional Council S488.007



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 8 September 2025

APPENDIX 1 - RECOMMENDATIONS

Definitions

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

Landscape and Natural Features Chapter

Overview

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features and Outstanding Natural Landscapes which are identified as overlays on the Planning Maps and described in Schedule Five and Schedule Six. The identification of these areas is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development.

The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include ~~critical~~ **regionally significant** infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification. **Given the topography and extent of outstanding natural features and landscapes on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.**

The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.

The West Coast/Te Tai o Poutini Outstanding Natural Landscapes are identified in Schedule Five and Outstanding Natural Features are identified in Schedule Six

The rules in this chapter relate to earthworks, buildings, structures, plantation forestry and Māori Purpose Activities in Outstanding Natural Landscapes and Outstanding Natural Features. Where Outstanding Natural Landscapes and Outstanding Natural Features are located in the Coastal Environment, the Objectives, Policies and Rules of the Coastal Environment Chapter apply.

Outstanding natural landscapes (ONL) have been identified as having the following values:

- **Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and land uses within the landscape**
- **Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity**
- **Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.**

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for **Commercial**~~Plantation~~ Forestry) **Amendment** Regulations **2017** (NES-**C**~~P~~F). However the NES -**C**~~P~~F allows that district plans can be more stringent to protect ONLs, and ONFs and their values. Where provisions within this chapter over-rule the requirements of the NES - **C**~~P~~F an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within outstanding natural features and landscapes, including:

- **Ecosystems and Indigenous Biodiversity** – the Ecosystems and Indigenous Biodiversity contains objectives, policies and rules relating to native vegetation clearance including that within outstanding natural features and landscapes.
- **Natural Character and Activities Adjacent to Waterbodies –** the Natural Character and Margins of Waterbodies **Chapter** contains the objectives, policies and rules relating to activities adjacent to waterbodies.
- **Coastal Environment –** the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks
- **Activities on the Surface of Water** - objectives, policies and rules for activities undertaken on the surface of a lake or river (including jetties, pontoons, fish farms and boating activities), are found in the Activities on the Surface of Water Chapter.
- **Energy, Infrastructure and Transport Chapters – objectives policies and rules.**
- **Strategic Objectives – The Strategic Objectives are particularly relevant when assessing matters under the Natural Features and Landscape Chapter. The Natural Environment, Poutini Ngāi Tahu, Tourism, Mineral Extraction, and Climate Change and Resilience Strategic Objectives are particularly relevant.**

NFL – O1 ~~To protect~~ T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini **are protected from inappropriate subdivision, use and development.** ~~while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced~~.

NFL- P1

To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:

a. Assessing the values and characteristics of the landscapes according to the following factors:

i. Physical characteristics and values;

ii. Perceptual characteristics and values;

iii. Associative characteristics and values

b. Including these on the planning maps as Outstanding Natural Landscapes; and

c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.

NFL – P2

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ **maintain** the values that contribute to a natural feature or landscape being outstanding and are for:

a. Existing land uses and lawfully established activities including ~~existing~~ **residential activities, regionally significant infrastructure,** network utilities, ~~energy~~ **renewable electricity generation** activities, **mineral extraction**, agricultural, horticultural and pastoral activities;

b. Conservation activities;

c. Recreational activities;

d. **Maintenance and repair of existing lawfully established** ~~N~~**n**atural hazard mitigation ~~activities~~ **structures**;

e. Upgrading of existing lawfully established natural hazard mitigation structures where this is undertaken by a statutory agency or authorised contractor acting on its behalf;

~~e.~~**f.** Operation, maintenance and upgrade of **existing lawfully established** renewable electricity generation facilities;

~~f.~~**g.** Operation, maintenance and upgrade of **existing lawfully established** network infrastructure **and regionally significant infrastructure**;

~~g.~~**h.** ~~Upgrading and/or n~~ **N**ew ~~infrastructure and~~ renewable electricity generation **activities** ~~facilities~~ where there is a functional need ~~for it~~ to be located in these areas;

~~h.~~**i.** Poutini Ngāi Tahu ~~uses~~ **activities**; ~~or~~

~~i.~~**j.** The alteration, maintenance or removal of existing **lawfully established** buildings or structures; **and**

k. Use and development of Māori land.

NLF – P3

~~Where possible a~~ **A**void ~~significant~~ adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where ~~significant~~ adverse effects cannot be avoided, ensure that the adverse effects are remedied~~,~~ **and** mitigated ~~or offset~~ **to be no more than minor**.

NFL – P4

Recognise that there are settlements, farms, **land uses,** and infrastructure **and activities** located within outstanding natural landscapes or outstanding natural features ~~and~~ **by** provide~~ing~~ for new activities and **allowing** existing uses in these areas where the values that

contribute to the outstanding natural landscape or feature are **maintained** ~~not adversely affected~~.

NFL – P5

Require that new buildings, and structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate** any adverse visual effects **including** by**:**

a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;

b. Using naturally occurring building platforms, materials and colour that blends into the landscape;

c. Minimising landform modification from earthworks; ~~and~~

~~c.~~**d.** ~~Limiting~~ **Minimising** the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; **and**

e. Landscaping buildings and structures with appropriate vegetation to reduce visual effects.

NFL – P6

~~Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:~~

When assessing whether a proposal for land use or subdivision is appropriate, consider following matters:

a. The **nature,** scale **and extent** of modification to the landscape **or feature**;

b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;

c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;

d. The temporary, **short term** or permanent nature of any adverse effects;

e. The functional, technical, operational or locational need of any activity to be sited in the particular location, **including an assessment of alternative sites**;

f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;

g. Any positive effects the development has on the identified characteristics and qualities;

h. Any positive effects at a national, regional and local level;

i. Any relevant public safety considerations; ~~and~~

j. The measures proposed to mitigate the effects on the values and characteristics;

~~i. The location, design and scale of any buildings or structures, or earthworks;~~

~~ii. The intensity of any activity; and~~

~~iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;~~

k. The management of effects on natural character, amenity, recreation, historical and biodiversity values; and

l. Any effects on values of Māori land.

NFL – P7

Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision **are** ~~is~~ consistent with tikanga and mātauranga Māori ~~and minimises adverse effects on the outstanding values of the landscape or feature~~ **as outlined within an Iwi/Papatipu Rūnanga Management Plan.**

NFL – P8

Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu and to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.

~~Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.~~

Natural Feature and Landscapes Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

NFL -R1	**Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, ~~railway, critical~~ regionally significant infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Siz**

Activity Status Permitted

Advice Note:

1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Biodiversity Chapter

2. Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.
3. Where activities are located in a Historic Heritage,Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

Activity Status where compliance not achieved: Refer to other relevant Overlay Chapter where these activities occur in multiple overlays.

NFL -R2	**Conservation Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note:

Any indigenous vegetation clearance associated with Conservation Activities is subject to the provisions in the Ecosystems and Biodiversity

Activity Status where compliance not achieved: N/A

NFL– R3	**Repair, maintenance and upgrading of ~~N~~natural hazard mitigation structures~~activities~~ including earthworks in an Outstanding Natural Landscape described in** Schedule Five

Activity Status Permitted

Where:

1. The natural hazard mitigation **structure has been lawfully established**~~activities are to protect critical infrastructure~~;
2. ~~The~~ **Any upgrading of** natural hazard mitigation ~~activities~~ **structures** are undertaken by a statutory agency or ~~their nominated~~ **authorised** contractor **acting on its behalf, where there is no change to more than 10% to the overall dimensions, orientation or outline of the structures as of 14 July 2022**; and
3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.

Advice Notes:

1. Any indigenous vegetation clearance associated with natural hazard mitigation ~~activities~~ **structure** is subject to the provisions in the Ecosystems and Biodiversity Chapter
2. For any natural hazard mitigation ~~activity~~ **structure** within Outstanding Natural Landscapes in the coastal environment, refer to the Coastal Environment Chapter.
3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

Activity Status where compliance not achieved: Controlled

NFL – R4	**Demolition and Removal of a Structure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note: Where structures are identified as Historic Heritage Items in Schedule One, then the Historic Heritage Rules apply.

Activity Status where compliance not achieved: N/A

NFL -R5	**Additions or alterations to buildings and structures, including minor upgrades to ~~Energy~~ Renewable Electricity Generation Activities and Network Utility Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. **This is minor upgrade of infrastructure undertaken by a Network Utility Operator or Renewable Electricity Generation Activity; or**
2. For all other activities:

a. The maximum height of **any addition or alteration** ~~buildings and structures~~ **is 5m** above ground level ~~is 5m~~**; and**

b. The maximum area of any addition is no greater than 50m^2, or 10% of the total floor area, whichever is the greater.

Advice Notes:

~~1.~~ Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply **and this rule does not apply**.

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R6	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and
2. This is ancillary to:

a. An infrastructure activity undertaken by a network utility operator ~~in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7; or~~

b. ~~An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4;~~ **Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.**

3. For other earthworks, the following standards are complied with:

a. The cut height or fill depth does not exceed one metre vertically; **and**

b. No more than 500m^3 of earthworks are undertaken~~/~~ **per** 12 month period~~/~~ **per** site **or per 4 hectares, whichever is the greater.**~~; and~~

c. ~~The earthworks are undertaken outside of the Coastal Environment.~~ **Advice Notes:**

~~4. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R3.~~

~~5.~~ **1.** This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - **C**~~P~~F.

~~6.~~ **2.** Where activities are located in the Coastal Environment, the provisions **are located** in the Coastal Environment Chapter apply **and this rule does not apply**.

Activity Status where compliance not achieved: ~~Controlled~~**Restricted Discretionary**

Refer to relevant Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment.

NFL – R7	**Poutini Ngāi Tahu Activities or Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. These are:

a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or rock; or

b. Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; and

2. All Permitted Activity standards in Rule EW - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R8	**Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape described in Schedule Five**

Activity Status Permitted

Where the structure is:

1. A fence; or

2. Associated with ~~stock~~ water reticulation including tanks, pipes and water troughs; or

3. For parks facilities or parks furniture in any Open Space Zone; or

4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7 **and for energy network utilities Rule ENG-R4, underground lines or small network utility structures not exceeding 3m in height and 5m^2 in area**; or

5. For a **single** small-scale renewable electricity generation activity **per allotment, where:** ~~with a maximum height above ground level of 5m~~

a. **The maximum height is 5m above ground level; and**

b. The gross floor area of any building does not exceed 100m^2; or

6. For agricultural, pastoral and horticultural activities and **mahinga kai activities** or any accessory building where:

a. The maximum height is 3m above ground level; and

b. The gross floor area of any building does not exceed 100m^2**; o**r

7. **A bridge constructed as part of a Temporary Training Activity.**

Advice Note:

1. Where buildings and structures are located in the Coastal Environment, the provisions located in the Coastal Environment Chapter apply and this rule does not apply.

Activity status where compliance not achieved: Restricted Discretionary

Controlled Activities

NFL – R9	**Natural Hazard Mitigation ~~Activities~~ Structures in an Outstanding Natural Landscape described in Schedue Five or Outstanding Natural Feature in Schedule Six, including Earthworks not meeting Rule NFL - R3**

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

~~1. These are to protect Critical Infrastructure; and~~

2. ~~These will not destroy~~**A**any **Outstanding Natural Landscape identified in Schedule Five or** Outstanding Natural Feature identified in Schedule Six **and** ~~or~~ the values which make it Outstanding **are protected**.

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

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; and

h. **Measures to mitigate** ~~L~~landscape ~~measures~~ **effects**.

Notification: Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.

Activity status where compliance not achieved: Discretionary

NFL – R10	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R6**

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

1. These are for:

a. Walking/cycling tracks; **or**

b. Roads, farm tracks or fences; **or**

c. Installation of network utility infrastructure; or

d. Installation, **upgrade, maintenance, operation and repair** of a renewable electricity generation ~~facility~~ **activity**; ~~or~~

e. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; **or**

f. Protection of ~~critical~~ **regionally significant** infrastructure from natural hazards~~;~~**.** ~~and~~

~~2. Earthworks are the minimum required to undertake the activity.~~

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~L~~landscape **effects** ~~measures~~.

Advice Note:

1. **Within the Coastal Environment,** ~~For~~ **Rule NFL-R10** **E**~~e~~arthworks within Outstanding Natural Features and Landscapes **does not apply.** ~~in the Coastal Environment~~ **R**~~r~~efer to the Coastal Environment Rules.

2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - ~~P~~**C**F.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

NFL – R10A	**Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule Five.**

Activity Status Restricted Discretionary

Where:

1. **These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone; and**
2. **This includes earthworks and buildings associated with the activity.**

Discretion is restricted to:

a. **Any requirements for landscape evaluation;**
b. **Managing adverse effects on historical, cultural, and biodiversity values;**
c. **Amenity and visual effects;**
d. **Managing effects on public access and natural character;**
e. **Effects on the values that make the feature or landscape Outstanding;**
f. **Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;**
g. **Extent and design of earthworks; and**
h. **Mitigation measures for landscape effects.**

Activity status where compliance not achieved: Discretionary

NFL – R11	**Poutini Ngāi Tahu Activities or Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R7**

Activity Status Restricted Discretionary

Where:

1. These are on land within a Māori Purpose Zone; and
2. This includes earthworks and buildings associated with the activity.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~L~~landscape **effects** ~~measures~~.

Activity status where compliance not achieved: Discretionary

NFL – R12	**Buildings or Structures and associated Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules.**

Activity Status Restricted Discretionary

Where:

1. This is an addition to an existing building or a building accessory to an existing building; or
2. The building is identified on an approved subdivision plan for the site or for a residential building where there is no existing residential building on the property; or
3. This is required for:

a. A network utility;

b. A renewable electricity generation activity;

c. An agricultural pastoral or horticultural activity;

d. A conservation activity; or

e. A recreational activity in an Open Space Zone.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; ~~and~~

h. **Mitigation measures for** ~~L~~**l**andscape **effects** ~~measures~~;

i. Any functional or operational needs that relate to the proposal and its location; and

j. Any matters of public safety.[174]

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NFL – R13	**Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature**

Activity Status ~~Discretionary~~Non-complying

[174] Manawa Energy Limited S438.100

Activity status where compliance not achieved: N/A

NFL – R14	**Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, ~~Controlled~~ or Restricted Discretionary rules**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NFL – R15	**Earthworks, Mineral Extraction and Natural Hazard Mitigation Activities within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules**

Activity Status Discretionary

Notification:

1. Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.
2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - C~~P~~F.

Activity status where compliance not achieved: N/A

NFL – R16	**Poutini Ngāi Tahu and Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R11.**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Subdivision Rules

SUB – R11	**Subdivision to create allotment(s) of land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six**

Activity Status Restricted Discretionary

Where:

1. The site is outside of the Coastal Environment;
2. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB – R8, SUB – R9 or SUB – R14
3. The area is not a Significant Natural Area identified in Schedule Four; and
4. All Subdivision Standards are complied with.

Discretion is restricted to:

a. **Matters outlined in Policies NFL P1 – NFL -P9 as relevant;**

b. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;

c. The size, design, shape, location and layout of allotments;

d. The provision of infrastructure and services for **transport,** drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. **Measures to address any natural hazards or geotechnical considerations;**

g. **Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;**

h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and

i. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

SUB – R16	**Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay**

Activity Status Discretionary

Where:

1. No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight.

Activity status where compliance not achieved: Non-complying

APPENDIX 2 – AMENDMENTS TO SCHEDULE 5

Preamble

Schedule Five identifies and describes 55 Outstanding Natural Landscapes (ONLs). The ONL Schedules are a tool to assist with the identification of the landscape values that are to be protected within an area. They contain both factual information and evaluative content and are to inform plan development and plan implementation processes and assist technical landscape assessment. The ONL Schedules are based on the scale of the relevant ONL and form a relatively 'high-level' summary of the more natural landscape values of the area. This means that the landscape values identified in an ONL Schedule may not apply to a site within the ONL. The ONL Schedules do not address established modifications that form part of the landscape to which they apply, such as infrastructure, rural buildings, farmhouses, roads, pastoral land use and production forestry. It is acknowledged that this existing modification is of a scale, character and/or location such that the area still qualifies as ONL. Given the scale of the landscape assessment underpinning the ONL schedules and the high-level nature of the schedules themselves, a finer grain proposal-specific assessment of landscape values will typically be required for plan development or plan implementation purposes (including plan changes or resource consent applications). Through any proposal-specific landscape assessment, landscape modifications and/or additional landscape values may be identified that are not recorded in the ONL Schedules.

Unique Identifier	Site Identifier	Site Type and Values
ONL1	Malcolm, McKenzie, & Hope Blue River Ranges	Series of remote low elevation ranges and valleys that are heavily dissected with high relief. Contains a sequence of steep coastal slopes, cliffs and headlands (Awarua Point) with a series of rocky shoals, outcrops, and broad beaches. • Unmodified and continuous mature coastal and lowland forest together with the dramatic terrain imparts a strong sense of naturalness. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its continuous vegetation cover providing a consistent patterning to this exposed landscape. • Extremely limited modification / human activities. • The highly distinctive and glacial shorn profile of Awarua Point is a key landmark within this Landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 214 Huruhuru Manu/Spoon River traditional nohoanga, mahinga kai and SASM 215 Hautai kāīnga, mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL1.
ONL2	Bonar Knob & Katake/Cascade Point	Remote series of elevated plateaux, glacial shorn slopes, broad alluvial valleys, and deeply incised river gorges together with coastal cliffs and bluffs, and craggy headlands.

		• Unmodified and continuous mature coastal, lowland, and swamp forest giving way to alpine scrub and tussock on the plateaux, together with the dramatic terrain imparts a strong sense of naturalness. • Evidence of erosion, stream / river downcutting and entrenchment, tidal variation and coastal exposure as well as formative glacial processes. • The coastal exposure and orientation of the landscape creates a dramatic and expressive environment that abuts Te Tai-o-Rēhua/ the Tasman Sea. • The highly distinctive and glacial shorn profile of Katake/Cascade Point & Plateau is a key landmark within this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 212 Cascade River kāīnga Mahinga kai, Traditional nohoanga, SASM 211 Cascade River Nohoanga, mahinga kai and SASM 213 Barn Bay kāīnga, urupā Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL2.
ONL3	Jackson Head & Stafford Ranges	Prominent craggy headland backed by a series of low elevation ranges and valleys that are heavily dissected. • The coastal outlook, exposure and orientation of the landscape creates a dramatic and expressive environment that abuts Te Tai-o-Rēhua/ the Tasman Sea • Interplay of coastal landforms and vegetation – regenerating scrubland on exposed slopes reinforce areas of coastal erosion, river and stream entrenchment. • Amalgam of very steep ranges, highly exposed headlands and unmodified windswept forest give the landscape a rawness and pronounced sense of naturalness. • The dramatic projection of Jackson Head out into Te Tai-o-Rēhua/ the Tasman Sea and the tranquil enclosed waters of Lake Ellery are key landmarks with this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 209 No. 1 Arawata Native Reserve - West Reserve Block Māori Reserve Jackson Head also scheduled in Proposed Regional Coastal Plan as ONL3.
ONL4	Ōkahu/Jackson Bay	Vast and remote windswept stony beach immediately flanked by coastal forest that extends into an expansive plain. Includes several forest clad hill formations which rise dramatically from the plains. • Highly expressive of the landscapes formative and ongoing natural processes – post glacial alluvial plain, interplay of river mouths and Te Tai-o-Rēhua/ the Tasman Sea. Vegetation patterns reinforce the exposure to Te Tai-o-Rēhua/ the Tasman Sea and the expansive planar landform. • Pristine lowland and swamp forest predominates with wetland areas surrounding the numerous waterbodies within this landscape. • Strongly defined by enclosing mountain ranges.

		• Key landmarks within this landscape are the forest clad hills of Mt Mclean and Mosquito Hill rising dramatically from the plains, the Arawhata, Waiatoto, Okuru, and Haast Rivers, and the vast stony beach of Jackson Bay • Important cultural landscape for Poutini Ngāi Tahu and area of habitation for Ngāti Māhaki including eleven sites of significance to Māori - SASM 189 Waita River Nohoanga, SASM 190 Waita River kāinga, urupā, mahinga kai, SASM 191 Tawharekiri Lake (Māori Lakes) mahinga kai, SASM 192 Awarua Māori Reserve, SASM 196 Ōkuru River Nohoanga, SASM 197 Ōkuru Nohoanga, kāinga, urupā, mahinga kai, SASM 198 Ōkuru Mātaitai Reserve mahinga kai, SASM 199 Mussel Point wāhi tapu, SASM 202 Waiatoto Lagoon, North Bank Nohoanga, mahinga kai, SASM 204 Waiatoto Lagoon, South Bank Nohoanga, mahinga kai and SASM 205 No. 2 Waiatoto Native Reserve Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL4.
ONL5	Olivine & Haast Ranges	Broad alluvial valleys flanked by prominent high altitude mountain ranges. • Assemblage of predominately north-south running ridges, peaks, and mountaintops of similar attitudes, vegetative cover and appearance. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Extremely limited modification / human activities. • Landmarks – Olivine Range, Haast Range, and the Arawhata River.
ONL6	Tititea/Mt Aspiring & Hinemakawe/Mt Castor	Wild, remote, and dramatic sequence of mountain ranges, peaks, glaciers, lakes, and strongly defined valley systems. • Combination of glacial sculpted terrain, etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Evidence of erosion revealing underlying geology and glacial erosion are highly expressive of the landscapes formative and ongoing natural processes. • Landmarks – Tititea/Mt Aspiring, Upper and Lower Volta Glaciers, Hinemakawe/Mt Castor and Mt Pollux.
ONL7	Selborne, Browning, Mark, & Bealey Ranges	• Extensive landscape consisting of strongly defined valley systems flanked by high altitude mountain • ranges.

		• Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Assemblage of ridges, peaks, and mountaintops of similar attitudes, vegetative cover and appearance. • Extremely limited modification / human activities. • Combination of glacial sculpted terrain, etched ridgelines, rocky outcrops, permanent ice flows, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural.
ONL8	Awarua/Haast River	Very extensive braided river channel and gravel beds flanked by high altitude mountain ranges. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Dramatically eroded landforms clearly express the Haast Rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Very high relief, steep to very steep mountain ranges that dramatically enclose the river valley. • Exposed upper peaks and rocky outcrops are apparent on the Bealey Range. • Awarua/Haast River is a key landmark within this landscape.
ONL9	Landsborough River Valley & Mt Hooker	Wild, remote, and dramatic sequence of mountain ranges, peaks, glaciers, and valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Combination of glacial sculpted terrain, etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges imbue a strong sense of naturalness. • Assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance.
ONL10	Bald, Moeraki and Paringa Hills	Series of steep craggy headlands backed by forest clad foothills and valleys that are heavily dissected and contain two prominent lake basins: Lake Moeraki and Tāwhirirāupo/Lake Paringa. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its continuous mature coastal and lowland forest vegetation cover providing a consistent patterning to this exposed landscape.

		• Combination of glacial sculpted terrain with continuous vegetation cover, high relief, and the tranquility of the lakes opening up views up and down the valley basins reinforce the natural qualities of this landscape. • Assemblage of ridges, peaks, and mountaintops of similar orientation, altitude, vegetative cover and appearance. • Lake Moeraki, Tāwhirirāupo/Lake Paringa, and Heretaniwha Point are key landmarks with this unit. • Knights Point lookout provides dramatic elevated views of the coastline • Important cultural landscape for Poutini Ngāi Tahu and area of habitation for Ngāti Māhaki including SASM 180 No. 3 Paringa Native Reserve, SASM 184 Lake Pāringa, Statutory Acknowledgement, Mahinga kai, SASM 185 Lake Moeraki Reserve, Māori Reserve, Mahinga kai, SASM 186 Whakapoai Māori Reserve and SASM 187 Arnott Point Traditional nohoanga, Cave, Battle site, wāhi tapu Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL10.
ONL11	Mahitahi/ Bruce Bay to Cook Bluff	Remote and isolated coastline comprising broad sandy beaches, coastal cliffs, bluffs, and craggy headlands backed by expansive low lying swampland, glacial shorn hills, and braided river mouths. • Varied amalgam of raw and exposed landforms, windswept vegetation and isolated beach fronts impart a strong sense of naturalness. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea – sheer cliffs at Mahitahi, Makaawhio/Jacobs, Karangarua, and Cook Bluff plunge dramatically into the sea – Weheka/Cook & Karangarua River mouths are highly expressive of the landscapes natural processes. • High coastal exposure and orientation towards Te Tai-o-Rēhua/ the Tasman Sea. • Vast unmodified sequences of native forest enclosed by glacial shorn hills reinforce the natural qualities of this landscape. Mature wind swept rimu forest on Sandy Beach • Mahitahi/Bruce Bay was the landing place of Polynesian explorer Maui • Important cultural landscape for Poutini Ngāi Tahu and area of habitation for Ngāti Māhaki with ten sites of significance to Māori including SASM 144 Karangarua Lagoon Statutory Acknowledgement, Mahinga kai, SASM 146 Puketahi - The Sugar Loaf, SASM 147 Karangarua River Nohoanga, Mahinga kai , SASM 151 Bruce Bay/Manakaiaua Māori Reserve, SASM 156 Te Puku o te Wairapa sacred maunga, Ancestors embedded in the landscape, SASM 157 No. 10 Makāwhio Native Reserve Māori Reserve, Pā site, Urupā, SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve, Pā site, Urupā, Mahinga kai, SASM 159 Tikitiki o Rehua sacred maunga, Ancestors embedded in the landscape, SASM 172 Pāpākeri Creek Mahinga kai, SASM 183 Makāwhio River Catchment (Jacobs River) Ancestors embedded in the landscape, Wāhi taonga, wāhi tapu, Mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL11.
ONL12	Mahitahi, Makaawhio/Jacobs River, and Karangarua foothills	Sequence of north-west facing mountain ranges that front on to an expansive swamp and farming plain.

		• Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges reinforce the natural qualities of this landscape. • Important cultural landscape for Poutini Ngāi Tahu including the awa of Ngāti Māhaki – the Makaawhio River – SASM 166 and SASM 183. Poutini Ngāi Tahu have a statutory acknowledgement on the river, and the catchment is significant for ancestors embedded in the landscape, Wāhi taonga,Wāhi tapu and Mahinga kai Assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance.
ONL13	Strachan & Bannock Brae Ranges	Wild, remote, and dramatic sequence of mountain ranges, peaks, glaciers, and valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, expansive braided rivers (Ōtoko, Mahitahi, and Makaawhio Rivers) vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance. • Important cultural landscape for Poutini Ngāi Tahu including the awa of Ngāti Māhaki – the Makaawhio River – SASM 166 and SASM 183. Poutini Ngāi Tahu have a statutory acknowledgement on the river, and the catchment is significant for ancestors embedded in the landscape, Wāhi taonga,Wāhi tapu and Mahinga kai
ONL14	Aoraki / Mt Cook	Extensive landscape consisting of dramatic mountain ranges that extend westward from the main divide, high altitude peaks, glaciers, permanent snowfields, and incised valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief – particularly where horizontal vegetation patterns including seral beech forest and scrub mark glacial retreat. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Dramatic etched bluffs are highly expressive of formative glacial processes.

		• Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Te Moenga-o-Tuawe/ Fox Glacier & Ngā Roimata-a-Hinehukatere/Franz Josef Glacier, Douglas Neve, Mt Tasman, Sefton, Elie De Beaumont, Hicks, & Aoraki are key / representative landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM 177 Copland Track, Ara tāwhito, SASM 145 Kā Roimata-a-Hinehukatere / Franz Josef Glacier, and SASM 148 Te Moeka-o-Tuawe / Fox Glacier are for Poutini Ngāi Tahu ancestors embedded in the landscape.
ONL15	Koihaihai/ Gillespies Point to Te Kohumarua Bluff	Series of steep craggy headlands and isolated sandy beaches backed by glacial shorn foothills covered in native forest which contain a number of lake and swamp basins. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its sheer cliffs and scarps, continuous coastal and lowland forest cover providing a consistent patterning to this exposed landscape. • Combination of glacial sculpted terrain with continuous vegetation cover, moderate relief, and the tranquility of the lakes opening up views up and down the valley basins reinforce the natural qualities of this landscape. • Unmodified vegetation sequences from dunefields to mature coastal forest. • Māpouriki/Lake Mapourika, Wahapo, Matheson, Three & Five Mile Lagoons, and Ōmoeroa Range are key landmarks within this unit • Important cultural landscape for Poutini Ngāi Tahu including SASM 136 No. 15 Omoeroa Native Reserve Māori Reserve, Traditional nohoanga, SASM 137 No. 17 Waiahope Native Reserve Māori Reserve, Traditional nohoanga, SASM 138 No. 16 Waikohai Native Reserve Māori Reserve, Traditional nohoanga, kainga, SASM 139 Gillespies Beach Māori Reserve, kainga, SASM 140 Lake Matheson Mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL15.
ONL16	Ōkārito Lagoon to Mt Bird	Vast and remote lagoon systems enclosed by extensive beaches and dune fields and flanked by mature low lying coastal forest which extends inland to Mt Bird across a broad gentle inclined glacial terrace. • Unmodified sequences of dunefield and wetland vegetation through to mature coastal forest. • Highly dynamic and dramatic interaction / relationship between the Ōkārito River mouth, associated sand bars and the open waters of the Tasman Sea. • Enclosure of the lagoon is expressive of formative coastal processes. • Combination of the enclosing terrain, continuous and vast expanse of vegetation cover, the tranquility of the Lagoons expansive open waters opening up views up and down the coast reinforce the natural qualities of this landscape. • Ōkārito is a key landmark within this landscape.

		• Important cultural landscape for Poutini Ngāi Tahu including SASM 128 Whataroa Native Reserves Sec 22, SASM 129 Waitangiroto Nature Reserve Former Māori Reserve, Mahinga kai, SASM 130 Whataroa Native Reserves Secs 21 wāhi tapu, SASM 131 Ōkārito Lagoon, Statutory Acknowledgement, Mahinga kai, Mātaitai, Ancestors embedded in the landscape, SASM 132 Ōkārito Mātaitai Reserve, mahinga kai, SASM 133 No.19 Ōkarito Native Reserve, kainga, SASM 134 Ōkārito River/Lagoon Nohoanga, mahinga kai, SASM 135 Ōkārito (No. 18 Koamaru Native Reserve) wāhi tapu
ONL17	Lower Waitangitāhuna/Waitangitaona, Whataroa, Pouerua-tāhuna/Poerua, and Whakanui/Wanganui Rivers	Expansive braided river channels flanked by a series of steep and dramatic river escarpments covered in indigenous forest. • Highly dynamic and dramatic interaction / relationship between the river mouths, associated sand bars and the open waters of the Tasman Sea. • Assemblage of river escarpments of similar orientation, altitude, vegetative cover and appearance – the dramatic profile of the escarpment features accentuate this landscapes endemic character. • Unmodified sequences of dunefield and wetland vegetation through to mature coastal and low land native forest. • Dynamic natural processes associated with the meandering braids and gravel beds, grading of aggregate sizes, downcutting, river terracing, flood events and inundation • Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL17.
ONL18	Mt Elie De Beaumont – Mt Whitcome	Extensive landscape consisting of dramatic mountain ranges that extend westward from the main divide, high altitude peaks, glaciers, permanent snowfields, and incised valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief – particularly where horizontal vegetation patterns including seral beech forest and scrub mark glacial retreat. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Dramatic etched bluffs are highly expressive of formative glacial processes. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • The Garden of Eden Ice Plateau, Garden of Allah, Mt Elie De Beaumont, Whitcome, Mannering, Moffat, and Newton Peak are key / representative landmarks within this landscape
ONL19	Pouerua hāpua/Saltwater Lagoon	Vast and remote lagoon system enclosed by extensive beaches, dune fields and flanked by mature low lying coastal forest which extends inland across a broad elevated terrace. • Unmodified sequences of dunefield and wetland vegetation through to mature coastal forest.

		• Highly dynamic and dramatic interaction / relationship between the Lagoon mouth, associated sand bars and the open waters of the Tasman Sea. • Enclosure of the lagoon is expressive of formative coastal processes. • Combination of the enclosing terrain, continuous and vast expanse of vegetation cover, the tranquility of the Lagoons expansive open waters and islands reinforce the natural qualities of this landscape. • Pouerua hāpua/ Saltwater Lagoon is a key landmark within this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 125 Lake Matahi/Lake Ianthe mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL19.
ONL20	Wakanui/Wanganui Bluff to Waitaha River	Isolated sandy beaches backed by a series of bluffs / cliffs, forest covered slopes, and swampland. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Seawith its sheer cliffs and scarps, continuous coastal and lowland forest cover providing a consistent patterning to this exposed landscape. • Varied amalgam of raw and exposed coastal landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Combination of bluffs and scarps, continuous vegetation cover, saltwater lagoons, dune fields, and wetlands and the tranquility of the extensive swampland reinforce the natural qualities of this landscape. • Unmodified vegetation sequences from dunefields and wetland vegetation through to mature coastal and low land native forest. • Important cultural landscape for Poutini Ngāi Tahu including SASM 162 Heretaniwha wāhi tapu, SASM 167 Mahitahi Mussel & Pipi Bed mahinga kai, SASM 168 No. 4 Heretaniwha Native Reserve wāhi tapu, SASM 169 No. 5 Mahitahi Native Reserve, kainga, SASM 170 Porangirangi to Mahitahi kāinga, SASM 171 Mahitahi River Nohoanga, SASM 181 Paringa River Reserve - Rural Section 727A, Māori Reserve and SASM 182 Paringa River Reserve - Lot 1 DP 3785, Māori Reserve Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL20.
ONL21	Matahi/ Lake Ianthe	Enclosed lake basin that is strongly defined by steep slopes covered in mature indigenous forest. • Very extensive and homogenous mature forest around the entire lake fringe that directly interacts with the open waters of the Lake. Intact sequences of wetland and swamp species through to canopy native forest. • Intact sequences of wetland and swamp species through to canopy native forest. • High transient values associated with evident bird life on the lake and surrounding indigenous forest. • The tranquility of the lake, vast unmodified sequences of native forest amplify the natural qualities of this landscape.

		• Due to its intimate scale and enclosure this landscape as a whole is a landmark. • Important cultural landscape for Poutini Ngāi Tahu including SASM 125 Lake Matahi/Lake Ianthe mahinga kai
ONL22	Bonar, Rangitoto & Bald Hill Ranges	Assemblage of heavily dissected ranges, foothills, and valley systems with broad rounded peaks whose underlying geology set them apart visually from the high altitude ranges to the east. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Assemblage of ridges, peaks, and mountaintops of similar orientation, altitudes, vegetative cover and appearance. Contiguous mountain range and foothills. Mature beech forest giving way to alpine vegetation at higher attitudes. • The Hokitika Gorge is a well known landmark within this landscape.
ONL23	Mt Camelback & Kokiraki/ The Doughboy	Two distinct forest clad hill formations that rise dramatically from the flat pastoral landscape which surrounds them. • Interplay / contrast of mature indigenous forest and surrounding pasture reinforces the dramatic topography and pronounced relief. • Striking and highly distinctive landforms that remain visually separate from nearby mountain ranges. • Homogenous mature forest cover. • Mt Camelback and Kokiraki/The Doughboy are themselves landmarks within the wider landscape.
ONL24	Kea Pass – Arthurs Pass – Amuri Pass	Extensive landscape consisting of dramatic mountain ranges along the main divide, high altitude peaks, glaciers, and incised valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Lake Christabel, Whakarewa/Lake Browning, & Kāurupātaka/Lake Kaurapataka as well as the numerous peaks along the main divide are key / representative landmarks within this landscape. • Nōti Taramakau (Harper Pass) was a significant Māori trail across the alps.
ONL25	Lake Kaniere	Elongated lake basin dramatically enclosed by an assemblage of broad ranges and hills whose underlying granite geology set them apart visually from the high altitude schist ranges to the east.

		• Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Very extensive and homogenous mature forest around the entire lake fringe that directly interacts with the open waters of the Lake. Intact sequences of wetland and swamp species through to canopy native forest. • Lake Kaniere, Mt Upright, & Turiwhati/Turiwhate are key / representative landmarks within this landscape. • Association with Ngāi Tahu – pounamu source and route to east coast.
ONL26	Lake Mahinapua	Low lying lake basin that is strongly defined by surrounding mature indigenous forest. • Very extensive and homogenous mature swamp forest around the entire lake fringe that directly interacts with the open waters of the Lake. Intact sequences of wetland and swamp species through to canopy native forest. • High transient values associated with evident bird life on the lake and surrounding indigenous forest. • The tranquility of the lake, unmodified sequences of native forest amplify the natural qualities of this landscape. • Due to its intimate scale this landscape as a whole is a landmark. • Important cultural landscape for Poutini Ngāi Tahu including SASM 111 Lake Māhinapua wāhi tapu
ONL27	Lower Taramakau River & Kawhaka Forest	Extensive braided river channel and gravel beds flanked by steep escarpments covered in mature native forest that extends across an elevated plateau housing a number reservoirs. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Very extensive and homogenous swamp forest. Vegetation directly interacts with the river beds and the open waters of the reservoirs. • High transient values associated with evident bird life on the reservoirs and surrounding indigenous forest. • The Kapitea and Kumara Reservoirs are key landmarks within this unit. • Important cultural landscape for Poutini Ngāi Tahu including SASM 104 Kawhaka Creek Catchment Pounamu legends, Ancestors embedded in the landscape
ONL28	Taramakau & Ōtira River Valleys	Very broad river valley consisting of extensive braided river channels and gravel beds that are dramatically enclosed by mountain ranges and high altitude peaks. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief.

		• Very extensive and homogenous swamp forest. Vegetation directly interacts with the river beds and the open waters of the reservoirs • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Coherent rhythm and orientation of landforms. • Views from SH73.
ONL29	Kōtukuwhakaoka/Lake Brunner – Ōhonu/Hohonu Range & Tekimoka/Mt Te Kinga	Extensive fluvio-glacial lake basin strongly contained by the broad landforms of the Hohonu Range and Mt Te Kinga to the south. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Homogenous and extensive wetland and swamp forest around the lake fringes. Vegetation directly interacts the open waters of the lake. High transient values • Kōtukuwhakaoka/Lake Brunner is a key landmark within this unit. • Important cultural landscape for Poutini Ngāi Tahu including SASM 67 (part) Kōtukuwhakaoko/Arnold River mahinga kai, SASM 79 Cashmere Bay, Te Kinga Pā site, SASM 82 Kōtukuwhakaoko/Lake Brunner (Moana) Statutory Acknowledgement, Mahinga kai, SASM 81 Takataka Islands Pā site, SASM 84 Knoll Point Pā site, SASM 85 Ta Kinga, Kōtukiwhakaoko urupā, SASM 86 Ōrangipuku Creek Mouth Tauranga waka
ONL31	Rapahoe Range	Highly prominent and distinctive cuesta type formation comprising a sequence of coastal bluffs and escarpments with rocky shoals and bays closer to Point Elizabeth. • Dramatic assemblage of ridges of similar orientation, attitudes, vegetative cover and appearance. Distinctive limestone cuesta formation. • Interplay of coastal landforms and vegetation – regenerating scrubland on exposed slopes reinforce areas of coastal erosion, river and stream entrenchment. • Striking interface with the Tasman Sea. Sheer cliffs and scarps at Point Elizabeth which plunge dramatically into the sea. • The coastal outlook, exposure and orientation of the landscape creates a dramatic and expressive environment that abuts the Tasman Sea. • Given the ranges elevated profile above the surrounding terrain and its proximity to Greymouth this unit as a whole is a landmark.

		• Important cultural landscape for Poutini Ngāi Tahu including SASM 46 Point Elizabeth Tohu whenua, Wāhi taonga Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL31.
ONL32	Haupiri fluvio-glacial lakes	Sequence of enclosed fluvio-glacial lake basins flanked by moderate to steep glacial shorn terrain covered in native forest. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Homogenous and extensive wetland and swamp forest around the lake fringes. Vegetation directly interacts the open waters of the lake. High transient values associate with prolific bird life • Lake Hochstetter, Ahaura, Haupiri, Kangaroo & Lady Lake, and the Ahaura River are a key landmarks within this unit. • Important cultural landscape for Poutini Ngāi Tahu including SASM 74 Lake Haupiri Nohoanga, mahinga kai, SASM 78 Lady Lake Nohoanga, mahinga kai
ONL33	Victoria Range west	Steep to very steep mountain range with high relief and dissected by deeply incised valleys. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • A mountain range sequence of deeply etched ridgelines or similar heights, displaying rock formations in upper elevations and alpine vegetation patterns. • Mt Puttick, Haast, Hunter, & Beckham are key / representative landmarks within this landscape – as seen from SH7 approaching springs junction.
ONL34	Upper Māwhera/Grey Valley	Series of steep ranges and peaks that enclose Te Māwherataka-o-kā-kuha-o-Tū-te-rakiwhanoa/Upper Grey River. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed upper slopes revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms.

		• Pristine beech forest, unmodified and dramatic landforms combine with the natural vegetation sequence to impart a strong sense of naturalness. • Pockets of farmland, buildings / dwellings, and modification have been excluded from this unit.
ONL35	Lewis Pass – Freyberg Range	Steep to very steep mountain ranges with deeply incised valleys and heavily etched and exposed rock formations. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Freyberg Range, continuous vegetation cover, elevation and alpine wetland / lake assemblage create a very cohesive landscape. • Pristine beech forest, unmodified and dramatic landforms, scree slopes and rock formations combined with the natural vegetation sequences reinforce the natural qualities of this alpine landscape. • Lake Daniells and Mt Freyburg (as seen from SH7) are key landmarks within this landscape.
ONL36	Maruia River Valley east	Steep to very steep hill country and escarpments flanking the eastern side of the Maruia Valley and denotes the confluence of the Maruia and Alfred Rivers. • Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Mature beech forest, steep landforms and lack of development create a strong sense of naturalness. • Consistent orientation, elevation and appearance of landforms flanking the eastern margins of the Maruia Valley. • Baldy is a key landmark within this landscape.
ONL37	Victoria Range east	Very steep, etched ridgelines with high relief and exposed rock formations and deeply incised valleys. Depositional landforms, outwash fans and river terracing. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Contiguous mountain range and foothills. • Extensive beech forest, devoid of development and unmodified / pristine landforms impart a strong sense of naturalness. • Continuous beech forest giving way to alpine tundra at higher elevations.
ONL38	Reefton Saddle	Distinctive sequence of steep dissected hillcountry that sits between the Paparoa and Victoria Ranges.

		• Homogenous mature lowland forest cover. • Cohesive assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance. Contiguous unmodified landforms, pristine forest cover, moderate relief, incised river channels, and • vegetation patterns reinforce the natural qualities of the landscape. • Views of dramatic cliff / bluffs and steep slopes along the Inangahua River from SH69.
ONL39	Te Paparoa/Paparoa Range foothills	Assemblage of steep to very steep ridges and peaks, with deeply incised valleys that flank the Inangahua Valley. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Pristine beech forest, unmodified and dramatic landforms, exposed ridge tops with the natural vegetation sequences reinforce the natural qualities of this alpine landscape. • Abuts areas of regenerating native scrub, farmland and exotic forestry in the Inangahua Valley. • Important cultural landscape for Poutini Ngāi Tahu including SASM 23 No. 45 Watarakau Native Reserve, Māori Reserve, Mahinga kai and SASM 25 Tiroroa Pā site
ONL40	Otututu River	Expansive broad outwash plain characterised by multiple channels, and exposed gravel beds flanked by numerous cliffs and terraces that extend down from Te Paparoa/ Paparoa Range toward the Māwhera/Grey River Valley. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and a series of outwash fans from its tributaries reinforce these qualities. Highly expressive outwash plain and river escarpment. • Evidence of erosion revealing underlying geology, rockfall, stream downcutting and flooding. • The River contains a range of aggregate sizes and weathered boulders that are constantly sifted and graded by the varying flows. • Pristine beech forest, unmodified and dramatic landforms, exposed river terraces / cliffs with the natural vegetation sequences reinforce the natural qualities of this landscape. • Evidence of erosion – vegetation patterns accentuate the landscapes natural processes.
ONL41	Te Paparoa/Paparoa Range east & Mt William Range	Steep mountain range moderately dissected by descending foothills and lowland terraces with exposed rocky peaks and outcrops along the ridgetops. • Interplay of mature indigenous forest and vegetative sequence from lowland forest through to alpine communities reinforcing topography and pronounced relief.

		• Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative processes. • Assemblage of ridgelines, peaks and mountaintops of similar orientation, elevation and vegetation cover and appearance. • Continuous beech forest giving way to alpine tundra at higher elevations. • Mt Rochfort, Buckland peaks, and the lower Buller Gorge are landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM 47 Māwheranui Native Reserve and SASM 48 Brunner wāhi taonga
ONL42	Te Paparoa/Paparoa Range west (high elevation)	Steep mountain range running north to south with exposed rocky peaks and outcrops. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • A sequence of ridgelines of similar orientation, elevation and vegetation cover, punctuated by exposed ridgetops and tussock lands. • The pristine beech forest, unmodified mountain range with its high relief, exposed and rugged ridge tops creates a strong sense of naturalness. • The peaks and ridge sequence of Te Paparoa/ Paparoa Range as a whole is a landmark – views from SH6 between Westport and Charleston.
ONL43	Nine, Fourteen, and Seventeen Mile Bluffs	Sequence of coastal bluffs and escarpments interspersed by rocky shoals and sandy bays. • Dramatic interaction of the landscape with the Tasman Sea with its sheer cliffs and scarps, continuous coastal and lowland forest cover providing a consistent patterning to this exposed landscape. • Varied amalgam of raw and exposed coastal landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Patterning of mature wind swept coastal forest and scrub across the bluffs and slopes reinforces the topography and exposure. • Striking interface with the Tasman Sea - sheer cliffs plunge dramatically into the sea. • Nine, Fourteen, and Seventeen Mile Bluffs are key landmarks within this landscape – emphasised by key views obtained along SH6. • Important cultural landscape for Poutini Ngāi Tahu including SASM 35 Maukurunui (17 Mile Bluff) Tohu whenua, SASM 37 Kararoa Māori Reserve 35 Māori Reserve, Cultivations, SASM 38 Kararoa wāhi tapu, SASM 41 Kotorepi (Nine Mile) wāhi tapu, SASM 44 Rapahoe to Nine Mile Ancestors embedded in the landscape, SASM 45 Rapahoe Māori ReserveArea below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL43.

ONL44	Te Paparoa/Paparoa Range west (low elevation)	Sequence of coastal foothills comprising exposed limestone outcrops and deeply incised river gorges and valleys. • Mature native lowland forest predominates. With wetland areas of flax and native shrublands. • Evidence of erosion, stream / river down cutting and entrenchment, and coastal exposure. • The pristine lowland forest, unmodified terrain with moderate relief, rugged gorges and valleys creates a strong sense of naturalness. • The dramatic limestone gorges of the Waitakere/Nile, Tiropahi/Four Mile, Pororari and the Potikōhua/Fox Rivers as well as Punungairo/Bullock Creek are key landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM 26 Tiropahi wāhi tapu SASM 27 Fox River Kāinga Cultivations, Mahinga kai, Ara tāwhito, SASM28 Te Ana Matuku, Traditional nohoanga, Cave, SASM 34 Pahautane Beach, Wāhi taonga, Ara tāwhito
ONL45	Ōkoriko/Razorback, Dolomite, and Perpendicular Point	Sequence of distinct rock formations including Dolomite Point Pancake Rock and Ōkoriko/Razorback Point as well as adjoining cliff faces. • Varied amalgam of raw and exposed landforms, rock stratification, blowholes, sheer cliffs, caves, and windswept vegetation impart a strong sense of naturalness. • Striking interface with the Tasman Sea. Sheer cliffs plunge dramatically into the sea. • Patterning of wind swept coastal forest and scrub across the rock formations along with pockets of lowland forest and stands of nikau reinforce the landscapes topography and exposure. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • This landscape as a whole is a landmark. Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL45.
ONL46	Kaipakati Point to Needle Point	Sequence of coastal bluffs, escarpments, craggy headlands & points with a rocky and stony shoreline interspersed by rock shoals, outcrops, and islands. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its steep escarpments and continuous coastal forest cover providing a consistent patterning to this exposed landscape. • Sheer Cliffs and steep slopes plunge dramatically into Te Tai-o-Rēhua/ the Tasman Sea. • Patterning of wind swept coastal forest, stands of nikau and scrub across coastal slopes reinforce the landscapes topography and exposure. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • Seal Island, Potikōhua/Fox, Tiropahi/Four Mile River mouths are key landmarks within this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 30 Te Miko Ara tāwhito, SASM 31 Punakaiki Kāinga, Cave, Mahinga kai, Ara tāwhito and SASM 32 Punakaiki River Nohoanga

		Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL46.
ONL47	Charleston coastline	Assemblage of craggy headlands & points with rock shoals, and outcrops that enclosed several sandy bays and the Waitakere/Nile River mouth. • Highly expressive of the interplay between the Waitakere/Nile River and the Tasman Sea. The tidal rhythm of Te Tai-o-Rēhua/ the Tasman Sea provides a counterpoint to the rivers natural variations of flow, clarity and flood cycles. • Patterning of wind swept native coastal forest and scrub across the coastal slopes and headlands reinforce the landscapes topography and exposure. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • The amalgam of rawness of the landforms, vegetation and the prominence of the headlands provide a strong sense of naturalness despite the presence of nearby dwelling and development. • The Waitakere/Nile River mouth and the headland between Constant & Joyce Bay are key landmarks within this landscape. Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL47
ONL48	Brunner & Lyell Ranges	• Assemblage of steep to very steep ranges and peaks with deeply incised valleys that flank the Inangahua and Kawatiri/Buller River Valleys. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Sequence of ridgelines of similar orientation, elevation and vegetation cover, punctuated by exposed ridge tops and tussock lands. • The Upper Buller Gorge is a landmark with this landscape unit. • Forms the backdrop to the Inangahua River Valley.
ONL49	Orikākā River Valley	A deeply incised river valley flanked by broad terraces and plateau which are hemmed in by the Mt William Range and Lyell Range. • Homogenous cover of mature lowland forest. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Evidence of erosion revealing underlying geology, rockfall, stream downcutting and flooding. • The River contains a range of aggregate sizes and weathered boulders that are constantly sifted and graded by the varying flows.

		• Distinctive assemblage of ridges and valleys of similar orientation, elevation and vegetation cover and appearance that contrasts with the higher Mt William and Lyell Ranges.
ONL50	Denniston – Waimangaroa	A well-defined valley system enclosed by steep to very steep ridges that descend from the Denniston Plateau along the coast. • Contiguous mixed podocarp / beech forest giving way to shrublands and grasslands on exposed faces. • Clearly expressed river valley and coastal ranges reinforce by the succession of lowland through to alpine vegetation cover and exposed upper elevations. • The landscape strongly defined by its dramatically uplifted landforms and coastal orientation / outlook. The vegetation patterns, exposed bluffs and outcrops reinforce the landscapes topography and exposure. • Mt Frederick, the Waimangaroa River and the dramatic bluffs that form the headwall of the Valley.
ONL51	Ngākawau River Valley	A steep to very steep sided valley and deeply etched chasm like gorge system with a narrow river channel which passes through a series of very broad rolling foothills set between the Glasgow Range to the east and Radcliff Ridge to the west. • Extensive coverage of mixed podocarp / beech forest. • A strong sense of naturalness is primarily derived from the dramatic and incised profile of the gorge and the coverage of mature native vegetation. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Evidence of erosion revealing underlying geology, rockfall, stream downcutting and flooding. • The Ngākawau Gorge and the Radcliffe Ridge are key landmarks with this landscape.
ONL52	Tasman Mountains	A diverse landscape comprising steep peaks, ridges, and ranges opening out to rolling basins, plateau and river valleys. • Wild remote and dramatic sequence of mountain ranges, often deeply etched and displaying sculpted rock formation in the upper elevations. • Interplay of mature indigenous forest and vegetative sequence from lowland forest through to scrub, tussockland, pakihi and rockland vegetation reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology, and numerous glacial tarns are highly expressive of the landscapes formative and ongoing natural processes. • Mt Kendall, Domett, Luna and Aorere Peak - Gunnar, Gouland, Mackay Downs and Thousand Acres Plateau, the Whakapoāi/Heaphy, Kakara Taramea/Karamea, and Mōkihinui Rivers are key / representative landmarks with this landscape.

ONL53	Kongahu Point	Sequence of bluffs and steep coastal slopes backed by rugged hill country and a series of broad basins. Successional vegetation and regeneration of native forest gives way to scrubland and windswept vegetation along exposed ridgetops and coastal faces – patterning of vegetation and across the bluffs and slopes reinforces the topography and exposure. • Amalgam of raw and exposed coastal landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Well defined basins enclosed by a series of steep ranges and bluffs. • Continuous mature native forest comprising stands of matai and northern rata. • Lake Hanlon, Karamea Bluff, Kongahu Point and the Radiant Range are key / representative landmarks with this landscape. • Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL53.
ONL54	Fenian, Stormy & Radiant Ranges	Assemblage of north-east to south-west orientated ranges and dissected hillcountry and stream corridors with extensive native forest that contrast with the low lying pastoral farmland. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Coastal derived landforms with indigenous vegetation patterns and pasture reinforcing the dramatic topography. Sequence of ridgelines of similar orientation, elevation and vegetation cover, punctuated by exposed ridge tops and tussock lands. • Predominately mature native coastal forest cover. • The Radiant Range, Stormy Ridge, Kakara Taramea/ Karamea River, and the Ōparara limestone arches are key / representative landmarks within this landscape.
ONL55	Kohaihai Bluff to Kahurangi Point	Sequence of coastal ranges, cliffs and headlands with strong elevated relief and a series of rocky shoal, outcrops, islets, bluffs, broad beaches, dunefields and lagoons along its shoreline. • Continuous mature coastal forest with a distinctive abundance of nikau groves and rata. • Unmodified coastal landforms – Interplay of indigenous forest with regenerating shrublands and exposed slopes reinforce areas of coastal erosion, river and stream entrenchment, and exposure to Te Tai-o-Rēhua/ the Tasman Sea. • The dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea and its continuous vegetation cover provide a consistent patterning to this exposed landscape. • Kaurangi Point, Heaphy Bluff, Whakapoāi/Heaphy River, Kohaihai Bluff and Wekakura Point are key / representative landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM1 Kahurangi Point wāhi tohu, SASM 2 Whakapoai / Heaphy Māori reserve, SASM 3 Whakapoai Native Reserve 7B Māori reserve

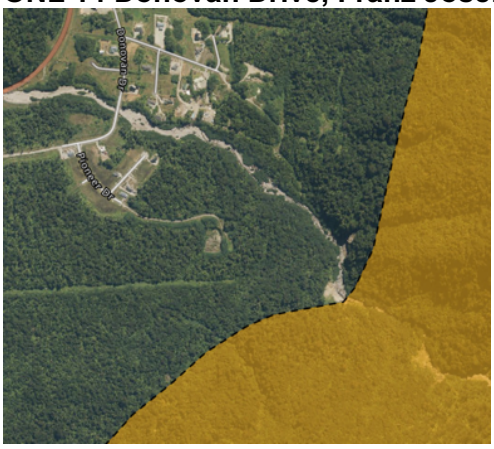
		and SASM 216 Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi - Statutory Acknowledgement, Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu, Mahinga kai • Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL55.

APPENDIX 3 – AMENDMENTS TO OUTSTANDING NATURAL LANDSCPES

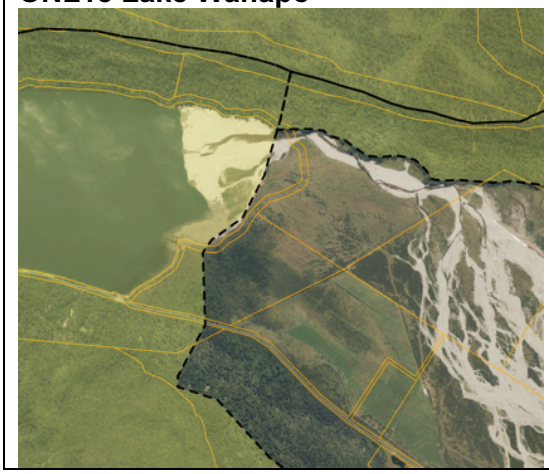
ONL4 Hannah's Clearing



ONL 14 Donovan Drive, Franz Josef



ONL15 Lake Wahapo



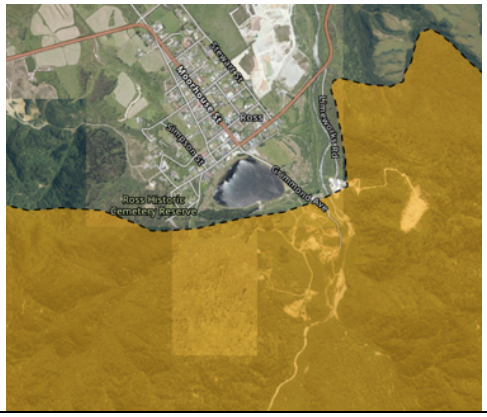
ONL 15 Ōkarito



ONL17 Site between Waitaha River and Poerua River



ONL20 Ross



ONL 22 The Doughboy



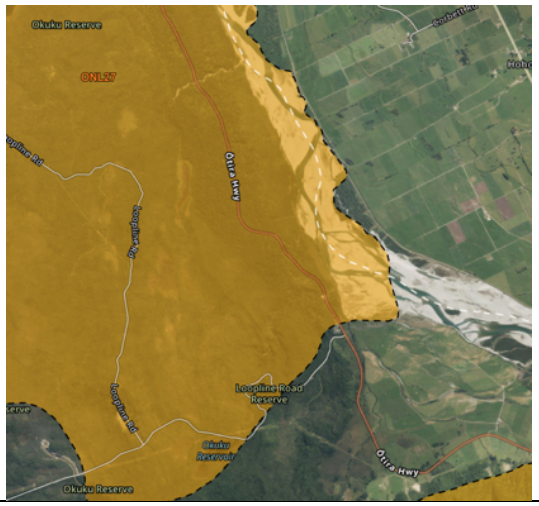
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ONL26 Lake Māhinapua



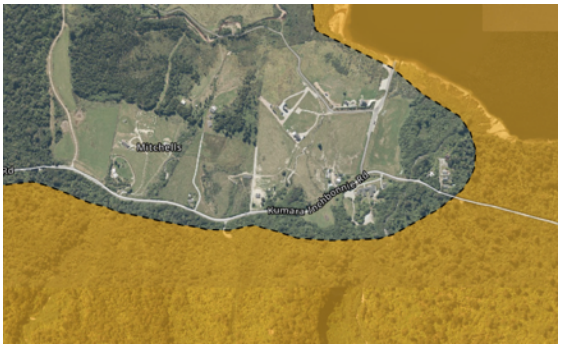
ONL 27 Taramakau River



ONL 28 Taramakau River



ONL 29 Mitchells



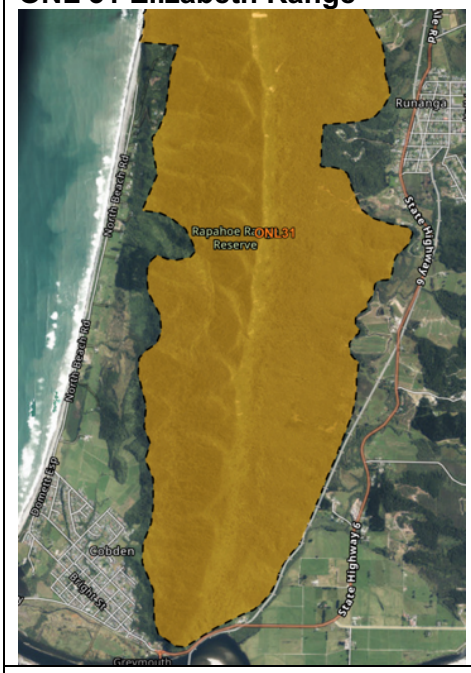
ONL 29 Iveagh Bay



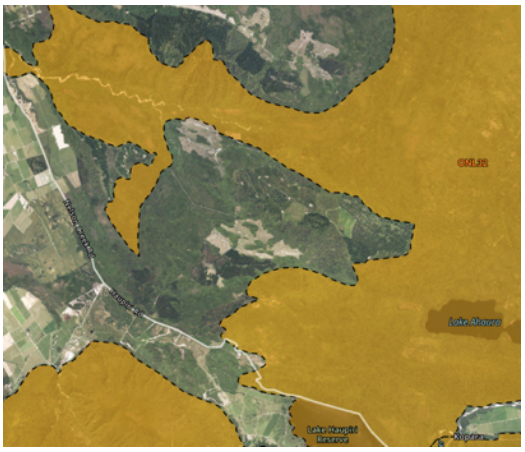
ONL 29 Moana



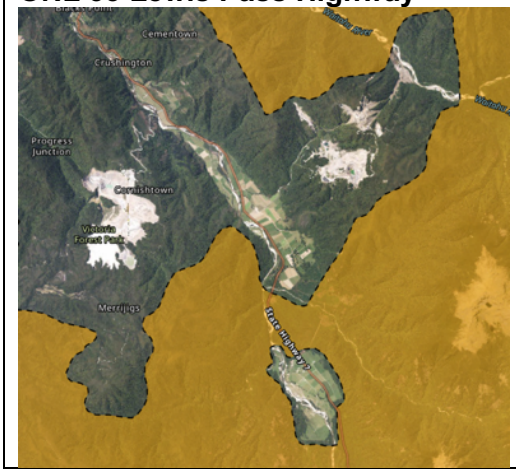
ONL 31 Elizabeth Range



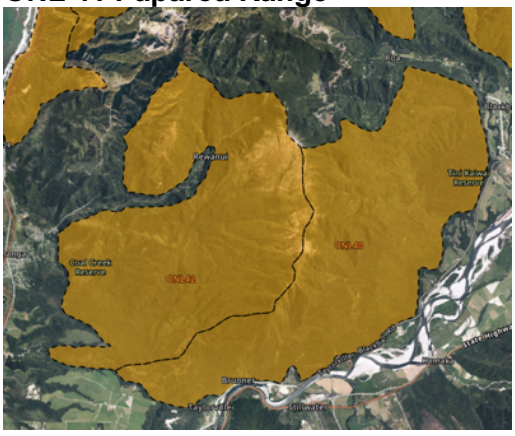
ONL 32 Lake Hochstetter

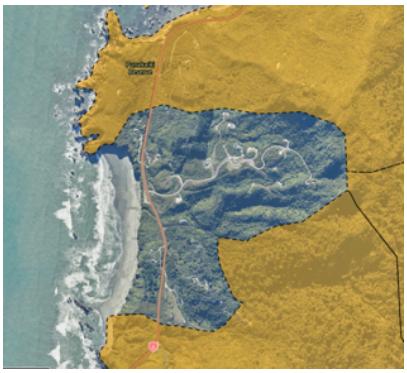


ONL 33 Lewis Pass Highway



ONL 41 Paparoa Range



ONL 44 Pahautane	ONL 54 Karamea
	

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Noise - Ngā Oro

Hearing Dates: 5 September 2024

HEARING PANEL

Sharon McGarry (Chair)

Maria Bartlett

Anton Becker

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Noise - Ngā Oro Chapter, which is contained in the General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui section of the pTTPP. The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Noise Chapter.

3. The Section 32 Report[1] on Noise provided an evaluation of the options for the management of noise (which includes vibration) effects through the Plan, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The report notes that the general approach to the management of noise in the operative District Plans is maintained in the pTTPP but updated to ensure greater clarity and consistency with relevant New Zealand Standards and the National Planning Standards.

4. The Section 42A Officer's Report - Noise ('s42A Report'), authored by Ms Ruth Evans, planner with Barker & Associates acting as the Reporting Officer, was circulated prior to the hearing. Ms Evans relied on expert advice from Mr Stephen Peakall, Acoustic Consultant, Marshall Day Acoustics. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2).

5. Ms Evans subsequently provided an Addendum s42A Report Noise which responded to key matters raised by submitters in evidence filed before the hearing. She also provided further Addendum #2 Report detailing further amendments to the Noise Chapter, and a revised Appendix 1 and Appendix 2.

6. The s42A Report assessed a total of 316 submission points and 135 further submission points across the chapter. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report).

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the three chapters:

    1. General;

    2. Definitions;

    3. Overview;

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Seven General District Wide Matters – Ngā Kaupapa ā-Rohe Whanui Noise - Ngā Oro Light - Ngā Rama Signs - Ngā Tohu Earthworks - Te Huke Whenua Temporary Activities - Ngā Mahi Taupua.

4. Objectives;

5. Policies; and

6. Rules.

8. A s32AA Evaluation for the changes in each chapter was provided at the end of the s42A Report.

9. This Recommendation Report follows this same structure of the s42A Report for each chapter and provides a summary of the issues raised in submissions and further submissions, the acoustic expert report, the s42A Report and addendum analysis and recommendations, submitter evidence and statements, joint witness statements and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

10. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the recommendations and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence or a specific reasoning by the Panel.

12. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

(a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum to retain the provision as notified; or

(b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

(c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

13. Where there is a recommended change to a notified provision of the TTPP, it is because:

(a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

(b) The Panel adopted the reasoning and recommendation of the s42A Report or Addendum to change the provision to that recommended in the original s42A Report; or

(c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

14. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply evidence has been adopted and it must be taken to prevail.

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

16. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

17. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any minor amendments.

1.2. Terminology in this Report

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

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
Federated Farmers	Federated Farmers of New Zealand
Fish & Game	West Coast Fish and Game Council
Foodstuffs	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
JBNZ	Jet Boating New Zealand
Kiwirail	Kiwirail Holding Limited

Manawa	Manawa Energy Limited
NPHS or Te Mana Ora	National Public Health Service
NZAAA	New Zealand Agricultural Aviation Association
NZDF	New Zealand Defence Force
NZHA	New Zealand Helicopter Association
NZTA Waka Kotahi	NZ Transport Agency Waka Kotahi
Planning Standards	National Planning Standards 2019
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF or Silver Fern Farms	Silver Fern Farms Limited
Terra Firma	Terra Firma Mining Limited
TTTPP or TTPP Committee	Te Tai o Poutini Plan Committee
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited
WMS Group *et. al*.	WMS Group (HQ) Limited and WMS Land Co. Limited, West Coast Bulk Logistics, and TiGa Minerals and Metals Limited

1.3. Hearing Arrangements

19. The hearing was held at the West Coast Regional Council Building on 5 September 2024. Some submitters appeared remotely by internet connection.

1.4. Appearances

20. The following submitters appeared at the hearing:

New Zealand Agricultural Aviation Association (NZAAA) – Mr Tony Michelle, Chief Executive Officer

New Zealand Helicopter Association (NZHA) – Mr Richard Milner, Chief Executive Officer

WMS Group (HQ) Limited and WMS Land Co. Limited, West Coast Bulk Logistics, and TiGa Minerals and Metals Limited (WMS Group *et. al*.)

- Ms Alex Booker, Counsel
- Mr Rhys Hegley, Acoustian

Silver Fern Farms Limited (SFF) – Mr Steve Tuck, Planner

Mr Bert Hofmans – for himself

Westport Pistol Club, Chris Hartigan and Westport Rifle Club Incorporated - Ms Katherine McKenzie, Planner

The National Public Health Service (NPHS) - Dr Stephen Chiles, Acoustian

KiwiRail Holdings Limited (KiwiRail)

- Ms Kirsten Gunnel, Counsel
- Ms Michelle Grinlinton-Hancock, Manager RMA Team
- Ms Catherine Heppelthwaite, Planner
- Dr Stephen Chiles, Acoustian

New Zealand Trasport Agency Waka Kotahi (NZTA Waka Kotahi)

- Mr Stuart Pearson, Senior Planner with NZTA Waka Kotahi
- Dr Stephen Chiles, Acoustian

Westpower Limited - Mr Martin Kennedy, Planner

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

Mr Martin Kennedy – for himself and Mrs Lisa Kennedy

1.5. Overview of submitter evidence received

21. For those appearing at the hearing legal submissions were received from Ms K. l. Gunnell for KiwiRail Holdings Limited (dated 20 August 2024).

22. For those appearing at the hearing the following evidence and/or statements were received:

    (a) Ms Katherine McKenzie, Planner for Westport Pistol Club (dated 6 August 2024);

    (b) Mr Chris Hartigan, Westport Rifle Club Incorporated (dated 6 August 2024);

    (c) Dr Stephen Chiles, Acoustician for KiwiRail (Dated 6 August 2024);

    (d) Ms Catherine Heppelthwaite, Planner for KiwiRail (dated 6 August 2024);

(e) Ms Michelle Grinlinton-Hancock, Manager RMA Team for KiwiRail, on behalf of KiwiRail (dated 6 August 2024);

(f) Mr Stuart Pearson, Planner for NZTA Waka Kotahi (dated 6 August 2024);

(g) Dr Stephen Chiles, Acoustician for NZTA Waka Kotahi (dated 6 August 2024);

(h) Dr Stephen Chiles, Acoustician for NPHS (dated 5 August 2024).;

(i) Mr Martin Kennedy, Planner for Westpower Limited (dated 6 August 2024); and

(j) Ms Frida Inta, for herself and Buller Conservation Group (dated 5 September 2024).

23. The following evidence was tabled without hearing appearances:

(a) West Coast Regional Council (WCRC) - Mr Max Dickens, Manager Policy for WCRC (dated 9 August 2024);

(b) Ms Rachael Pull, Senior Environmental Advisor - Planning for Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (Poutini Ngāi Tahu) – Hearing Statement to be tabled (dated 6 August 2024);

(c) Mr Tony Michelle, Executive Officer for NZAAA - submission statement (dated 20 August 2024) and supplementary statement (dated 5 September 2024);

(d) Mr Rhys Hegley, Acoustic Consultant for WMS Group *et. al.* - statement of evidence (dated 6 August 2024);

(e) Mr Steve Tuck, Planner for Silver Fern Farms - statement of evidence (dated 6 August 2024), and summary of evidence (dated 4 September 2024);

(f) Ms Lucy Smith, Director for Terra Firma Mining Limited – letter (dated 5 August 2024);

(g) Mr Bert Hofmans - statement (dated 4 September 2024);

(h) Mr Richard Milner, NZHA – statement (dated 3 September 2024); and

(i) Ms Rebecca Davies, New Zealand Defence Force – letter (dated 3 September 2024).

1.6. Overview of information exchanged following the hearing

24. Following the hearing, the subsequent further information and correspondence was received as follows:

(a) Dr Chiles and Ms Heppelthwaite - supplementary statement on behalf of KiwiRail in relation to suggested matters for caucusing (dated 5 September 2024) and designation maps (dated 10 December 2024);

(b) NZTA Waka Kotahi - supplementary statement (dated 5 September 2024) proposing topics for inclusion in the noise caucusing;

(c) NPHS - supplementary statement (dated 5 September 2024) proposing topics for inclusion in the noise caucusing; and

(d) Mr Hegley - proposed agenda for noise caucusing (dated 5 September 2024).

25. Following expert caucusing, two joint witness statements (**JWS**) were provided as follows:

(a) A JWS was prepared by Ms Lois Easton for TTPP, Ms Ruth Evans for TTPP, Mr Craig Barr for BDC, and Ms Kate McKenzie for Westport Pistol Club, Mr Chris Hartigan for Westport Rifle Club Incorporated. The JWS records the matters agreed by the relevant experts (**JWS #1**).

(b) A JWS was prepared by Mr Stephen Peakall for TTPP, Mr Rhys Hegley for WMS Group *et. al.,* and Dr Stephen Chiles for NPHS, NZTA Waka Kotahi and KiwiRail. The JWS records issues that were not fully resolved in the hearing, and the matters of agreement and disagreement by relevant experts (**JWS #2**).

26. In response to the submission points and JWS, a Right of Reply was provided by the following parties:

(a) Ms Evans provided a written Right of Reply (dated 24 September 2024) that included a response to JWS #1 and submission points associated with the Westport Rifle Range. A final recommendations table was included within the overall Right of Reply in updated Appendix 1.

(b) A joint Right of Reply (dated 17 October 2024) was provided by Ms Evans, Ms Belgrave and Ms Easton (Reporting Officers), in response to the Silver Fern Farms submissions.

27. The Panel issued a Minute 59 providing submitters who made submission points on the relevant points covered in Addendum #2, the opportunity to comment.

28. The subsequent information was received in response to Minute 59, as follows:

(a) Ms Heppelthwaite, for KiwiRail (dated 14 February 2025);

(b) Jet Boating NZ (dated 6 February 2025);

(c) Ms Pull, for Poutini Ngāi Tahu (dated 12 February 2025);

(d) Mr Michelle, of the NZAAA (dated 14 February 2025); and

(e) Mr and Mrs Kennedy (dated 14 February 2025).

29. A further Right of Reply was provided by the following parties:

(a) Ms Evans provided a Right of Reply (dated 28 February 2025) to respond to questions raised by submitters during the hearing, outstanding matters in response to submissions, evidence presented at the hearing, and submitter responses to Minute 59. It noted that the recommended amendments to provisions set out in the updated Appendix 1 were more appropriate than the notified version of the pTTPP and included a s32AA evaluation.

(b) Mr Stephen Peakall on behalf of the TTPP (dated 28 February 2025) provided a Right of Reply in response to submitter evidence and Minute 59, including confirmation of support for the changes to the noise provisions recommended by Ms Evans in updated Appendix 1.

1.7. Procedural Steps and Issues

30. No procedural matters were raised at the hearing.

1.8. Site Visits

31. No specific site visits relating to the Noise Chapter were undertaken. However, the Panel undertook extensive region wide site visits including, but not limited to, Karamea Aerodrome, Haast Airfield, the Alma Road area, the Westport Rifle Range and Silver Ferns Farms meat processing facility at Hokitika.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

32. General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui is one section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui of the Plan. This section has objectives, policies and rules for general matters which apply across the districts. The Noise Chapter is one of seven chapters in the General District-Wide section of the Plan.

33. The Section 32 Report outlined the relevant statutory considerations applicable to Noise; and the relationships between the sections of the RMA and higher order documents.

34. The section 42A Report highlighted the relevant sections 6, 7 and 8 of the RMA, and provisions in the NZCPS, RPS, iwi management plans and mana whakahono ā rohe, the NPSET, NPSREG, NESTF, NESET, and Planning Standards.

35. The purpose of Strategic Direction in Part 2, in combination with objectives within the relevant topic sections and chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts.

36. With these strategic directions in place, the articulation of location specific and activity specific objectives and policies are in other chapters of the pTTPP, which are to be read alongside the strategic objectives.

37. Clause 4 of the First Schedule sets out the requirements to be inserted prior to notification of proposed district plans.

38. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

39. The Planning Standards mandatory direction 7.33 require provisions relating to noise activities to be located in the chapters within the General District-Wide Matters section of the Plan. We are satisfied the Plan structure is consistent with this national direction.

40. The Planning Standards standard 15 requires that any plan rule to manage noise emissions must be in accordance with the mandatory noise methods and symbols in the New Zealand Standards. The Panel are satisfied that recommendations for the Plan provisions meets this requirement.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. NOISE

2.1. NOISE General/Whole Chapter

Submissions and Further Submission

41. Seven submission points and one further submission point relating to general matters or the whole Noise Chapter were summarised in a Table on pages 12-13 of the s42A Report. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

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42. Ms Evans acknowledged the general support from Westland District Council (**WDC**) (S181.030) to retain the Noise Chapter as notified. However, she noted her recommended amendments in response to other submissions in subsequent sections.

43. In response to Christine Robertson's (S99.001) request for the Greymouth runway to be excluded from the proposed noise zone extension, Ms Evans rejected this submission because she considered the proposal gives effect to New Zealand Standards NZS 6805. She accepted GDC's further submission (FS1.020) opposing this submission point.

44. A submission point from Dean Trott (S330.002) sought amendments for acoustic insulation requirements for development beside the Westport Rifle Range. Ms Evans addressed this point in relation to NOISE-R3.

45. Silver Fern Farms Limited (**SFF**) (441.034) sought a zone change for the land adjacent to its Hokitika facility (considered in the Residential Zone Chapter hearing), and amendments to the chapter Overview to reference potential reverse sensitivity effects for meat processing plants. Ms Evans did not support the inclusion of meat processing plants in the Overview because the identified list included significant services, infrastructure and facilities. She considered it was inappropriate and unnecessary to include particular industrial activity within the list.

46. KiwiRail (S442.088) sought amendments to the provisions to include noise, vibration and mechanical ventilation standards (provided as Appendix A). Ms Evans accepted this submission in part, and recommended amendments to Rule NOISE-R3 based on Mr Peakall's expert opinion, which is addressed below.

47. Forest and Bird (S560.332) sought amendments to ensure that indigenous biodiversity was protected from adverse effects from noise. Ms Evans rejected this submission due to insufficient information and evidence, but invited the submitter to submit drafting via evidence.

48. Except for addressing KiwiRail (S442.088), Ms Evans recommended no amendments in response to submissions on General/Whole Chapter matters.

Hearing and Submitter Evidence/Statements

49. Dr Stephen Chiles provided evidence on behalf of Te Mana Ora (Community and Public Health) of the National Public Health Service/Te Whatu Ora (**Te Mana Ora**) addressing the rule structure based in the zones where noise is received, as proposed by Ms Evans. He considered

the recommended rule framework was a substantial improvement compared to the notified version and confirmed it had addressed most of the significant issues identified. He considered the outstanding matters were narrow and few.

50. Ms Rachael Pull provided a letter on behalf of Poutini Ngāi Tahu providing a high-level summary of their position on the s42A Report recommendations in Appendix A. It supported Ms Evan's recommendation to not include meat processing plants in the list identified in the Overview text.

51. Mr Martin Kennedy spoke at the hearing on behalf of himself and Mrs Lisa Kennedy. He noted their further submission (FS221.004) in relation to the KiwiRail submission point (S442.088) had been incorrectly summarised. He clarified their further submission opposed KiwiRail's request for a 100m setback from the railway line and considered this had 'crept' from 40m to 60m. He questioned whether this was even an issue in relation to the Hokitika line. He considered no information had been provided to justify the need for 100m and noted this would increase the cost when upgrading their house. Mr Kennedy preferred use of a '*Noise and Vibration Alert'* (NVA) layer in the Plan.

52. KiwiRail's evidence in relation to submission point (S442.088) is addressed in relation to the rules below.

Responses and Reporting Officer Reply Evidence

53. No further amendments in response to submission points on the General/Whole Chapter were recommended in Ms Evans' Right of Reply.

Hearing Panel's Evaluation

54. The Panel notes Mr Kennedy's further submission (FS221.004) was not included in the s42A Report and will consider this in relation to the KiwiRail submission point in relation to NOISE-R3 below.

55. The Panel agree with Ms Evans reasoning and recommendation to make no changes in response to the submission received on the General/Whole Chapter.

Hearing Panel's Recommendation

56. No changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or the whole chapter.

2.2. Noise Definitions

Submissions and Further Submissions

57. Five submissions points relating to definitions were summarised in a Table on page 14 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered the relevant submissions.

Section 42A Report and Addendum Reports

58. Ms Evans noted the support from two submitters[2] for the definition of *'notional boundary*.'

59. KiwiRail (S442.008) requested a new definition be included for a '*noise sensitivity activity*' as follows:

> *any lawfully established: residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga; educational activity; health care activity, including hospitals; congregation within any place of worship; and activity at a marae.*

60. Mr Peakall considered that a new definition for '*noise sensitive activity'* was not required, given that the existing rule framework and definitions already include all relevant sensitive activities that were 'noise sensitive.'

61. Ms Evans agreed reference to '*noise sensitive activity*' was confusing. She recommended deleting '*noise*' so that all references were to '*sensitive activity/activities*.' She noted '*noise sensitive activities'* were not defined in the Planning Standards. In the Addendum Report, Ms Evans noted that she agreed with KiwiRail's submission, that recreational and sporting activities should not be subject to the same requirements as other *'sensitive activities*.'

62. Federated Farmers (S524.103) requested a definition for '*audible bird scaring devices*,' as follows:

> *Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds.*

63. Ms Evans accepted this submission in part but recommended adding Mr Peakall's proposed definition as follows:

> *Gas, gun, avian distress alarm or other such device used for the purposes of scaring birds.*

Hearing and Submitter Evidence/Statements

64. The letter from Poutini Ngāi Tahu noted support for Ms Evans' recommendation to amend references from '*noise sensitive activity'* to '*sensitive activity*.'

Reporting Officer Reply Evidence (including JWS)

65. JWS #1 records the planners[3] agreement that the definition for '*sensitive activity'* included sport and recreation activities. It was agreed that sport and recreation activities were not required to be subject to any rules for sensitive activities within the proposed Rifle Range Noise Overlay.

66. There were no further amendments to the Definitions recommended in Ms Evan's Right of Reply.

Hearing Panel's Evaluation

67. The Panel agrees with Ms Evans recommended deletion of the word '*Noise'* from references to '*Noise Sensitive Activities'* and use '*Sensitive Activities*' as defined in the Plan as notified.

[2] Horticulture New Zealand (S442.009) and Federated Farmers of New Zealand (S524.015)
[3] Ms Easton for WCRC, Ms Evans as the reporting planner, Mr Barr for the Buller District Council, and Ms McKenzie for the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club Incorporated.

We note Mr Peakall's view that this covers sensitive activities in relation to noise; and accept this will avoid confusion.

68. The Panel agree that any rules for sensitive activities within the proposed Rifle Range Noise Overlay should not apply to the Rifle Range itself. However, we note that the notified definition for '*Sensitive Activity*' does not include sports and recreation as suggested in the JWS #1.

69. The Panel accepts Ms Evans' recommendation to add Mr Peakall's proposed definition for '*Audible Bird Scaring Device'* in response to Federated Farmers (S524.103).

70. In Relation to the remainder of the submission points on definitions, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans.

Hearing Panel's Recommendation

71. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted, and recommend the following new term for '*Audible Bird Scaring Device'* is added to the **Definitions**:

AUDIBLE BIRD SCARING DEVICE
means gas gun, avian distress alarm or other such device used for the purpose of scaring birds.[4]

2.3. Noise Overview

Submissions and Further Submission

72. Five submissions points and one further submission point relating to the Overview were summarised in a Table on page 15-16 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered the submissions and further submission.

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73. Ms Evans did not support the request by the NPHS (S190.527) to add new text to the Overview referencing New Zealand Standards for measuring and assessing noise because she considered this should be included in the rules which have legal weight.

74. Westport Pistol Club (S336.008) and the Westport Rifle Club Incorporated (S557.007) requested adding '*rifle range'* to the list of potentially affected activities, which was opposed by Poutini Ngai Tahu (FS41.101). Ms Evans did not support this inclusion because she considered it did not fit with the intent of the paragraph.

75. Buller Conservation Group (S552.153) and Frida Inta (S553.153) requested adding new text as follows:

> *Sensitivity can also arise when noisy industry sets up near existing peace-requiring activities such as a church or library.*

[4] Federated Farmers of New Zealand S524.103

76. Ms Evans partly supported these submission points and recommended amendments to include a more general reference to maintaining appropriate noise levels in zones where a higher amenity noise environment was anticipated.

77. The s42A Report recommended amending the Overview text as follows:

> *The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.*
>
> *Where ~~noise~~ sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.*
>
> *This Chapter controls the nature and timing of noise-generating activities, **including maintaining appropriate noise levels within zones where a different noise environment is anticipated to minimise potential adverse effects**, and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.*
>
> *The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.*

78. Appendix 1 of the Addendum s42A Report amended this recommendation to replace '*minimise*' with '*manage'* in the third paragraph.

Hearing and Submitter Evidence/Statements

79. Ms Inta presented a statement at the hearing on behalf of herself and the Buller Conservation Group. She considered the recommended addition was unnecessary and did not meet the relief sought which was to protect sensitive places from noise. She noted the word '*maintain*' was inappropriate in the amended third paragraph and considered the paragraph should use plural terms due to reference to multiple zones. Ms Inta also opposed the removal of the word '*minimise*' and its replacement with '*manage*' as recommended in the Addendum Report. She recommended alternative wording as follows:

> *including ~~maintaining~~ **controlling (or managing)** ~~appropriate~~ **noise levels within zones where** ~~a~~ **differing**~~ent~~ noise environment**s** ~~is~~ **are** anticipated **in order** to minimise potential adverse effects.*

80. Mr Kennedy provided planning evidence for Westpower addressing the s42A Report recommendations in relation to further submissions (FS222.035 and FS222.0146) opposing the submission points from Buller Conservation Group (S552.153) and Frida Inta (S553.153). He noted that while the furthers submission points on the Overview had been accepted, he recommended simplified wording as follows:

> *... including maintaining appropriate noise levels within zones ~~where a different noise environment is anticipated to minimise potential adverse effects, …~~*

Reporting Officer Reply Evidence

81. Ms Evans recommended a further minor amendment to simplify the Overview text in relation to maintaining appropriate noise levels to manage potential adverse effects. She also acknowledged Ms Inta's preference for '*minimise*' rather than '*manage*' potential adverse effects. However, Ms Evans noted that her understanding of *'minimise'* was to reduce to the lowest possible extent, which may not always be necessary or practical. She considered *'manage'* included the option to minimise, as well as avoiding and mitigating.

82. Appendix 1 of the Right of Reply recommended further amendments as follows:

> *This Chapter controls the nature and timing of noise-generating activities, **including maintaining appropriate noise levels ~~within zones where a different noise environment is anticipated~~ to ~~minimise~~ manage potential adverse effects,** and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.*

Hearing Panel's Evaluation

83. The Panel agree with Ms Evans recommendation to delete '*noise'* and use '*sensitive activity*'.

84. The Panel notes the two further submission points by Westpower were not included in the summary table in the s42A Report. We record we have had regard to these.

85. In considering views of Ms Inta and Mr Kennedy, the Panel agrees with Ms Inta that the recommended changes do not meet the intent of the submission points, which is to maintain the existing amenity enjoyed by existing activities, such as churches or libraries. We recommend adding *'including maintaining the amenity of existing sensitive activities by managing noise levels'*. This is consistent with the RMA requirement to maintain amenity values for existing sensitive activities by managing noise effects of new activities; and complements the second half of the sentence which references potential reverse sensitivity effects of new sensitive activities. We note the Plan definition for *'Sensitive Activities'* includes churches and libraries. We agree with Ms Easton that '*manage*' is appropriate at an objective level and includes avoid, remedy and mitigate, as well as minimise.

86. The Panel agree with Ms Easton's recommendation to not add reference to the Rifle Range in the Overview given those activities listed are regionally significant infrastructure.

Hearing Panel's Recommendation

87. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Noise – Ngā Oro Overview**:

Overview

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors,

including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where ~~noise~~[5] sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports**, Airfields, Aerodromes,**[6] and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, **including maintaining the amenity of existing sensitive activities by managing noise levels,**[7] and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels. The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

2.4. Noise Objectives

Submissions and Further Submissions

88. Eight submission points relating to the Noise Objectives (General) were summarised in a Table on page 17 of the s42A Report. All submissions sought to retain the provisions as notified.

89. Twelve submission points and six further submission points relating to **NOISE-O1** were summarised in a Table on page 18-19 of the s42A Report. Nine submissions supported the objective as notified and three sought amendments. Two further submissions supported amendments and four opposed one of the amendments.

90. Seventeen submission points and three further submission points relating to **NOISE-O2** were summarised in a Table on pages 19-20 of the s42A Report. Eleven submissions supported the objective as notified and five sought amendments. Three further submissions supported or supported in part amendments.

91. Six submission points and three further submission points relating to **NOISE-O3** were summarised in a Table on page 22 of the s42A Report. Five submissions supported the objective as notified and one sought an amendment. Three further submissions opposed the amendment.

92. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report and Addendum Reports

NOISE Objectives (General)

[5] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[6] RMA First Schedule Clause 16(2) plan-wide consistency from Special Purpose Zone Chapter Recommendation Report
[7] Buller Conservation Group S552.153 and Frida Inta S553.153.

93. Ms Evans acknowledged the support from all submitters[8] that sought to retain the objectives as notified. However, she noted her recommended amendments to the objectives in response to other submissions. In making her recommendations she relied on the expert expertise of Mr Peakall.

NOISE – O1

94. Ms Evans acknowledged the support from the submitters[9] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

95. Buller Conservation Group (S552.154), opposed by three further submissions (FS222.036, FS30.27 and FS55.42) and Frida Inta (S553.154), opposed by a further submission (FS222.0147), requested amendments to include *'impact on noise sensitive activities*.' Ms Evans did not support this because she considered it did not provide more clarity and was addressed in the rule through noise limits for the receiving zone.

96. Te Mana Ora (S190.528), supported by a further submission (FS30.25), supported the objective in part but sought to include the term '*unreasonably*.' Mr Peakall agreed with the inclusion of the term '*unreasonably*' within NOISE-O1. Ms Evans recommended addition of this term as follows:

> *The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and did not* ***unreasonably*** *compromise community health, safety and wellbeing.*

NOISE - O2

97. Ms Evans acknowledged the support from submitters[10] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

98. Manawa Energy (S438.124), supported in part by further submission from Westpower (FS222.0196), sought an amendment to replace '*community infrastructure'* with *'regionally significant infrastructure*'. Ms Evans supported this in part but considered the word '*community*' should be deleted to simply refer to '*infrastructure*.' She considered using *'regionally significant infrastructure*' would unnecessarily narrow the objective and would create inconsistency with RMA s7(b).

99. Horticulture New Zealand (S486.055), supported in part by a further submission (FS31.009) and Federated Farmers (S519.024), supported by a further submission (FS30.28), sought similar amendments to replace '*existing and permitted future'* with '*lawfully established'*, and '*existing and permitted future noise generating activities'* with *'lawfully established activities that generate noise*', respectively. Federated Farmers also sought to include a definition for

[8] Buller District Council (S538.329), Chris & Jan Coll (S566.319), Geoff Volckman (S563.089), Catherine Smart-Simpson (S564.101), Chris J Coll Surveying Limited (S566.319), Laura Coll McLaughlin (S474.319) and William McLaughlin (S567.380), Koiterangi Lime Co Ltd (S577.081)

[9] New Zealand Agricultural Aviation Association (S166.019, S166.020), Balance Agri-Nutrients (S345.001), Silver Fern Farms Limited (S441.035), Horticulture New Zealand (S486.055), West Coast Regional Council (S488.030) and (FS30.26), New Zealand Defence Force (S519.023)

[10] New Zealand Agricultural Aviation Association (S166.021), Te Mana Ora (190.529), Balance Agri-Nutrients (S345.002), Silver Fern Farms Limited (S441.036), KiwiRail Holdings (S442.084), Waka Kotahi NZTA (S450.164), Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (S464.048), New Zealand Defence Force (S519.024), Terra Firma Mining Limited (S537.017), Fire and Emergency New Zealand (S573.014), Grey District Council (S608.673), Karamea Lime Company (S614.129), Peter Langford (S615.129)

'noise sensitive activities'. Ms Evans supported these submissions in part and recommended replacing '*existing and permitted future'* with '*lawfully established*.'

100. Buller Conservation Group (S552.155) requested rewording of the objective. Ms Evans noted that the intent of the submission was unclear and invited the submitter to provide further clarification.

101. Mr Peakall considered NOISE-O2 should be retained.

102. The s42A Report recommended that NOISE-O2 be amended as follows:

> *The function and operation of ~~existing and permitted future~~ **lawfully established** noise generating activities and ~~community~~ infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive activities.*

NOISE – O3

103. Ms Evans acknowledged the support from submitters[11] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

104. SFF (S441.037) supported NOISE-O3 in part but sought amendment to include *'that are inconsistent with the role and character of the zone*.' Ms Evans did not support this because she considered it would limit the scope and would not provide appropriate recognition of cross boundary effects.

Hearing and Submitter Evidence/Statements

105. Mr Kennedy, for Westpower, considered reference to '*regionally significant infrastructure'* should be included in NOISE-O2 to ensure all relevant infrastructure was captured.

106. Mr Stuart Pearson provided planning evidence on behalf of NZTA Waka Kotahi. He confirmed support for NOISE-O2 and NOISE-O3.

107. Ms Inta, for the Buller Conservation Group, requested amendments to NOISE-O3 or a new objective to reflect her requested amendments to the Overview section, as follows:

> *O3: The health and wellbeing of people, noise-sensitive places, and communities are protected from significant levels of noise,*
> ***OR***
> *OX: Noise levels are controlled around particular sensitive places such as libraries, churches and hospitals.*

108. The letter from Terra Firma supported Ms Evans recommendations NOISE-O2.

Reporting Officer Reply Evidence

109. In relation to NOISE-O1, Ms Evans reconsidered her recommended addition of '*unreasonably compromising*' in light of the discussion at the hearing. She agreed this term was subjective and could increase uncertainty. She considered the objective could be reframed to be worded

[11] Te Mana Ora (S190.530), Silver Fern Farms Limited (S441.037), Waka Kotahi NZTA (S450.165), Celine Stokowski and Anthony Thrupp (S522.004), Karamea Lime Company (S614.130)

in the positive and to remove '*unreasonably compromising*', while meeting the relief sought by Te Mana Ora to not provide absolute protection.

110. In relation to NOISE-O2, Ms Evans considered the key reference in the objective was '*lawfully established*', whether it was community infrastructure, community facilities, infrastructure, regionally significant infrastructure or a lawfully established activity. She noted there was no scope to delete the reference to '*infrastructure*', noting that referring only to '*infrastructure*' narrowed the objective and could indicate it did not need to be lawfully established. Ms Evans noted Manawa only sought '*community*' be deleted, so she recommends '*and*' be replaced with '*including*.' However, Ms Evans noted that if the Hearings Panel considered there was scope to remove references to '*infrastructure*' she would support this, so the objective simply refers to an activity being '*lawfully established*.'

111. In relation to NOISE-O3, Ms Evans recommended a minor amendment to include specific references to *'including sensitive activities'*, in response to Ms Inta's preference to protect quiet spaces.

112. Appendix 1 of the Right of Reply recommended amendments as follows:

> ***NOISE – O1***
>
> *The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone* ***and does not result in unreasonable noise that may*** *compromise community health, safety and wellbeing.*
>
> ***NOISE – O2***
>
> *The function and operation of ~~existing and permitted future~~* ***lawfully established*** *noise generating activities****, including*** *~~and community~~ infrastructure****,*** *are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive activities.*
>
> ***NOISE – O3***
>
> *The health and wellbeing of people and communities****, including sensitive activities****, are protected from significant levels of noise.*

Hearing Panel's Evaluation

113. In relation to **NOISE-O1**, the Panel accepts Ms Evans reasoning and recommended amendments. We agree this gives relief to the submission point from Te Mana Ora that sought to qualify the wording of the objective so that it was not seeking to provide absolute protection, which is not practical to achieve.

114. In relation to **NOISE-O1**, the Panel accepts the recommended amendments proposed by Ms Evans and consider use of '*lawfully established'* is consistent with our recommended approach Plan-wide. We note the Plan definition for '*sensitive activity*' includes the matters sought by Hort NZ. We do not consider a new objective is required, as sought by Ms Inta.

115. The Panel notes the original submission point from Manawa (and the related further submission from Westpower) sought to replace '*community infrastructure'* with *'regionally significant infrastructure*', not specifically to delete community. We consider this is not appropriate as it would narrow the scope of the objective from including community infrastructure that is not included in the definition for *'regionally significant infrastructure*'.

The Panel has considered deletion of *'infrastructure',* as mentioned by Ms Evans in Reply, but consider there is insufficient scope available to enable the change.

116. The Panel considers the intent of the objective is to ensure that the function and operation of lawfully established activities and infrastructure generally is not compromised by adverse effects, including reverse sensitivity effects from sensitive activities. Based on the Plan definition for *'infrastructure'*, '*community facilities'* and *'regionally significant infrastructure*', the Panel consider it is appropriate to include all three terms. We consider this meets the relief sought by the submitter and further submitter, while not losing the intent of the objective to include community infrastructure that would not be captured by reference to infrastructure only.

117. The Panel accept Ms Evans' recommended amendment to NOISE-03 in response to Ms Inta's request to protect quiet spaces. While we note Mr Inta and the Buller Conservation Group did not specifically make a submission in relation to NOISE-O3, we consider this is a consequential amendment to the relief sought in the Overview and in relation to NOISE-01.

Hearing Panel's Recommendation

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

NOISE – O1	The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not **result in unreasonable noise that may**[12] compromise community health, safety and wellbeing.
NOISE-O2	The function and operation of ~~existing and permitted future~~ **lawfully established**[13] noise generating activities**,** ~~and~~ community **facilities,**[14] **and** infrastructure, **including regionally significant infrastructure**[15] are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive[16] activities.
NOISE – O3	The health and wellbeing of people and communities, **including sensitive activities,**[17] are protected from significant levels of noise.

2.5. Noise Policies

Submissions and Further Submissions

119. One submission point sought to retain the policies in general as notified.

120. Twenty-one submission points and three further submissions relating to **NOISE-P1** were summarised in a Table on pages 23-24 of the s42A Report. Seventeen submission points

[12] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (Te Whatu Ora) S190.528
[13] Horticulture New Zealand S486.056, Federated Farmers of New Zealand S524.100
[14] Consequential amendment Manawa Energy Limited S438.124
[15] Manawa Energy Limited S438.124
[16] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[17] Consequential amendment Frida Inta S553.153, S553.154 and Buller Conservation Group S552.153, S552.154

supported the policy as notified and four submission points sought amendments. One further submission point opposed an amendment and two supported two of the amendments.

121. Sixteen submission points and two further submission points relating to **NOISE-P2** were summarised in a Table on pages 25-26 of the s42A Report. Thirteen submission points supported the policy as notified and three sought amendments. Two further submission points supported two of the amendments.

122. Two submission points sought to retain **NOISE-P3** as notified.

123. Twenty submission points and three further submission points relating to **NOISE-P4** were summarised in a Table on pages 28-29 of the S42A Report. Fourteen submission points supported the policy as notified and six sought amendments. Two further submissions opposed one amendment and one supported retaining the policy as notified.

124. The Panel has considered all of the relevant submissions and adopts the summaries in the s42A Report.

Section 42A Report and Addendum Reports

Policies (General)

125. Ms Evans acknowledged the support from BDC (S538.330) that sought to retain the policies as notified. However, she acknowledged her recommended amendments in response to other submissions on specific policies. She recommended no changes to the policies based on these submissions.

NOISE - P1

126. Ms Evans acknowledged the support of the submitters[18] that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions.

127. Ms Evans agreed with the change proposed by Manawa Energy (S438.125) to replace '*critica*l' with *'regionally significant*'.

128. SFF (S441.038) sought a minor amendment to consider potential reverse sensitivity effects on new sensitive activities adjacent to higher noise environments. Ms Evans did not support this because she considered it was unnecessary given NOISE-P2.

129. Ms Evans did not support the request from Westpower (S547.485) to add a new clause '*the technical, locational, functional or operational constraints and/or requirements of the activity*.' because of her recommendation to include similar text in NOISE-P4. Westpower (S547.486) also sought a new clause '*benefits from the work being undertaken and energy activities and infrastructure developed*' which was not supported by Ms Evans because she considered recommended amendments to clause (c) addressed this matter.

[18] New Zealand Agricultural Aviation Association (S166.022), Te Mana Ora (190.531), Ballance Agri-Nutrients (S345.003), KiwiRail Holdings (S442.085), Waka Kotahi NZTA (S450.166),West Coast Regional Council (S488.031), Terra Firma Mining Limited (S537.018), Chris & Jan Coll (S566.320), Geoff Volckman (S563.090), Catherine Smart-Simpson (S564.102), Chris J Coll Surveying Limited (S566.320), Laura Coll McLaughlin (S474.320) and William McLaughlin (S567.381), Koiterangi Lime Co Ltd (S577.082),Grey District Council (S608.674), Karamea Lime Company (S614.131), Peter Langford (S615.131)

NOISE – P2

130. Ms Evans acknowledged the support from submitters[19] that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions.

131. Ms Evans supported the amendments sought by SFF (S441.039) to include '*and new noise sensitive activities adjacent to higher noise environments*.'

132. Hort NZ (S486.057), Federated Farmers (S524.101) sought an amendment to include the General Rural Zone as a higher noise environment. Ms Evans noted this was not supported by Mr Peakall in his technical evaluation and she recommend rejecting this change.

133. The s42A Report recommended amending NOISE-P2 as follows:

> *Require sensitive activities sited in higher noise environments **and new sensitive activities adjacent to higher noise environments** to be located and designed so as to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account….*

134. In the Addendum Report Ms Evans responded to the submission from Dean Trott, Westport Pistol Club, Chris Hartigan, and the Westport Rifle Club Incorporated by recommending further amendments to NOISE-P2 as follows:

> *For the purpose of NOISE - P2 higher noise environments include:*
> 1. *CMUZ - Commercial and mixed-use zones;*
> 2. *INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; ~~and~~*
> 3. *Locations in close proximity to a State Highway and the Railway Corridor**;***
> 4. ***The Westport Rifle Range Noise Overlay***

135. The Addendum Report #2 responded to the evidence of Mr Tuck for Silver Fern Farms (**SFF**), Ms Evans acknowledged that the phrase '*new sensitive activities adjacent to higher noise environments*' is not efficient as it is not spatially defined. She suggested that the most efficient and effective method to manage effects is via zoning. Thus, Ms Evans recommended that the phrase is removed from NOISE-P2.

NOISE – P3

136. Ms Evans acknowledged the support from submitters[20] that sought to retain the policy and recommended it was retained as notified.

NOISE – P4

[19] Te Mana Ora (190.532), KiwiRail Holdings (S442.086), Waka Kotahi NZTA (S450.167), Terra Firma Mining Limited (S537.019), Chris & Jan Coll (S566.321), Geoff Volckman (S563.091), Catherine Smart-Simpson (S564.103), Chris J Coll Surveying Limited (S566.321), Laura Coll McLaughlin (S474.321) and William McLaughlin (S567.382), Koiterangi Lime Co Ltd (S577.083), Karamea Lime Company (S614.132), Peter Langford (S615.132)

[20] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (Te Whatu Ora) (S190.533), Grey District Council (S608.675)

137. Ms Evans acknowledged the support from submitters[21] that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions on specific policies.

138. Te Mana Ora (190.534) sought to include '*constraining noise generating activities in terms of*', which was not supported by Ms Evans because she considered this was too restrictive.

139. Ms Evans did not support Hort NZ (S486.058) and Federated Farmers (S524.104) requests to replace '*protect*' with '*provide for*' because she considered this would fail to give effect to NOISE-O3.

140. Ms Evans supported the Westpower (S547.487) request to replace *'minimise any conflict with adjacent*' with '*avoid, remedy or mitigate adverse effects'* in clause (e). She supported in part the request (S547.488) to include '*The technical, locational, functional or operational constraints and/or requirements of the activity*' but recommended this should be focused on '*functional need and operational need*' as these terms were defined in the Plan using the Planning Standards definitions. However, Ms Evans rejected the Westpower (S547.489) request to include a new clause '*benefits from the work being undertaken and energy activities and infrastructure developed*' because she considered this matter was covered in other chapters.

141. SFF (S441.040) sought to include '*within the zone*' in clause (e) to recognise the difference between zones. Ms Evans did not support this amendment because she considered it did not give effect to objectives NOISE-O1 and O3.

142. In her Addendum, Ms Evans corrected an error within the recommended amendments in the s42A Report in relation to Westpower's submission. Revised Appendix 1 of the Addendum recommended amending NOISE-P4 as follows:

> *Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to:*
>
> *a. Maximum noise limits to reflect the character and amenity of each zone;*
> *b. Type, scale and location of the activity in relation to any ~~noise~~ sensitive activities;*
> *c. Hours of operation and duration of activity;*
> *d. The temporary or permanent nature of any adverse effects; ~~and~~*
> *e. The ability to internalise and/or **avoid, remedy or mitigate** ~~minimise any conflict with adjacent activities~~**; and***
> *f. **The functional need and/or operational need of the activity.***

Hearing and Submitter Evidence/Statements

143. Mr Pearson, for NZTA Waka Kotahi, confirmed support for policies NOISE-P1, NOISE-P2 and NOISE-P4.

[21] Ballance Agri-Nutrients (S345.004), Waka Kotahi NZTA (S450.168), West Coast Regional Council (S488.032), Chris & Jan Coll (S566.322), Geoff Volckman (S563.092), Catherine Smart-Simpson (S564.104), Chris J Coll Surveying Limited (S566.322), Laura Coll McLaughlin (S474.322) and William McLaughlin (S567.383), Koiterangi Lime Co Ltd (S577.084), Karamea Lime Company (S614.133), Peter Langford (S615.133)

144. Mr Kennedy, for Westpower, noted that while his submission on NOISE-P1 was rejected, he agreed with the outcome in the s42A Report, provided the amendments were made as set out in Appendix 1.

145. Mr Kennedy agreed with the proposed amendments to NOISE-P4 in the s42A Report but requested that clause (e) was amended as set out in the submission, as follows:

> *e. The ability to internalise and/or avoid, remedy or mitigate adverse effects.*

146. Despite not making a submission, Ms Inta requested that NOISE-P4(b) retain '*noise*' and was amended as follows:

> *b. Type, scale and location of the activity in relation to any noise-sensitive activities and places;*

147. The letter from Terra Firma confirmed support for Ms Evans' recommendations on their submissions in relation to NOISE-P1 and NOISE-P2.

Reporting Officer Reply Evidence

148. JWS #1 records that the planners agreed that a new clause should be added to NOISE-P2 '*The Westport Rifle Range Noise Overlay'* to manage potential reverse sensitivity effects.

149. The Joint Right of Reply noted that Ms Evans had specifically considered the matters from technical expert noise caucusing. Ms Evans noted that the s42A amendment in response to the SFF submission point S441.039 was being reconsidered and may be deleted.

150. In relation to NOISE-P1, Ms Evans considered that '*receiving environment*,' rather than '*surrounding environment'* was a more appropriate term in NOISE-P1(e), given that the noise provisions focus on managing noise effects where they were received. She recommended this change be made throughout the chapter for consistency. She noted this term was only used in NOISE-R12(f) and recommend it be replaced, along with a minor correction to replace '*on*' with '*of*.'

151. In Reply, Ms Evans did not make any comments in relation to policies NOISE-P2 or NOISE-P3.

152. In relation to NOISE-P4, Ms Evans noted that she amended the reference to '*functional need and/or operational need*', in the version prepared for expert conferencing purposes, to remove the '*and*' to ensure consistency with other topics.

Hearing Panel's Evaluation

NOISE – P1

153. The Panel agree with Ms Evans recommended amendments to NOISE-P1 to replace '*critica*l *infrastructure*' with *'regionally significant infrastructure*'. Use of this term is recommended Plan-wide for consistency and the Panel accepts this amendment throughout the chapter without further discussion.

NOISE – P2

154. The Panel appreciates Ms Evans consideration of replacing '*surrounding environment*' with '*receiving environment*' in clause (e), in response to a Panel question. We also tested this at

the hearing with Mr Peakall, suggested retaining '*surrounding environment*' because it captured the overall environment. On reflection, the Panel agree with Mr Peakall and further note there is no scope for this amendment given the high level of support in submissions.

155. The Panel agrees with Ms Evans recommended addition of a new clause NOISE-P2(d) to include the "*Westport Rifle Range Overlay*" in the higher noise environments listed. We note this reflects the agreement recorded in JWS #1. We agree that this is appropriate to support land zone changes around the existing club and to manage potential reverse sensitivity.

156. The Panel amend the policy to refer to '*rail corridor'* for consistency across the Plan.

NOISE – P3

157. The Panel accepts Ms Evans recommendation to retain NOISE-P3 as notified.

NOISE – P4

158. The Panel accepts Ms Evans recommended amendments to NOISE-P4 as shown in Appendix 1 of the Right of Reply. We agree that the TTPP definitions (using the Planning Standards definitions) for '*Functional Need'* and '*Operational Need*' include reference to the matters sought by Westpower (S547.488). We also agree this should be *'or'* in the context of the policy.

159. The Panel agree that '*protect*' is the correct wording in this context and links to NOISE-O3. We have not had regard to Ms Inta's comments given she had no submission points on this policy.

Hearing Panel's Recommendation

160. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Noise – Ngā Oro Policies**:

NOISE – P1	Enable the generation of noise ~~when it is~~[22] of a type, character, scale and level that is appropriate to the zone, having regard to: a. The purpose, character and qualities of the zone that the activity is located in; b. The nature, frequency and duration of the noise generating activity; c. Whether the noise generating activity is ~~critical~~ **regionally significant**[23] infrastructure; d. Methods of mitigation; and e. The sensitivity of the surrounding environment.
NOISE – P2	Require sensitive activities sited in higher noise environments to be located and designed ~~so as~~[24] to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account: a. The type of noise generating activity; and b. Other noise sources in the area; and

[22] RMA Schedule 1, clause 16(2)
[23] Manawa Energy Limited S438.125
[24] RMA Schedule 1, clause 16(2)

	c. The nature and occupancy of the ~~noise~~[25] sensitive activity; and d. Mitigation measures, including acoustic insulation, screening and topography. For the purpose of NOISE - P2 higher noise environments include: a. CMUZ - Commercial and mixed-use zones; b. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; ~~and~~ [26] c. Locations in close proximity to a State Highway and the Rail~~way~~[27] Corridor; **and** **d. The Westport Rifle Range Noise Overlay.**[28]
NOISE – P3	Within the Airport Noise Contour Boundary overlay avoid sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.
NOISE-P4	Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to: a. Maximum noise limits to reflect the character and amenity of each zone; b. Type, scale and location of the activity in relation to any ~~noise~~[29] sensitive activities; c. Hours of operation and duration of activity; d. The temporary or permanent nature of any adverse effects; ~~and~~[30] e. The ability to internalise and/or **avoid, remedy or mitigate adverse effects** ~~minimise any conflict with adjacent activities~~; **and**[31] f. **The functional need or operational need of the activity**.[32]

2.6. Noise – Rules

Submissions and Further Submissions

161. One submission point opposing the Noise rules in general was summarised in a Table on page 30 of the s42A Report.

162. Ten submission points and seven further submission points relating to **NOISE-R1** were summarised in a Table on pages 31-32 of the s42A Report. Eight submission points supported the rule as notified and two sought amendments. Two further submission points support one amendment and five opposed or opposed in part the other amendment.

[25] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[26] RMA Schedule 1, clause 16(2)
[27] RMA Schedule 1, clause 16(2)
[28] Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009
[29] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[30] RMA Schedule 1, clause 16(2)
[31] Westpower Limited S547.487
[32] Westpower Limited S547.488

163. Twenty-seven submission points and 17 further submission points relating to **NOISE-R2** were summarised in a Table on page 33-37 of the s42A Report. Sixteen submission points supported the rule as notified and eleven sought amendments. Thirteen further submissions supported some amendments and four opposed some amendments.

164. Thirty-five submission points and 35 further submission points relating to **NOISE-R3** were summarised in a Table on pages 41-47 of the s42A Report. One submission point supported the rule as notified, 26 sought amendments and eight sought it be deleted entirely or in part. Eleven further submissions supported some amendments and 24 submissions opposed, and 11 sought amendments.

165. Five submission points and four further submission points relating to **NOISE-R4** were summarised in a Table on pages 72-73 of the s42A Report. Four submission points supported the rule as notified. Three submission points sought amendments, and two opposed.

166. Twenty-eight submission points relating to **NOISE-R5** were summarised in a Table on pages 58-59 of the s42A Report. All submission points sought amendments. Four further submissions opposed amendments and three supported amendments.

167. Twenty-eight submission points and nineteen further submission points relating to **NOISE-R6** were summarised in a Table on pages 61-65 of the s42A Report. Five submission points supported the rule as notified and 23 sought amendments. Fourteen further submission points opposed amendments and five supported amendments.

168. Two submission points and two further submission points relating to **NOISE-R7** were summarised in a Table on pages 67 of the s42A Report. Two submission points supported the rule as notified. The two further submission points supported amendments.

169. Six submission points and seven further submission points relating to **NOISE-R8** were summarised in a Table on pages 68-69 of the s42A Report. One submission point supported the rule as notified and five sought amendments. Four further submission points opposed amendments and three supported amendments.

170. Three submission points and three further submission points relating to **NOISE-R9** were summarised in a Table on page 70 of the s42A Report. Two submission points supported the rule as notified. Three further submission points opposed amendments.

171. Four submission points and one further submission point relating to **NOISE-R10** were summarised in a Table on page 71 of the s42A Report. Three submission points supported the rule as notified and one sought amendment. One further submission opposed an amendment.

172. Thirty-one submission points and eight further submission points relating to **NOISE-R11** were summarised in a Table on pages 73-75 of the s42A Report. Four submission points supported the rule as notified and 27 sought amendments. All eight further submissions opposed amendments.

173. Eleven submission points and five further submission points relating to **NOISE-R12** were summarised in a Table on pages 76-77 of the s42A Report. Five submission points supported the rule as notified and six submission points sought amendments. All five further submission points opposed amendments.

174. Six submission points and three further submission points relating to **NOISE-R13** were summarised in a Table on page 78 of the s42A Report. Two submission points supported the

rule as notified and five sought to delete the rule. Two further submission points opposed deleting the rule and one supported it.

175. The Panel adopts these summaries and has considered the submissions and further submissions.

Section 42A Report and Addendum Report

Rules (General)

176. The majority of Mr Peakall's expert evidence was accepted and implemented by Ms Evans in the recommendations in the s42A Report and addendum Reports. However, the Panel notes there were a few points that were not been covered by Ms Evans which are also summarised below in relation to the relevant rule.

177. Ms Evans did not agree with the submission point from Michael Hill (S70.019) that sought to revert back to the Grey District Plan rules. She considered the recommended rules reflected the relevant New Zealand Standards and Planning Standards and were supported by independent expert Mr Peakall.

NOISE - R1 Permitted Activities - General Standards

178. Ms Evans acknowledged the support from submitters[33] that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

179. In relation to the submission point by NZAAA (S166.023), Ms Evans did not support the addition of '*unless otherwise exempted in NOISE-R2'* because she considered compliance with the standards was still appropriate to manage effects of permitted activities.

180. Ms Evans supported Te Mana Ora's (S190.535) request to remove reference to '*section 7.7*' and replace it with '*as assessed*' in NOISE-R1(4) because this aligned with the Planning Standards and Mr Peakall's expert advice. However, she did not support the deletion of clause (1) based on Mr Peakall's advice and considered it was more efficient for all standards to be within the one rule.

181. Ms Evans recommended minor amendments, as suggested by Mr Peakall for improved clarity and to reference, and better align with, the relevant New Zealand Standards.

182. In Addendum Report, in response to the pre-circulated evidence of Dr Chiles for Te Mana Ora, Mr Peakall agreed that clause (3) should be deleted due to the lack of definition for '*mobile noise sources'*. Ms Evans agreed that the term '*mobile noise sources'* was not defined and that there was potential for uncertainty around how the exemption would be applied in NOISE-R1. She therefore supported the deletion of clause (3).

183. Appendix 1 of the Right of Reply recommended amendment to NOISE-R1 as follows:

All activities must comply with the following relevant standards.

Activity status where compliance not achieved: Restricted Discretionary

[33] Waka Kotahi NZTA (S450.169), New Zealand Defence Force (S519.025), Buller District Council (S538.331), Chris & Jan Coll (S566.323), Chris J Coll Surveying Limited (S566.323), Laura Coll McLaughlin (S474.323) and William McLaughlin (S567.384),Grey District Council (S608.66)

1. *Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply.*
2. *The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.*
3. ~~*Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources.*~~

X. Noise from aerodromes, airfields or airports not subject to noise rule R10 shall be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.

XX. Noise from New or Altered Roads shall be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.

4. *Noise from wind turbines shall be measured* ***and assessed*** *in accordance with* ~~*section 7.7 of*~~ *NZS 6808: 2010 Acoustics Wind Farm Noise;*
5. *Noise from Helicopter Landing areas shall be* ~~*managed*~~ ***measured and assessed*** *in accordance with* ~~*and comply with*~~ *the noise standards and limits of NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.*

XXX. Noise from port activities shall be managed in accordance with and comply with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

NOISE-R2: Permitted Activity – Emissions of Noise in all Zones

184. Ms Evans acknowledged the support from submitters[34] that sought to retain the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

185. In response to the submission point made by NZAAA (S166.024) and the Director General (S602.180) to make additions to NOISE-R2(12), Ms Evans supported the amendment in part. She agreed to include some of the additions sought, including adding '*take offs*' and '*conservation activities*' but did not support the inclusion of specific subsets of activities because she considered there was sufficient clarity.

186. Te Mana Ora (S190.536) sought to amend clauses (1), (10), (12), (13), (16) and (17), which Ms Evans supported in part. She supported deleting '*e.g. spraying, harvesting, etc'* in clause (1) because these were not typical residential activities, as well as other further amendments. She supported deleting clause (10) because of the lack of clarity. Ms Evans did not support deleting clauses (12) and (13) on the basis that the effects from activities were temporary or infrequent because aircraft landings were managed by NZ Standards. Based on the advice of Mr Peakall, she recommended a minor amendment to clause (12) to replace '*infrequent*' with a set number of days per year. She also supported the changes sought clauses (16) and (17), on the basis that Mr Peakall supported this from a technical perspective.

[34] Waka Kotahi NZTA (S450.170), Jetboating New Zealand (S161.004 and S116.005), Ballance Agri-Nutrients (S345.005), KiwiRail Holdings (S442.087), Westport Rifle Club Incorporated (S547.008), New Zealand Defence Force (S519.026 and S519.027), Buller District Council (S538.332), Chris & Jan Coll (S566.324), Chris J Coll Surveying Limited (S566.324), Laura Coll McLaughlin (S474.324) and William McLaughlin (S567.385), Grey District Council (S608.677)

187. Westport Pistol Club (S336.009) sought that noise under clause R2(14) is permitted at any time of day. Ms Evans supported this in part and suggested including reference to daytime hours.

188. Foodstuffs (S464.049) sought to delete '*residential*' and add '*expected for that zone'* in Rule NOISE-R2(7). Ms Evans partially supported this but rather recommended adding '*provided for as a permitted activity for that zone*'.

189. Horticulture NZ (S486.059) sought to amend NOISE-R2(11) by replacing *'agricultural, horticulture and pastoral farming activities*' with *'rural production activities*'. Similar relief was sought by Federated Farmers (S524.103). Ms Evans noted that as the terms currently included were defined and preferred that the definition was retained but recommended reordering the words and deleting '*farming*'. She also recommended minor amendments to delete the words '*limited*,' '*seasonal*,' and *'intermittent*' to remove uncertainty.

190. WCRC (S488.033) sought to amend NOISE-R2 to clearly cover aerial biosecurity and biodiversity activities. Ms Evans partially supported this and recommended amendments to provide for conservation activities.

191. WMS Group (S599.094) sought the deletion of '*as part of or compatible with a normal residential activity*' from NOISE-R2(7). Ms Evans supported this but recommended alternate wording by referencing permitted activities.

192. Manawa Energy (S438.126) and Chris Hartigan (S438.126) sought the replacement of '*lifeline utilities*' with '*providers of regionally significant infrastructure*' in NOISE-R2(5). Ms Evans did not support this because '*lifeline utilities*' were defined in legislation, however, she supported adding '*regionally significant infrastructure'*.

193. In the Addendum Report, Mr Peakall disagreed with Dr Chiles' evidence in regard to NOISE-R2(12), as he considered that the existing rules were appropriate and acceptable. Regarding Dr Chiles' request to remove the exemption for non-commercial watercraft, Mr Peakall noted the removal of the exemption would be too onerous for intermittent, recreational users.

194. The Addendum Report also responded to the statement from WCRC requesting to amend NOISE-R2 to clearly cover aerial biosecurity and biodiversity activities. Ms Evans agreed with Mr Peakall's response to this evidence, and supported the inclusion of '*per site'* within NOISE-R2(12).

195. Ms Evans supported technical recommendations from Mr Peakall and also recommended minor additional changes for clarity. Appendix 1 of the Addendum Report showed recommended amendments to **NOISE-R2** as follows:

> *Activity Status Permitted*
>
> *Where the following activities are exempted from meeting Zone noise standards:*
>
> 1. ~~*Intermittent residential activities,*~~ ~~*u*~~***Use*** *of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications* ***and associated with the use of a site for a residential activity*** ~~*used on an intermittent basis (e.g. spraying, harvesting, etc);*~~
>
> 2. *Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);*

3. *Activities at emergency service facilities associated with emergency response and emergency response training;*

4. *Helicopters used for an emergency and as an air ambulance;*

5. *The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services, ~~or~~ lifeline utilities **or Regionally Significant Infrastructure;***

6. *People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~ or in residential dwellings. This did not include any amplified noise;*

7. *Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with an ~~normal residential~~ activity **provided for as a permitted activity in that zone;***

8. *Trains **operating** on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption did not apply to the testing (when stationary), maintenance, loading or unloading of trains;*

9. *Road construction work where management controls are in place to mitigate the emission of noise;*

10. ~~*Any residential activity on the same site as a noise source being assessed;*~~

11. *Agricultur**al**~~e~~, **pastoral and** horticultur**al**~~e~~ ~~and pastoral farming~~ activities undertaken ~~for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis~~ in the General Rural and Rural Lifestyle zones;*

12. *~~Infrequent a~~**A**ircraft **take off and** landing ~~for~~ **associated with** rural production **activities and conservation activities** ~~purposes on an intermittent basis~~ **for no more than 30 days in any 12 month period per site** ~~including aerial topdressing and helicopter movements;~~*

13. *Non-commercial motorised watercraft operating on the surface of waterbodies;*

14. *Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm;***

15. ~~*Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;*~~

16. *The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour**, and generating less than 65 dB LAE for each event; and***

17. *The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm **and no more than 12 days per calendar year** ~~– only~~, and if operating outside of these hours complies with the underlying noise standards of the zone. **This did not include any amplified noise.***

Activity status were compliance not achieved:** ~~Restricted Discretionary~~ **N/A

NOISE - R3 Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity

196. Ms Evans acknowledged the support from Te Mana Ora (S190.537) to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

197. KiwiRail (S442.088), which was summarised in relation to the whole chapter above, sought amendments to include noise, vibration and mechanical ventilation standards provided in Appendix A provided.

198. Five submitters[35] sought deletion of NOISE-R3, including BDC who considered that the rule was not necessary given the low traffic environment. These submission points were all opposed in further submissions from KiwiRail. Two submitters[36] sought to delete the rule or clause (f), or add an exemption for property owners that accept noise mitigation where this is registered on the title in the form of a consent notice.

199. Poutini Ngāi Tahu (S620.211) requested engagement of an acoustic expert to assess the generated noise, vehicle speeds and times it is generated on the state highway and rail networks; and a reassessment of the rules on the basis of protecting human health. Ms Evans considered the assessment of Mr Peakall had partly addressed this and she noted the acoustic insulation rules were similar to other recent district plans.

200. In response to these submission points, Ms Evans supported retaining NOISE-R3 subject to recommended amendments, based on the evidence of Mr Peakall. She considered the rule would give effect to the NOISE objectives by ensuring appropriate internal noise levels can be achieved for sensitive activities close to noise generating activities.

201. Jakie Mathers and Bart Gillman (S228.006) sought that acoustic insulation is only required for new builds if specific information was freely provided. They also sought alternative relief through a 'no complaints' covenant approach to new builds (S228.007). Ms Evans rejected this approach due to the implementation and monitoring costs; and considered it would not achieve NOISE-O3 because it would not provide for appropriate internal amenity outcomes. The submitter (S228.005) also sought that no vibration standard be applied to stand alone residential dwellings. Ms Evans did not support this based on the technical advice from Mr Peakall.

202. NZTA Waka Kotahi (S450.171) sought amendments based on the current rule structure, and Ms Evans agreed that minor formatting changes were required to improve clarity. NZTA Waka Kotahi also sought amendments to apply vibration requirements to buildings 20m from a state highway, which was supported by Ms Evans based on Mr Peakall's technical advice. NZTA Waka Kotahi also sought to include state highway noise contours as an overlay, to replace the buffer approach. This was supported by Mr Peakall as an effective approach. Ms Evans considered that a high noise overlay could improve the efficiency of the rule requirements in relation to the state highways, and invited the submitter to provide detailed evidence and planning analysis. Ms Evans suggested amendments, if the overlay was supplied and the approach was supportable, as follows:

> *1. The building will be used by a sensitive activity and is located within:*
> *~~a. a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~*
> *~~b. 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph; where~~*

[35] Buller District Council (S538.333), Chris & Jan Coll (S566.325), Chris J Coll Surveying Limited (S566.325), Laura Coll McLaughlin (S474.325) and William McLaughlin (S567.386), Jacobus Wiskerke (S95.004)
[36] Bert Hofmans (S504.012) and Lindy Millar (S505.012)

The High Noise Overlay shown on the planning maps:

203. Gina Hogarth (S304.002) and Misato Nomura (S151.002) sought to provide for permitted mitigation measures (e.g. bunding) as an alternative option. Gina Hogarth sought further consideration of the low traffic volumes in Buller. Mr Peakall suggested an appendix could be added to the pTTPP outlining examples of acceptable design solutions to achieve the requirements of the rule. He considered this would provide more certainty to plan users and reduce costs compared to requiring acoustic certification. Ms Evans noted the rule did not preclude use of noise mitigation designs (such as bunds and fences) given it only set the internal noise levels to be achieved. She considered use of an appendix would address some of the submissions points and was an acceptable solution that could improve certainty and potentially reduce costs.

204. Deb Langridge (S252.006) sought that buildings producing noise should be adequately insulated. Ms Evans rejected this submission because the emission of noise was managed under other NOISE rules.

205. Margeret Montgomery (S442.080) sought that setback requirements were reduced. Without further evidence or justification, Ms Evans rejected this submission and considered the amendments recommended by Mr Peakall may address the submitter's concerns.

206. Four submitters[37] sought similar amendments, with some requesting that acoustic insulation be required for residential buildings within 250m of the Rifle Range Protection Area, and others requesting that acoustic insultation requirements should be applied to all sensitive activities. Ms Evans accepted these submissions in part, however, rather than a 250m buffer as requested, she recommended the inclusion of noise contours in accordance with Mr Peakall's evidence.

207. In response to submission points[38] that sought to include acoustic insulation requirements for new buildings containing sensitive activities built in the proposed Alma Road development, within 100m of the consented quarry, Ms Evans noted that Ms Easton had informed her that the land around the quarry was likely to be zoned GRUZ, so the insulation is not required. Mr Peakall considered acoustic insultation provisions within 100m of quarry operations were unnecessary because quarry activities were subject to noise rules in the Plan.

208. Ms Evans did not support the request by SFF (S441.041) to include a new clause requiring acoustic insulation for new and altered buildings adjacent to an industrial site because she considered potential reverse sensitivity effects were better managed through appropriate zoning and zone provisions.

209. The s42A Report noted that Ms Easton had recommended that Haast Airfield be added to the Airport Zone and the 55dBA contour be included on the planning maps as part of the Special Purpose Zone Chapter hearing. Ms Evans noted this required a consequential amendment to clause (d) and NOISE-R10.

210. The Addendum Report responded to evidence circulated before the hearing. In response to Dr Chiles' evidence for Te Mana Ora and his request to include reference to the ventilation requirements in the proposed appendix, Mr Peakall agreed. However, he did not agree with

[37] Westport Pistol Club (S336.016), Westport Rifle Club (S457.009), Dean Trott (S330.002), Chris Hartigan (S338.002)
[38] Avery Brothers (S609.061 and S609.069), Bradshaw Farms (S511.069), Leonie Avery (S507.069), Jared Avery (S508.069), Kyle Avery (S509.069), Paul Avery (S512.069), Brett Avery (S513.069)

Dr Chiles that the ventilation rule should be retained as notified because he considered the notified rule contained overly excessive controls.

211. In response to the evidence of Mr Tuck for SFF, Mr Peakall considered the proposed rules in relation to the General Rural Zone (**GRUZ**) and new NOISE-RX were appropriate to provide adequate protection to noise sensitive receivers in the vicinity of the Hokitika site. Mr Peakall considered the daytime noise level sought by Mr Tuck, of 60 dB_{LAeq}, was excessive. He noted that the proposed upper daytime limit for a noise sensitive activity of 55 dB_{LAeq} was appropriate.

212. In response to Ms McKenzie's evidence for the Westport Pistol Club (and others), Mr Peakall considered these concerns had been addressed through the implementation of a refined rifle range noise contour overlay and slight refinements to the wording of NOISE-R3. Ms Evans also supported the inclusion of a rule for sensitive activities within the 60dB contour as requested.

213. In response to Dr Chiles' evidence for NZTA Waka Kotahi, Mr Peakall agreed that the text in NOISE-R3 should be updated to include alterations to existing buildings containing sensitive activities. Mr Peakall agreed with the suggestion of NZTA Waka Kotahi to include a Road Noise Overlay in NOISE-R3 but considered that either a setback or overlay approach was generally acceptable to ensure adequate insulation of noise sensitive activities from road traffic noise. Ms Evans accepted this approach in principle.

214. Ms Evans supported the evidence of Mr Peakall and recommended inclusion of shapefiles provided by Mr Pearson within the planning maps to create a Road Noise Overlay for state highways. To achieve this, she recommended deleting clauses (a) and (b) and replacing it with reference to the '*Road Noise Overlay shown in the planning maps*'. She also supported deleting clause (b)(ii) based on the inclusion of the Road Noise Overlay.

215. Ms Evans also supported the NZTA Waka Kotahi submission requesting the necessity to specify that ventilation was to be provided in accordance with NOISE-R3(1)(f), which was also supported by Mr Peakall. She considered this provided a helpful cross-reference and would assist with the accuracy and effectiveness of Appendix 1.

216. In the Addendum Report, Ms Evans noted that she had scheduled pre-hearing discussions with KiwiRail. Overall, she agreed with the experts for KiwiRail and Mr Peakall and supported the setbacks provided by KiwiRail, and inclusion of a provision that allows for line of sight screening. Ms Evans also agreed with Mr Peakall's advice and supported KiwiRail's submission to apply acoustic insulation requirements to '*new or altered*' habitable rooms being applied throughout NOISE-R3.

217. In response to Dr Chiles' evidence for KiwiRail, Mr Peakall noted that similar points had been raised in the NZTA Waka Kotahi evidence regarding the ventilation rule, which Mr Peakall has addressed. Mr Peakall noted that he now agreed with Dr Chiles position that a 100m setback for noise and 60m setback for vibration was needed for railway noise and vibration, and now agreed these were the appropriate setbacks. Mr Peakall maintained his position that a single design control for all sensitive activities was appropriate.

218. Mr Peakall also identified several technical refinements and corrections, which Ms Evans was supportive of on the basis they will improve accuracy, clarity and potentially address cost concerns.

219. Appendix 1 of the Addendum Report recommended amending NOISE-R3 and adding new Appendix X, as follows:

Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity

Activity Status Permitted

Where:

The building will be used by a sensitive activity and is located within ***the Road Noise Overlay shown on the planning maps****:*

~~*a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or*~~

~~***b.*** *40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph;*~~ *where****:***

i. *Any habitable room used for a sensitive activity* ***and/or space used for sleeping*** *must be designed and constructed to achieve a* ~~*minimum*~~ ***maximum*** *internal noise* ~~*limit*~~ ***level*** *of 40dB$_{LAeq}$ (24h); and*

ii. ~~*Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and*~~

iii. *Any* ***new or altered habitable room and/or space used for sleeping*** ~~*building*~~ ***within 20m of the edge of the carriageway*** *must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);*

c. ~~*4*~~***10****0m of the edge of the tracks of a railway line where*~~***:***~~

~~*i. A*~~***a****ny* ***new or altered*** *habitable room used for a sensitive activity* ***and/or spaced used for sleeping:***

i. *must be designed and constructed to achieve a maximum internal noise* ~~*limit*~~ ***level*** *of 35 dB$_{LAeq}$ (1h);*~~

~~*ii. Compliance with i. above must be achieved based on an assumption of 70 dB$_{LAeq}$ (1h) at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m;*~~ ***or***

~~*iii.*~~ ***is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks***

cx. 60m of the edge of the tracks of a railway line where any new or altered habitable room and/or space used for sleeping

~~*iv. Any building must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);*~~

d. *The 50 dB*~~***A*** *Noise Contour boundary of Franz Josef Heliport or the 55 dB****A*** *Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome or* ***Haast Airfield****; where:*

i. *Any* ***new or altered*** *habitable room* ***and/or space used for sleeping*** *must be designed and constructed to achieve a* ~~*minimum*~~ ***maximum*** *indoor design noise level of 40 dB Ldn;*

e. *Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where*

i. *The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:*

a. ***40~~35~~*** *dB_{LAeq} inside* ***any habitable room*** ***~~bedrooms~~****;*

b. ***35~~40~~*** *dB_{LAeq} inside* ***~~any other habitable room, except for~~*** *bedrooms* ***between 10pm and 7am****; and*

ex. ~~The Rifle Range Protection Area~~ Between the 55 dB_{LAFmax} and 60 dB_{LAFmax} contours of the Westport Rifle Range Noise overlay shown on the planning maps:

i. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed and constructed to achieve a maximum internal noise level of 35 dB_{LAFmax} from outdoor noise associated with lawfully established activities at the Westport Rifle Range; and

ii. outdoor living area not less than 30m^2 must be screened from the Rifle Range to achieve an outdoor noise level not exceeding 50 dB_{LAFmax}.

f. Where windows need to be closed to achieve the internal noise levels specified in a. to ***~~e~~ex****. above an alternative ventilation system shall be provided which achieves the following requirements:*

i. Satisfies clause G4 of the New Zealand Building Code;

ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. Provides relief for equivalent volumes of spill air; and

iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18oC and 25oC; and

v. Does not generate more than 35 dB_{LAeq}(30s) when measured ***at least*** *1m away from any grille or diffuser.*

Advice Note:

1. *Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a* ***new or altered*** *habitable room* ***and/or space used for sleeping****, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or.*

2. For Rule R3 1 a i) or Rule R3 1 c i) compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1-Acceptable constructions requirement, Part A and meets the ventilation requirements of Rule R3.1.f; or

3. *For Rule R3 1 a iii) or Rule R3 1 c iii) compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1-Acceptable constructions requirement, Part B* ***and meets the ventilation requirements of Rule R3.1.f*** *.*

It is recommended that a new appendix be added as follows:

Appendix X – Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise R39

Part A: Approved construction requirements for compliance with Noise-R3 1 a i) and Noise-R3 1 c i)

Applicability	

	Construction requirements detailed in this appendix are only applicable where: ***1. The building containing the sensitive activity is located with the State Highway Noise Control Boundary Overlay shown on the planning maps or is within 60m of an Existing Rail Corridor,*** ***2. The building is a single level construction,*** ***3. The floor of the building is a reinforced concrete slab,*** ***4. No habitable room of the building is located less than 4.5 metres from the road boundary,*** ***5. The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room.*** ***6. The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.*** ***In all other situations, a design report from a suitably qualified acoustics specialist is required.***
Construction Options	
Exterior Walls Option 1	***Exterior cladding of Aerated Concrete or similar, with a surface mass not less than 27 kg/m^2.*** • ***Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier,*** • ***Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***1 layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m2***
Exterior Walls Option 2	***Exterior cladding of Profiled sheet metal not less than 0.45 mm thick.*** • ***20 mm thick battens forming a ventilated cavity,*** • ***Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m^2.*** • ***Timber framing of not less than 90 mm, with studs at 600 mm centres,*** • ***Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***1 layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,***
Applicability	

Exterior Walls Option 3	***Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m2 (Hardies Linea or equivalent)*** • ***20 mm thick battens forming a ventilated cavity,*** • ***Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m2.*** • ***Timber framing of not less than 90 mm, with studs at 600 mm centres,*** • ***Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***1 layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,***
Glazing and Exterior doors - All options	• ***Windows to consist of double glazing consisting of a minimum of 2 layers of 4 mm thick glass separated by a 12 mm airgap, with airtight seals,*** • ***External doors to be either double glazed to the same standard as windows, or be a solid timber construction with a surface mass not less than 24 kg/m^2 and incorporating full perimeter seals.***
Roof – All Options	• ***Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles,*** • ***Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***2 layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m^2.***

Part B: Approved construction requirements for compliance with Noise-R3 1 a iii) and Noise-R3 1 c iii)

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an Existing Rail Corridor and is a single storey framed building with:

a. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations: and

b. vibration isolation separating the sides of the floor slab from the ground; and

c. no rigid connections between the building and the ground In all other situations, a design report from a suitably qualified specialist is required demonstrating Compliance with Rule R3 1 c iii).

NOISE - R4 Emission of Noise for Temporary Military Training Activities

220. Ms Evans acknowledged the support from NZDF (S519.028) and BDC (S538.334) to retain the rule as notified. However, she noted her recommended amendments that arise from other submission points.

221. Te Mana Ora (S190.538) sought the replacement of '*C*' with '*LCpeak*.' Ms Evans supported this because Mr Peakall confirmed '*LCpeak*' was the correct reference.

222. Ms Evans supported the correction of a typographical error to change 1.250m to 1.250km in response to the Westport Rifle Club (457.010) and the Westport Pistol Club (S336.011).

NOISE - R5 to NOISE – R8 and NOISE-R11

223. Ms Evans included an additional 'introduction' section outlining the proposed changes to the rules listed above. She noted that these rules effectively managed the same issue of noise limits but in different zones and considered these as a whole – setting out general issues with the rules and a recommended approach across the district.

224. Ms Evans noted the differences in the rule headings such as the use of '*generated*' and providing limits for where the noise was '*received*' had caused confusion for some submitters. She also noted there was a range of different hours for day/night time noise limits in different zones. She also noted the provisions were inconsistent in relation to noise limits at the receiving site - depending on where the noise was generated.

225. Ms Evans noted that submissions varied in support and opposition but she considered that there was opportunity to improve clarity by consolidating and simplifying the approach, and to better achieve the NOISE objectives. To address this, she supported Mr Peakall's recommendation that rules NOISE-R5 to NOISE-R8 and R11 were replaced by one overall general noise rule based his rule table for different zones (new Rule NOISE-RX). Ms Evans considered this would simplify and streamline the rules.

226. In the Addendum Report, Mr Peakall accepted the proposals put forward by Dr Chiles for Te Mana Ora with respect to some NOISE-RX drafting issues. Mr Peakall disagreed with Dr Chiles' suggestion to remove the exemption for unplanned engine testing, as he noted this was necessary for an airport and testing was infrequent. He considered a definition for '*aircraft operation*', as proposed by Dr Chiles, was unnecessary. He also considered providing for different noise limits in the evening period was not needed and noted that conversely, several submitters had sought more relaxed noise limits.

227. In response to the evidence of Mr Hegley for WMS Group *et. al.*, Mr Peakall suggested a balance was required between protecting sensitive activities and allowing noise generating activities to occur. He therefore disagreed with Mr Hegley's request for more relaxed weekend and night-time limits. He noted the drafting error in NOISE-RX picked up by Mr Hegley had already been addressed in response to Dr Chiles' evidence. Mr Peakall did not consider the fundamental intent of the Mineral Extraction Zone noise rules had fundamentally been altered in new Rule NOISE-RX, as suggested by Mr Hegley.

228. Ms Evans acknowledged the concerns raised in three submission points and two further submission points, that there may be potential for constraint on extractive industries due to the new Rule NOISE-RX focus on protection of amenity. She noted she would liaise with the s42A Report author for the Mineral Extraction Chapter hearing and update this matter at the hearing.

229. Ms Evans agreed that the current wording in relation to '*notional boundary'* was unclear and supported addressing this in the recommended wording for new Rule NOISE-RX. She also supported Te Mana Ora's request to refer to the *'maximum noise level*', which was supported by Mr Peakall, and considered this would improve clarity.

230. Appendix 1 of the Addendum Report showed NOISE-R5 to NOISE-R8 and NOISE-R11 deleted and recommended adding new Rule NOISE-RX as follows:

NOISE-RX

Activity Status Permitted

Activity status where compliance not achieved: Restricted Discretionary

Where:

1. Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:

Zone	***Maximum Noise Limit***		
	Daytime (Monday–Friday) 7:00am-10:00pm	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***
RESZ Residential Zone ***SETZ Settlement Zone*** ***GRUZ General Rural Zone*** ***RLZ Rural Lifestyle Zone*** ***MPZ Māori Purpose Zone*** ***HOSZ Hospital Zone*** ***OSZ Open Space Zone*** ***NOSZ Natural Open Space Zone*** ***SVZ Scenic Visitor Zone*** ***FUZ Future Urban Zone***	***55 dB L_{Aeq}***	***50 dB L_{Aeq}***	***45 dB L_{Aeq}*** ***70 dB L_{AFmax}***

2. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:

Zone	***Maximum Noise Limit***		
	Daytime (Monday–Friday) 7:00am-10:00pm	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***

GRUZ General Rural Zone ***RLZ Rural Lifestyle Zone***	***55 dB L_{Aeq}***	***50 dB L_{Aeq}***	***45 dB L_{Aeq}*** ***70 dB L_{AFmax}***

3. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any following zones:

Zone	***Maximum Noise Limit***		
	Daytime ***(Monday–Friday)*** ***7:00am-10:00pm***	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***
SARZ Sport and Recreation Zone ~~***PORTZ Port Zone***~~ ***AIRPZ Airport Zone*** ***CMUZ Commercial and Mixed Use Zones*** ***STADZ Stadium Zone*** ***LIZ Light Industrial Zone***	***60 dB L_{Aeq}***	***55 dB L_{Aeq}***	***50 dB L_{Aeq}*** ***75 dB L_{AFmax}***
GIZ General Industrial Zone ***PORTZ Port Zone*** ~~***BCZ Buller Coalfield Zone***~~ ~~***MINZ Mineral Extraction Zone***~~	***65 dB L_{Aeq}***	***65 dB L_{Aeq}***	***65 dB L_{Aeq}***

4. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:

Zone	***Maximum Noise Limit***		
	Daytime ***(Monday–Friday)*** ***7:00am-10:00pm***	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***

~~***SARZ Sport and Recreation Zone***~~ ~~***AIRPZ Airport Zone***~~ ~~***CMUZ Commercial and Mixed Use Zones***~~ ~~***STADZ Stadium Zone***~~ ~~***LIZ Light Industrial Zone***~~ ~~***GIZ General Industrial Zone***~~ ~~***PORTZ Port Zone***~~ ***BCZ Buller Coalfield Zone*** ***MINZ Mineral Extraction Zone***	***55 dB L_{Aeq}***	***55 dB L_{Aeq}***	***45 dB L_{Aeq}*** ***75 dB L_{AFmax}***

NOISE - R5 Emission of Noise in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone

231. Te Mana Ora (S190.540) sought to restructure all zone limits to relate to the site receiving noise, the reformatting of day/time definitions to follow NZS 6802:2008, and if not restricted, replacement of '*another site in the RESZ, SETZ and NOSZ*' with '*within the notional boundary of any sensitive activity within any site receiving noise*.' Ms Evans recommended this submission point was accepted based on the advice of Mr Peakall that the noise limits had been restructured and simplified in new Rule NOISE-RX.

232. In response to a request from Scott Freeman (S383.002) to include the rural-lifestyle zone in NOISE-R5, Ms Evans supported Mr Peakall's advice that this point be rejected because the rural lifestyle zone was recommended to be included in a lower noise environment.

233. In response to submission points[39] which sought to amend timeframes to be more enabling, Ms Evans noted that the submission points were accepted in part because the proposed simplified approach had resulted in an extension of daytime hours.

234. Nineteen submission points[40] sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, excluding consented quarrying activities, enabling quarry operations or deleting NOISE-R5. Ms Evans did not support these requests on the basis that the limits applied depended on the receiving environment. She noted Mr Peakall considered the recommended limits were the minimum standards he supported to protect peoples' health, safety and wellbeing.

235. In response to BDC's (S538.335) request to replace '*another*' with '*any other*,' and extend the noise timeframes to 10:00pm, Ms Evans accepted this submission. This was on the basis that Mr Peakall has recommended the daytime limit was extended to 10:00pm and clarification that noise limits apply in the receiving environment.

236. Two submission points (S353.003 and S462.033) sought that permitted activities were restricted to 45 dB L_{Aeq} or that noise limits of 45 dB L_{Aeq} were not exceeded at residential properties. Ms Evans rejected these submissions on the basis of Mr Peakall's technical advice,

[39] Chris & Jan Coll (S566.326), Chris J Coll Surveying Limited (S566.326), Laura Coll McLaughlin (S474.326) and William McLaughlin (S567.387)
[40] Avery Brothers (S609.062 and S609.070), Bradshaw Farms (S511.070), Leonie Avery (S507.070), Jared Avery (S508.070), Kyle Avery (S509.070), Paul Avery (S512.070), Brett Avery (S513.070), Geoff Volckman (S563.093 and S563.094), Catherine Smart Simpson (S564.105, S564.108 and S564.109), Karamea Lime Company (S614.134 and S614.135), Peter Langford (S615.134 and S615.135) Koiterangi Lime Co. Ltd (S577.085 and S577.088)

which considered a balance was required between the ability to generate noise and protection from unreasonable noise.

237. Ms Evans recommended that NOISE-R5 was deleted and replaced with new Rule NOISE-RX.

NOISE-R6 Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone

238. Three submission points[41] sought lower noise limits and/or shorter daytime hours, and one submission point also sought that noise be measured from property boundaries rather than notional boundaries. Ms Evans did not support lower noise limits or shorter day time hours based on Mr Peakall's advice that balance was required between the ability to generate noise and the overall protection from unreasonable noise. However, she recommended the approach of measuring noise from the property boundary for all zones except General Rural and Rural Lifestyle, so that part of the submissions was accepted.

239. Te Mana Ora (S190.542) sought to restructure of all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach, as advised by Mr Peakall.

240. Scott Freeman (S383.001) sought that noise in the rural lifestyle zone be measured at any point in the site (as per the residential and settlement zones) rather than the notional boundary. Ms Evans rejected this submission based on Mr Peakall's recommendation that these zones enable rural activities and should be treated in the same manner with respect to the noise receiving environment.

241. Six submission points[42] sought to have the Monday-Friday daytime limits applied across the weekend and public holidays in the GRUZ to allow the same limits all week. Ms Evans relied on Mr Peakall's expert opinion that lower limit in weekends and public holidays in the General Rural Zone was appropriate to allow for some respite. Mr Peakall advised that the noise limits he supported were a minimum for protection. Ms Evans accepted this advice and considered the surrounding environment was more sensitive in weekend hours. On this basis, she rejected these submission points.

242. Hort NZ (S486.087) sought that the noise rules did not curtail rural productivity, provided noise standards of at least 55 dB L_{Aeq} to enable a '*normal rural environment',* and include an exemption for rural production activities, such as frost fans. Ms Evans noted that NOISE-R2 provided such an exemption. She noted Mr Peakall has recommended a daytime limit of 55 dB L_{Aeq} and therefore considered the relief sought was generally met.

243. One submission point (S522.006) opposed NOISE-R6 and sought to retain the noise limits in the operative Westland District Plan. Ms Evans did not support this submission because she considered the recommended provisions reflected the Planning Standard requirements and zoning, ensured consistency, and were supported by technical analysis.

244. BDC (S538.336) sought the deletion of '*at any point*' and '*receiving noise*' and sought the addition of '*other*.' Ms Evans considers the new Rule NOISE-RX met the intent of this relief sought.

[41] Deb Langridge (S252.004), Sharon Langridge (S388.006)
[42] Rocky Mining Limited (S474.050), TiGa Minerals and Metals Limited (S493.088), WMS Group (S599.095), Birchfield Coal Mines Ltd (601.074), Papahaua Resources Ltd (S500.034), Horticulture NZ (S486.060)

245. Four submission points[43] sought timeframes to be more enabling of noise generating activities. Ms Evans noted that the timeframes were recommended to be simplified, and in some cases, this had extended daytime hours. She therefore accepted these submission points in part.

246. Ten submission points[44] sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, enabling quarry operations or deleting time restrictions. Ms Evans noted that the rules applied limits depending on the receiving environment. She considered the submitters had not provided evidence to confirm risks from noise, or specific drafting. For these reasons, and based on Mr Peakall's advice, the submissions were not supported.

247. Ms Evans recommended that NOISE-R6 be deleted and replaced with new Rule NOISE-RX.

NOISE - R7 Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct

248. Te Mana Ora (S190.542) sought to restructure all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.

249. BDC (S538.337) sought the replacement of '*at*' with '*within*', the addition of *'other'*, and the deletion of '*receiving noise*.' While this rule was proposed to be deleted, Ms Evans considered new Rule NOISE-RX clarified these terms and therefore this submission point was accepted in part.

250. Ms Evans recommended that NOISE-R7 was deleted and replaced with new Rule NOISE-RX.

NOISE - R8 Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone

251. Ms Evans noted the support from KiwiRail (S442.007) for NOISE-R8 as notified and the request (S442.008) to add a definition for *'noise sensitive activity'*, which was addressed above.

252. Te Mana Ora (S190.543) sought to restructure all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.

253. In response to the request from Sharon Langridge (S388.007) that sought that notional boundary be replaced with property boundary, Ms Evans noted that this was reflected in new Rule NOISE-RX and therefore this submission point was accepted.

254. SFF (S441.042) sought to include a commensurate permitted noise level to that specified in Table 5.1 in the Westland District Plan is provided. Mr Peakall noted that this operative rule used an outdated metric and therefore this submission point was not supported by Ms Evans.

255. BDC (S538.338) sought the replacement of '*at*' with '*within*', the addition of '*other*', and the deletion of '*receiving noise*.' While this rule was proposed to be deleted, Ms Evans considered new Rule NOISE-RX clarified these terms and therefore this submission point was accepted in part.

[43] Chris & Jan Coll (S566.327), Chris J Coll Surveying Limited (S566.327), Laura Coll McLaughlin (S474.388) and William McLaughlin (S567.388)
[44] Geoff Volckman (S563.095), Catherine Smart Simpson (S564.106 and S564.110), WMS Group (S599.095), Karamea Lime Company (S614.136 and S614.138), Peter Langford (S615.136 and S615.138) Koiterangi Lime Co. Ltd (S577.086 and S577.089)

256. Ms Evans recommended that NOISE-R8 was deleted and replaced with new Rule NOISE-RX.

NOISE - R9 Emission of Noise within the PORTZ - Port Zone

257. Ms Evans acknowledged the support from BDC (S538.339) and WMS Group (S599.096) that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

258. Ms Evans accepted the request from Te Mana Ora (S190.544) to add a new clause to require use of a Port Noise Management Plan to implement NZS 6809 because this was supported by Mr Peakall. Ms Evans recommended minor amendment to replacing '*updated*' with '*reviewed*'. She also recommended adding '*from Port Activities'* to the heading and '*port*' to clause (1) as a consequential amendment to adding new Rule NOISE-RX for clarity.

259. Appendix 1 of the Addendum Report recommended amending NOISE-R9 as follows:

> ***NOISE-R9*** *Emission of Noise* ***from Port Activities*** *within the PORTZ - Port Zone*
>
> *Activity Status Permitted*
>
> *Where:*
>
> *1. The maximum noise generated from* ***port*** *activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.*
>
> ***2. All activities are conducted in accordance with a Port Noise Management Plan that is reviewed annually, sets out the details of how NZS 6809 is being implemented, and is publicly available on the port operator's website.***

NOISE - R10 Emission of Noise within the AIRPZ - Airport Zone

260. Ms Evans acknowledged the support from submitters[45] that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

261. Ms Evans accepted in part the requests from Te Mana Ora (S190.544) to include further limiting maximum noise limits associated with aircraft engine testing, for noise emissions to be measured from the notional boundary of any sensitive activity, for LAeq measurements to be amended to 15 minutes (rather than hours), inclusion of other airports/Aerodromes, and the inclusion of a new clause requiring use of a Noise Management Plan to implement NZS 6805 or NZS 6807. However, she recommended replacing '*updated*' with '*reviewed*', similar to the port noise amendment above.

262. Mr Peakall noted that for areas inside the noise boundaries in the Rural Zone, he would normally recommend prohibition of new residential activities. However, this suggestion was not reflected by Ms Evans in the noise s42A Report.

263. Appendix 1 of the Addendum Report showed recommended amendments to NOISE-R9 as follows:

> ***NOISE-R10*** *Emission of Noise within the AIRPZ – Airport Zone*
>
> *Activity Status Permitted*

[45] Totally Tourism Limited (S449.006), New Zealand Defence Forse (S519.029), Buller District Council (S538.340)

Where:

1. *Noise from aircraft operations at Hokitika and Westport Airports and Greymouth**, Haast** and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;*
2. *Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;*

2X. Noise from essential unplanned engine testing for scheduled passenger services is exempt from NOISE-R10.1 above.

2Y. Noise from all other engine testing shall comply with the noise limits set out in NOISE-RX.

~~***3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed: a. on any day 7.00am to 10.00pm exceed 55 dB LAeq (15 hour) b. on any day 10.00pm to 7.00am not exceed 45 dB LAeq (9 hours) and 75 dB LAmax; and***~~

4. *The maximum noise generated from aircraft operations at Hokitika **and Westport** Airport**s and Greymouth, Haast Airfield and Karamea Aerodrome** over any 90 continuous days shall not exceed:*
   a. *55 dB_{Ldn} at or beyond the noise contour boundary shown on the planning maps; and*
5. *The maximum noise generated from helicopter operations at Franz Josef Heliport over any 7 continuous days, shall not exceed:*
   a. *50 dB_{Ldn} at or beyond the noise contour boundary shown on the planning maps; and*
6. *Standards 4 and 5 above do not apply to:*
   a. *Aircraft landing or taking off in an emergency; and*
   b. *Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and*
   c. *Aircraft undertaking firefighting duties; and*
   d. *Military aircraft movements; and*
   e. *Aircraft using the Hokitika Airport in preparation for and participation in air shows.*

~~*7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.*~~

7. All activities are conducted in accordance with a Noise Management Plan that is reviewed annually, sets out details of how NZS 6805 or NZS 6807 is being implemented, and is publicly available on the facility operator's website.

NOISE - R11 Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone

264. Ms Evans acknowledged the support from submitters[46] that sought to retain the rule as notified.

265. Te Mana Ora (S190.546) sought the restructure of all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.

266. One submission point (S252.003) sought lower noise limits, shorter daytime hours, and that noise be recorded from the property boundary rather than the notional boundary. Another

[46] TiGa Minerals and Metals Limited (S493.089), WMS Group (S599.097), Birchfield Coal Mines Ltd (601.075)

submission point (S388.005) also sought that noise be measured from the property boundary rather than the notional boundary. Ms Evans supported these in part because new Rule NOISE-RX referred to the boundary (rather than notional boundary) and only included the notional boundary measurement for two rural zones. She noted Mr Peakall's evidence that rural zones were noisier in nature and that a higher noise limit was appropriate.

267. In response to the several amendments requested by BDC (S538.341) to clarify that the noise limits apply at another site's notional boundary and not from the dwelling/activity/same site as the noise is being generated, Ms Evans considered recommended new Rule NOISE-RX address these points. She therefore accepted the submission point.

268. Four submission points[47] sought timeframes to be more enabling of noise generating activities. Ms Evans noted that the timeframes were recommended to be simplified, and in some cases, this had extended daytime hours. She therefore recommended the submission points were accepted in part.

269. In response to submission points[48] that sought the amendment of an error, Ms Evans noted that the typographical error was corrected in new Rule NOISE-RX.

270. Fourteen submission points[49] sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, enabling quarry operations or deleting time restrictions. Ms Evans noted that the rules applied limits that depended on the receiving environment. She considered the submitters had not provided evidence to confirm risks from noise, or specific drafting. For these reasons, and based on Mr Peakall's advice, the submissions were not supported.

271. Ms Evans recommended that NOISE-R6 was deleted and replaced with new Rule NOISE-RX.

NOISE-R12 Emission of Noise not meeting Permitted Activity Standards

272. Ms Evans acknowledged the submitters[50] that supported the rule as notified.

273. In response to Margaret Montgomery's (S446.081) request to clarity how noise effects on wildlife and habitat would be assessed, Ms Evans noted that the noise provisions did not provide for this assessment. However, she invited the submitter to provide further evidence on this matter at the hearing.

274. Ms Evans accepted the three submission points[51] that sought to delete clause (g) because it was a duplication of another matter of discretion.

275. Ms Evans also accepted the submission point from Westpower (S547.490) to add a new clause but considered this should use '*functional nee*d' and '*operational need',* which were defined in the Plan and encompassed the matters suggested.

[47] Chris & Jan Coll (S566.328), Chris J Coll Surveying Limited (S566.328), Laura Coll McLaughlin (S474.328) and William McLaughlin (S567.389)
[48] Geoff Volckman (S563.099), Catherine Smart Simpson (S564.112), Karamea Lime Company (S614.140), Peter Langford (S615.140) Koiterangi Lime Co. Ltd (S577.091), Chris & Jan Coll (S566.330), Chris J Coll Surveying Limited (S566.330), Laura Coll McLaughlin (S474.330) and William McLaughlin (S567.390)
[49] Geoff Volckman (S563.097 and S563.098), Catherine Smart Simpson (S564.111 and S564.107), Karamea Lime Company (S614.137 and S614.139), Peter Langford (S615.137 and S615.139) Koiterangi Lime Co. Ltd (S577.087 and S577.090), Chris & Jan Coll (S566.328), Chris J Coll Surveying Limited (S566.328), Laura Coll McLaughlin (S474.328) and William McLaughlin (S567.389)
[50] Te Mana Ora (S190.547), Chris & Jan Coll (S566.331), Chris J Coll Surveying Limited (S566.331), Laura Coll McLaughlin (S474.331) and William McLaughlin (S567.391)
[51] Waka Kotahi NZTA (S450.172), Frida Inta (S553.156), Buller Conservation Group (S552.156)

276. Appendix 1 of the Addendum Report showed recommended amendments to NOISE-R12 as follows:

NOISE-R12 Emission of Noise not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Activity status where compliance not achieved: N/A

Discretion is restricted to:

a. Effects on the health and wellbeing of people;
b. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;
c. The level, hours of operation, duration and nature of the noise;
d. The primary purpose and the frequency of use of the activity;
e. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;
f. Effects on character and amenity values on the surrounding environment; and
g. ~~Effects on the health and wellbeing of people;~~
h. Effects on wildlife and habitat values;
i. The temporary or permanent nature of any adverse effects;
j. Any noise reduction measures;.
*k. **The functional need and/or operational need of the activity.***

NOISE-R13 New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3

277. Ms Evans acknowledged Te Mana Ora (S190.548) supported the rule as notified.

278. In response to five submission points that sought the deletion of NOISE-R13, Ms Evans considered the rule was required to establish a rule cascade from NOISE-R3. She therefore recommended it was retained as notified.

279. In the Addendum Report, in response to the evidence of Ms McKenzie (on behalf of the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club), Ms Evans supported the inclusion of a rule for sensitive activities within the 60dB contour as a consequential amendment to adding the Rifle Range Noise Contour. She noted this was supported by Mr Peakall.

280. Appendix 1 of the Addendum Report showed recommended new rule NOISE-R13A as follows:

NOISE-13A New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay

Activity Status Restricted Discretionary

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and

b. <u>The impact of any sensitive activity that did not provide the required acoustic insulation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.</u>

<u>Hearing and Submitter Evidence/Statements</u>

NOISE-R1 General Standards

281. Dr Chiles, for Te Mana Ora, noted that the references in NOISE-R1 did not explicitly recognise the fundamental difference between general environmental noise standards and other standards that might operate alone. He also noted that there was a significant anomaly in NOISE-R1(3) with the inclusion of *'mobile noise sources*,' which set limits at a source rather than as measurement and assessment standards as in other parts of NOISE-R1. He considered this represented a loophole and recommended all reference to this term should be removed.

282. Mr Richard Milner provided a statement on behalf of the New Zealand Helicopter Association (**NZHA**). He requested clarification that a helicopter landing area referred to in NOISE-R1(5) included a permanent base for operations and not sites where helicopters take off or land in temporary or infrequent activity. He also requested that Council gives relief to operators with documented noise abatement training. His key concern was on ensuring the rules were not too restrictive and have unintended consequences on the wide range of uses of commercial helicopter aviation, including disaster relief.

NOISE-R2: Emissions of Noise in All Zones

283. Mr Tony Michelle provided a statement and supplementary statement for NZAAA. Mr Michelle did not support Mr Peakall's recommendation to delete the word *'infrequent'* from NOISE-R2(12). He considered terms such as '*frequent*' were appropriate given the term *'intermittent'* was used in the NZ Standards. He did not support Mr Peakall's amendment to NOISE-R2(12) to include '*for no more than 30 days in a 12 month period'* because he considered the measure of a day was imprecise. He noted the s42A Report recommended including '*intermittent*' in definition of '*agricultural aviation activities*' in the Rural Zone Chapter. Mr Michelle proposed revised wording for NOISE-R2(12) as follows:

12. 'Infrequent aircraft take-off and landing associated with rural production activities and conservation activities purposes on an intermittent basis.'

284. The WCRC statement proposed revised wording for NOISE-R2(12) as follows:

*12. ~~Infrequent a~~Aircraft **<u>take off and</u>** landing **~~for~~** **<u>associated with</u>** rural production **<u>activities and conservation activities</u>** ~~purposes on an intermittent basis~~ **<u>for no more than 30 days in any 12 month period</u>**, including ~~aerial topdressing and~~ helicopter movements;*

285. The statement from WCRC supported the recommended changes to NOISE-R2(12), on the basis that the definition for *'conservation activities'* includes '*pest control and the intermittent use of aircraft for conservation purposes'.* The WCRC did not support the addition *'for no more than 30 days in any 12 month period*' because this may not suitably provide for aerial operations.

286. Dr Chiles, for Te Mana Ora, recommended that NOISE-R2(12) was deleted to adequately manage noise effects from aircraft. He has also recommended the exemption in NOISE-R2(13) be deleted, or if not, all affected aircraft be subject to a noise limit of ~67 dB L_{ASmax}, measured at 25 metres in accordance with ISO 2922 or ISO 14509-1.

287. Ms Inta, on behalf of the Buller Conservation Group and herself, noted a misspelling of '*manufacturers*' in NOISE-R2. She requested that the word '*intermittent*' be retained in the rule to ensure the ability to complain about continuous noisy activities was not reduced. She has also requested that noisy daycare centres should be exempt from the noise rules because she considered there should be tolerance for these.

NOISE-R3 Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity

288. The evidence for KiwiRail from Ms Heppelthwaite, Ms Grinlinton-Hancock and Dr Chiles supported the request for a 100-metre noise control boundary for all rail lines. Ms Heppelthwaite also sought the following (supported by Ms Grinlinton-Hancock):

> *a. a 100 metre Noise and Vibration Alert Overlay (NVA) for the Hokitika and Rapahoe lines; and*
> *b. retention of the (notified/S42A recommended) 60 metre vibration control for all other rail lines.*

289. Ms Heppelthwaite noted that the NVA would be used as an information tool to inform landowners to be aware of and mitigate effects if they choose to. Ms Heppelthwaite and Dr Chiles considered sensitive activities should not all be required to achieve 35dB$_{LAeq}$ (1hr). Dr Chiles also noted that ventilation requirements should be specified in the new NOISE-APP1.

290. Ms Heppelthwaite provided an alternative table that estimated variable maximum noise levels for individual activities. She suggested that the inclusion of '*habitable room'* unduly confined the application of NOISE-R(1)(c) and noted the request for *'or alteration to an existing building*' had been overlooked in the s42A Report.

291. Ms Heppelthwaite and Dr Chiles noted an alternative compliance pathway was also provided in the KiwiRail submission by adding a new advice note as follows:

> *For Rule R3(1)(c)(i) compliance will be achieved if is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks.*

292. Ms Heppelthwaite proposed other minor wording changes, including removing the words '*at least*' from NOISE-R3(1)(f)(v) to improve certainty; including the word '*maintained*' in NOISE-R3(1)(c) to provide for enduring effects; and replacing '*rail corridor'* with '*rail designation boundary*' to improve certainty. She noted that the definition of '*sensitive activity'* included '*community facility*', which included recreation/sporting activities. KiwiRail noted that unless changes were made to clarify which community facilities NOISE-R3 applied to, a separate definition of '*noise sensitive activities'* was preferred.

293. Ms Arthur-Young and Ms Gunnel, Counsel for KiwiRail, submitted the relief sought by KiwiRail was the most appropriate to achieve the sustainable management purpose of the RMA, protect health and amenity of residents close to the rail corridor, and ensure the nationally significant rail corridor could continue to operate safely and efficiently. They noted that because KiwiRail could not fully internalise all noise and vibration effects, the rail network must be protected from reverse sensitivity effects. They also noted that KiwiRail's relief had been developed and refined through multiple planning processes and has been accepted by the Environment Court.

294. In the post-hearing submitter correspondence, KiwiRail provided a variety of proposed maps, which included noise and vibration overlays adjacent to railway lines.

295. Mr Steve Tuck provided planning evidence for SFF in relation to the submission points on the Hokitika processing site and potential reverse sensitivity effects from dwelling adjacent to the site. He suggested the following further amendments to NOISE-R3:

> *1. The building will be used by a sensitive activity and is located within:*
> *[sub-clauses (a) to (f) are not shown here]*
> ***(g) the following properties or their successors in title:***
> ***Lot 1 DP 1110 Blk XIII Waimea SD;***
> ***Lot 1 DP 1507 BLK XIII Waimea SD;***
> ***Lot 5 DP 1819 Blk XIII Waimea SD;***
> ***Lot 4 DP 1818 Blk XIII Waimea SD;***
> ***Lot 3 DP 1818 Blk XIII Waimea SD;***
> ***Lot 2 DP 1818 Blk XIII Waimea SD;***
> ***Lot 2 DP 2378 Blk XIII Waimea SD;***
> ***Lots 1 2 DP 1603 BLK XIII Waimea SD;***
> ***Lot 1 DP 2378 Blk XIII Waimea SD;***
> ***PT Lot 1 DP 1365 Blk XIII Waimea SD;***
> ***Lot 1 DP 577157;***
> ***Lot 2 DP 577157;***
> ***i. The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:***
> ***A. 40dB$_{LAeq}$ inside any habitable room;***
> ***B. 35dB$_{LAeq}$ inside bedrooms between 10pm and 7am.***

296. Mr Tuck noted that these properties were identified using Westland District Council's GIS mapping service as being close to the Hokitika processing site, and the proposed inclusion was necessary to implement the direction stated in NOISE-P2.

297. Ms Katherine Mckenzie provided planning evidence on behalf of the Westport Pistol Club, Chris Hartigan, and the Westport Rifle Club. She suggested a set of noise contours should be produced for the entire area surrounding the Westport Rifle Range to address the submitters' concerns. She requested that amendments to NOISE-R3 requiring new activities within the 55 dB L_{AFmax} contour to achieve 35 dB L_{AFmax} in habitable and sleeping areas, and 50 dB L_{AFmax} in an outdoor screened living space. She noted the submitters supported the inclusion of specific acoustic design options as a pathway for compliance with NOISE-R3.

298. Mr Pearson, for NZTA Waka Kotahi, recommended deleting clauses (1)(a) and (1)(b) and adding reference to '*The State Highway Noise Corridor Overlay shown on the planning maps'.* Mr Pearson and Dr Chiles recommended retaining NOISE-R(1)(b)(ii) should be retained and considered new NOISE-APP1 should require compliance with ventilation standards in accordance with NOISE-R3(1)(f). They also agreed that NOISE-R3(1)(f)(v) should be retained as notified, which required the removal of the recommended wording '*at least*'.

299. Ms Pull's letter on behalf of Poutini Ngāi Tahu requested the provision of maps of the high noise overlay be circulated to submitters and opportunity given to provide additional evidence. She noted NOISE-R3 applied to '*new buildings*' only and therefore considered it should not apply to nohoanga entitlements, which were usually used with vehicles or tents.

300. Mr Bert Hofmans presented a statement at the hearing supporting his request to remove the Karamea Aerodrome Noise Contour Overlay from his property. He has also requested removal of the reference to '*Karamea Aerodrome*' from Rule 3(1)(d); and deletion of Rule 3(1)(f) or the addition of '*except where the property owner accepts a form or level of acoustic treatment that results in a different internal design sound level and accepts that this is registered on the certificate of title in the form of a consent notice.'* He considered there had been little

consideration of the impact on property owners and limited justification or s32 analysis for the imposition of the rules, with limited consideration of alternatives. Mr Hofmans was concerned about the expense of building within the noise contours overlay and the onerous nature of the new rules. He has asked the Commissioners to consider the cost implications, the proportionality of the rules to the issues, and he included a list of questions to ask when formulating the decision.

NOISE - R4 - Emission of Noise for Temporary Military Training Activities

301. The letter from the NZDF sought that the setback distance in NOISE-R4(b)(ii) referred to distance in metres to reduce any potential interpretation issues.

NOISE - R5 to NOISE - R8 and NOISE - R11

302. Mr Kennedy, for Westpower, noted a discrepancy between the suggested new Rule NOISE-RX and that in Appendix 1 of the s42A Report and noted a misallocated further submission point. He noted that he understood the new rule has been developed by an acoustic expert taking into account the submissions.

New Rule NOISE-RX

303. Mr Rhys Hegley provided evidence on behalf of WMS Group *et. al*. in relation to the noise limits in the GRUZ in NOISE-R6 (now to be included in NOISE-RX) He considered the upper limits should also be applied in daytime in weekends and public holidays, due to the working components of a rural zone. He considered this proposed change will better match the objectives of the Plan. He considered that in the GRUZ a 55 dB L_{Aeq} limit was appropriate from 7am – 10pm every day of the week, and 45 dB L_{Aeq} and 75 dB L_{AFmax} from 10pm – 7am. He considered this would provide for working activities within the rural zone, while also providing for residential amenity. He noted this aligned with NZS 6802.

304. Mr Hegley also suggested rewording NOISE-RX(2) because he considered the current wording meant the rule could not apply to a zone. He proposed the following re-wording:

> *2. The maximum noise from any activity shall not exceed the following noise limits at any point ~~at the~~ **within a** notional boundary **within** of any of the following zones:*

305. Mr Hegley also suggested that new Rule NOISE-RX(3) should be reviewed to ensure it was consistent with the intent of the Plan, in relation to activities in the port and mineral extraction zone.

306. Ms Alex Booker, Counsel for WMS Group *et. al*., submitted that an efficiency and effectiveness assessment for new Rule NOISE-RX, in the context of the Plan objectives and policies, had not been undertaken. She suggested that the s32AA analysis was inadequate given the fundamental changes proposed and considered there had been no assessment of how Rule NOISE-RX would achieve the objectives and policies. She reiterated Mr Hegley's evidence that NOISE-RX placed 'too much' weight on residential amenity in productive and heavy working zones. She stated the submitters sought that the notified version of the noise rules, with the weekend/public holiday hours amended to 7am – 10pm, as the most appropriate for the nature of the MINZ, PORTZ and GRUZ.

307. Dr Chiles, for Te Mana Ora, agreed that the consolidation of rules was beneficial, however, he noted that in the process some provisions had become more lenient. He suggested a separate 'evening' shoulder period should be added between 7pm – 10pm, with a 5 dB step noise

reduction in residential and rural zones. He noted in the GRUZ, recommended noise limits were less stringent 7pm to 10pm on weekends and public holidays and this was not requested by Te Mana Ora.

308. Dr Chiles pointed out drafting issues with new Rule NOISE-RX as follows:

(a) The terms '*maximum noise*' and '*maximum noise limit*' should be rephrased to avoid confusion with '*maximum noise level*';

(b) Adding the phrase '*at any point within the notional boundary of any activity in any of the following zones'* or '*at any point within any notional boundary in any of the following zones*' rather than '*at any point at the notional boundary of any of the following zones*';

(c) Rewording so that noise limits apply *'at any point within*' zones and by stating '*at any point within any site within*.'

309. Ms Inta, on behalf of the Buller Conservation Group and herself, requested that roads which border a residential/settlement zone should adopt that zone's noise rules.

NOISE-R10 Emission of Noise within the AIRPZ - Airport Zone

310. Dr Chiles, for Te Mana Ora, considered that NOISE-R10(2X) proposed by Ms Evans was inappropriate because it did not manage noise effects and requested it be removed. He also reiterated the submission point that sought to clarify that aircraft operations must be assessed, including when taxiing and pre and post flight engine running.

New Rule 13A - sensitive activities within the 60 dB$_{LAFmax}$ contour

311. Ms McKenzie, on behalf of the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club, recommended a new restricted discretionary activity rule for sensitive activities within the 60 dB L_{AFmax} contour. She considered this rule would ensure an assessment of appropriateness was carried out for the protection of amenity.

Joint Witness Statements (JWS)

312. JWS #1 records the planners agreed that the Rifle Range Noise Overlay references and provisions in NOISE-R3 and NOISE-R13A were appropriate in respect of managing potential reverse sensitivity effects. The planners agreed that the Westport Rifle Range Noise Overlay should include both the 55 dB L_{AFmax} contour and the 60 dB L_{AFmax} contour. It was noted that further minor edits to tidy up numbering with NOISE-R3 may also be required.

313. The planners also noted that references to habitable rooms and/or spaces used for sleeping in NOISE-R3 were being further considered in the Right of Reply. They would consider whether this reference should also include other spaces that may require acoustic insultation.

314. JWS #2 records that Mr Peakall and Mr Hegley agree that 55 dB L_{Aeq} daytime and 45 dB L_{Aeq} / 75 dB L_{AFmax} night time standards for the rural zone were appropriate as a starting point, given the 'mixed-use' nature of rural zones and the applicable objectives and policies. However, Mr Peakall considered that a lower level on weekends should be considered to provide some respite.

315. JWS #2 also outlined that Mr Peakall and Mr Hegley agreed there was merit in considering different noise rules for different rural zones. They requested clarity from the planners around

the intended use of the Rural Lifestyle Zone and they suggested that the rules should be implicitly linked to the intent of the zone. Mr Peakall and Mr Hegley also agreed that the refined Port Zone noise rule in new Rule NOISE-RX was appropriate, and the deletion of BCZ and MINZ from Rule NOISE-RX was appropriate.

316. JWS #2 also records that the experts all agreed that Rule NOISE-RX(4) should be deleted to ensure reverse sensitivity effects were avoided.

317. JWS#2 records Mr Peakall and Dr Chiles agreed that numerical noise limits were not the best form of control of aircraft noise associated with rural production and conservation activities. They agreed that on balance a 250m setback was appropriate, assuming the flight paths were away from houses.

318. In relation to noise limits in evening periods, the JWS #2 records Mr Peakall and Dr Chiles were in general agreement that the structure of NOISE-RX and most noise limits were appropriate. However, they disagreed on the noise limit in the weekday evening period between 7pm to 10pm, in relation to Rule NOISE-RX(1) and (2). Mr Peakall considered the noise limits were appropriate, whereas Dr Chiles considered that a lower limit of 50 dB L_{Aeq} should apply between 7pm and 10pm on weekdays.

319. In relation to NOISE-R10(2X), the JWS #2 records Mr Peakall and Dr Chiles agreed that rare, essential unplanned engine testing could be exempted from noise control, however they agreed that this should only apply during daytime hours. Dr Chiles suggested the exemption should only apply to a limited range of more significant '*scheduled passenger services*.' Mr Peakall suggested a definition for '*scheduled passenger services*' and Dr Chiles agreed with this definition. They suggested the following wording, which included clarification and amalgamation of NOISE-2X and 2Y:

> *2X/2Y. Noise from aircraft engine testing is exempt from NOISE-R10.1 above, and:*
> *a) Is not subject to a noise limit if it is essential unplanned testing occurring between 07:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least 8 passenger seats; and*
> *b) For all other cases shall comply with the noise limits set out in NOISE-RX.*

320. In relation to Rule NOISE-R3, JWS #2 records Mr Peakall and Dr Chiles generally agreed about the intent, methods and how the rule should work. They both suggested that NOISE-R3(1) should allow for some uncertainty, and appropriate allowance should be made for this uncertainty and some future growth. They have suggested the following wording be included in the rule, in place of the deleted NOISE-R3(1)(b)(ii):

> *Compliance with (xxx) above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB.*

321. Mr Peakall and Dr Chiles also agreed that the location at which noise compliance measurement occurs needed to be defined and suggested amendments as follows:

> *v. Does not generate more than 35 dB_{LAeq} (30s) when measured **at any point where a person associated with a sensitive activity could be located, and no less than** 1m away from any grille or diffuser.*

322. JWS #2 records Mr Peakall and Dr Chiles agreed with KiwiRail that a Rail Noise Overlay was acceptable in principle; and that the noise rules should refer to the track when defining the

noise source level assumptions. They also agreed that an 'Alert Overlay' was appropriate for the Hokitika railway line given the likelihood of minimal traffic in the future.

Addendum Report #2

323. In Addendum Report #2, Ms Evans responded to the overlay map supplied by KiwiRail and noted it covered a larger area of land than that required by the notified provisions because it was measured from the designation boundary rather than the edge of the tracks. She considered this could affect additional properties where the level of noise would not necessitate mitigation. She also noted that the proposed overlay did not take into account topography. As such, she recommended that the overlay map supplied was not used in its current form but considered this could be revisited following feedback from KiwiRail or other submitters. Ms Evans noted that she would provide a recommendation on the need for an Alert overlay for the Hokitika line in her Right of Reply.

324. Ms Evans noted that she continued to prefer Mr Peakall's advice in relation to noise limits in the GRUZ in new Rule NOISE-RX, as a balance between allowing for noise generating activity and protecting sensitive activities as required. She acknowledged the cost/benefit balance of providing for noise generating activities but limiting these during weekend hours, in proximity to sensitive activities, and potential costs of compliance, monitoring and/or resource consents. She also acknowledged the potential cost of lost productivity. However, she noted that the weekend and public holiday respite period was fair given that residential activities were enabled in the GRUZ.

325. Ms Evans agreed that NOISE-RX(4) could be deleted, as recommended in JWS #2 because it effectively protected any existing or new sensitive activity in high noise environments. She noted that sensitive activities in these zones would be subject to the acoustic insulation requirements in NOISE-R3. However, she noted that if clause (4) was deleted, there would be no zone based limit in the MINZ or BCZ. Ms Evans noted that a noise limit was not necessary in the BCZ as the zone is limited to the actual mine, however, a noise limit measured at the notional boundary (similar to notified NOISE-R11) was appropriate for the MINZ given the existence of residential dwellings in this zone. She noted that a recommendation on the application to new sensitive activities would be made in the Right of Reply.

326. Ms Evans confirmed her recommendation on whether a lower limit should be imposed in evening hours (7pm-10pm) remained unchanged from the s42A Report

Response to Minute 59

327. Minute 59 provided submitters an opportunity to response to Addendum Report #2, which was provided after the adjournment of the hearing and expert conferencing.

328. Ms Pull, for Poutini Ngāi Tahu supported the position of NZTA Waka Kotahi regarding the noise contour taking into account topography. However, she sought clarification that the roading corridor overlay was based on specific traffic volumes in the area because some parts of the State Highway would not receive sufficient traffic volumes to justify the additional burden on private property. She noted that other district plans recognised varying traffic volumes.

329. In response to the overlay maps provided by KiwiRail, Ms Pull noted she had not seen the data which justified an 100m setback and considered this should be reduced where rail activities were less regular. She suggested the overlay should not apply to all rail lines and should only apply to lines managed by requiring authorities/network utilities. She agreed with Ms Evans

that the setback should be measured from the railway line and not the corridor boundary. She noted there was a nohoanga entitlement at Moana/Lake Brunner, approximately 40m from a railway line, and it was unclear if using this settlement right would breach the noise sensitive activity rules.

330. Ms Pull also noted that the Hokitika Rail Corridor Overlay would impact Māori Purpose Zone land at Arahura and potentially a nohoanga entitlement at Taramakau River. She was concerned an alert overlay may impact these sites and considered there was insufficient information to warrant an alert overly for the Hokitika line. She asked that if the Panel found the information provided by KiwiRail was sufficient, or if they choose a precautionary approach, that the overlay not impact more land than the roading corridor overlay.

331. Mr Michelle, for NZAAA, considered numerical noise limits suggested by Mr Peakall and Dr Chiles were not the best form of control for restrictions on aircraft associated with rural production and conservation activities. He suggested that there was no scientific or technical justification for the addition and agreed with Mr Peakall's suggestion that an additional setback distance was not entirely necessary. Mr Michelle considered any setback addition from a sensitive activity was unjustified and was not raised in the s32A Report. He noted the further setbacks were not sought by submissions and considered they did not meet policy objectives in the Rural Zone. He supported the advice note exempting activities on land managed under the Conservation Act 1987. He requested the clause (12) be worded as follows:

> *12. Infrequent aircraft take-off and landing associated with rural production activities and conservation activities purposes on an intermittent basis.*

332. Mr and Ms Kennedy noted that there was no plan showing the proposed road noise overlay and that if this impacted their property, they would be opposed. They agreed that a rule was not appropriate in relation to the Hokitika line and considered an alert overlay should not be applied because it may have unintended impacts through misinterpretation. They also reiterated that any setback should be measured from the edge of the tracks. Mr and Ms Kennedy noted fairness and natural justice concerns arising from the KiwiRail submission being summarised as a general submission and considered potentially impacted parties may have missed the relief sought in relation to NOISE-R3.

333. Ms Arthur-Young and Ms Gunnel, for KiwiRail, considered the noise overlay should be measured from the rail designation boundary and not the railway tracks, from a 'good planning' perspective as outlined in attached supplementary evidence from Ms Heppelthwaite. They noted that the tracks may move within the designation and considered the overlay needed to provide for the use of the designation over the life of the Plan. They also noted that the mapping provided by KiwiRail represented the land most affected by railway sound and vibration, which required the application of noise and vibration controls.

334. Ms Arthur-Young and Ms Gunnel corrected the Council Officers statement that KiwiRail's overlays and setbacks did not account for topography and confirmed the proposed KiwiRail provisions had taken into account topography and building screening effects. Ms Heppelthwaite noted that mapping provided by KiwiRail had an evidential basis, and was pragmatic and effective. They considered the proposed 100m setback was appropriate and would not extend to unaffected properties. Ms Arthur-Young and Ms Gunnel noted that additional volumes were anticipated on the Rapahoe line within the next two years.

335. KiwiRail provided their preferred wording for NOISE-R3 as follows:

NOISE - R3
Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity
Activity Status Permitted
Where:

1. *The building will be used by a sensitive activity and is located within the Road Noise Overlay shown on the planning maps where: […]*
2. ~~*100m of the edge of the tracks of a railway line where any new or altered habitable room used for a sensitive activity and/or spaced used for sleeping:*~~ ***The building will be used by a sensitive activity and is located within the Rail Noise Overlay shown on the planning maps and:***
   a. ***it is*** ~~***must be***~~ *designed, constructed and maintained to achieve a maximum internal noise level of 35 dB_{LAeq} (1h). Compliance must be achieved based on an assumption of 70 dB_{LAeq} (1h) at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m, or*
   b. *it is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks*
3. ***The building will be used by a sensitive activity and is located within the Rail Vibration Overlay shown on the planning maps and*** ~~*60m of the edge of the tracks of a railway line where*~~ *any new or altered habitable room and/or space used for sleeping must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);*
4. *The 50 dBA Noise Contour boundary of Franz Josef Heliport or the 55 dB […]*

336. Jet Boating New Zealand supported the recommendations in Addendum Report #2 to retain clause (13) and amend clause (17) relating to noise from temporary activities.

Reporting Officer Reply Evidence

337. The Joint Right of Reply from Ms Belgrave, Ms Evans and Ms Easton, Ms Evans specifically considered the matters from technical expert caucusing. In relation to matters raised by Silver Fern Farms, Ms Evans considered that no specific or additional noise provisions were necessary to manage noise effects adjacent to the Hokitika processing site.

NOISE-R1

338. In relation to NOISE-R1(12), Mr Peakall considered it was inappropriate to remove limits on the number of aircraft take off and landings associated with rural production and conservation activities because this would effectively allow unrestricted aviation activity. He considered limiting the number of days made it easier for affected parties to understand if the exemption was being adhere to. He considered the removal of number of days or setback distances would result in an unregulated agricultural aviation industry, and some controls are appropriate. He acknowledged that while operators preferred the use of *'infrequent'* or *'intermittent'*, Ms Evans considered these terms were not quantifiable and were therefore not suitable for an exemption.

339. Mr Peakall acknowledged that some of the relief sought was warranted to address submissions. He noted that the exemption was enabling of agricultural aviation and was consistent with the objectives and policies. Mr Peakall considered a setback distance was not entirely necessary if there was a day limit but considered enforcing a restricted number of hours, as sought by the NZAAA, was more difficult to enforce than the number of days. Mr Peakall also considered the inclusion of the words '*per site'* was appropriate to help to clarify

the assessment location. In taking into account the evidence from submitters, Mr Peakall suggested the following NOISE-R2(12) exemption:

> *Aircraft take off and landing, including helicopter movements, associated with rural production activities and conservation activities, at least 250 metres from any sensitive activity ~~and~~ **or** for no more than 30 days in any 12 month period per site.*

340. Ms Evans relied on the expert evidence of Mr Peakall and Dr Chiles as set out in JWS #2, that a 250m setback from sensitive activities should be included in the rule. She also recommended that an advice note be included to clarify that this clause did not apply to the conservation estate, as suggested Mr Michelle for NZAAA. Ms Evans recommended that NOISE-R2(12) was amended from the s42A Report recommendation as follows:

> *Aircraft take off and landing, including helicopter movements, **associated with** rural production activities and conservation activities **at least 250 metres from any sensitive activity and** for no more than 30 days in any 12 month period per site; Advice note: NOISE-R2.12 did not apply to land held or managed under the Conservation Act 1987.*

341. In response to Mr and Ms Kennedy's response to Minute 59, Mr Peakall noted that the recommended Road Noise Overlay did not cover their property, so he considered their concerns should be alleviated. Mr Peakall also noted that the Hokitika Rail Corridor overlay, if adopted, would be for information purposes only. He also noted that if the rules reverted back to use of a setback, specific exclusion of the Hokitika line should be made.

342. In response to the KiwiRail legal counsel's submission, Mr Peakall reiterated that either the setback distance or the overlay can be used. However, he noted there was some residual uncertainty around the mapping of the overlay and therefore he preferred use of the setback distance rules. He also addressed KiwiRail's concern that if the rule or overlay was measured from the track edge, it would be done so in relevance to the current location. Mr Peakall noted that he understood that the rule would apply to the track location as they exist at the time of any consenting process.

343. Mr Peakall also corrected an error made in the interpretation of his memo by KiwiRail. He confirmed that the *overlay* did not account for screening effects of topography, not the *provisions* themselves. He noted that there was a pathway in the provisions for topography to be taken in to account, but the map did not include this effect. Mr Peakall disagreed that modelling rail noise was more time consuming and costly than mapping distance.

344. Mr Peakall noted the Poutini Ngāi Tahu concerns around the road noise overlay should be satisfied, as the overlay and memo from Dr Chiles took into account local conditions, including topography and traffic flows. Mr Peakall noted he shared the concerns of Poutini Ngāi Tahu around consideration of topography, rail movements and extent of the overlay, and considered these had not been fully addressed by KiwiRail. He noted that he would favour the setback distances in the rules in the absence of specific information, however either option would satisfactorily manage noise effects from rail.

345. In response to Bert Hofmans, Mr Peakall noted that by mapping the Karamea Aerodrome as an Airport Zone, there was protection of the ability to operate and protection of residents from potential aircraft noise. He considered this approach was intentionally consistent with others in the district and adopted the guidance and recommendations contained in NZS 6805. He noted that the number of landings occurring was immaterial because the noise boundaries protect sensitive activities from both current and future aerodrome use. He also noted that the rules only provided for the requirement of a ventilation system and in locations pointed

out by Mr Hofmans and that standard construction required by the Building Code would be satisfactory.

346. In response to Ms Inta's concern about removing '*daycare facilities*', Mr Peakall did not consider daycare facilities should be exempt from the noise rules as they were a commercial activity that often established in areas proximate to sensitive activities. He considered mitigation could be readily implemented if required.

347. In relation to a query around NOISE-R9 and R10, Mr Peakall generally agreed with the requirement that ports, airports and heliports subject to these rules should be required to prepare Noise Management Plans (NMP). He supported implementation of NMP for ports and airports, and noted that an advice note to each rule was a possible way to address this, rather than enshrining the reporting requirements in the rules for each NMP. Mr Peakall suggested that an NMP should be set out in enough detail to ensure compliance with the rules.

348. Mr Peakall provided technical clarity on the acoustic insulation requirements in NOISE-R3. He noted the rule required a new or altered sensitive activity to meet internal noise levels depending on the noise source. He noted the rule also allowed compliance to be achieved if the construction meets the requirements in new NOISE-APP1. Mr Peakall confirmed that new NOISE-APP1 could apply to all activities covered by the rule. However, he noted it could not be used in terms of the external noise level requirement of R3(6)(ii), so did not apply in that case.

Reporting Officer Reply Evidence

349. In relation to **NOISE-R1**, Ms Evans recommended removal of reference to the phrase '*and comply with*' to reflect how the NZ Standard is used in practice. She noted that this is consistent with wording in other clauses in NOISE-R1.

350. In relation to **NOISE-R2**, Ms Evans recommended removal of '*associated with*' in clause (1), as discussed at the hearing. She considered this amendment addressed the ambiguity associated with *'intermittent*' but provided for residential use of a site.

351. In relation to NOISE-R2(12), Ms Evans noted that she and Mr Peakall had reflected on the wording of the clause and continued to have concerns with the terms *'infrequent*' and *'intermittent'* because they were not certain. To allow partial relief to the request from NZAAA, Ms Evans recommended that either a setback *or* the recommended restrictions on the number of aircraft and helicopter movements per year was appropriate to enable aircraft or helicopter movements, while still affording some protection to sensitive activities. Ms Evans recommended an advice note clarifying that NOISE-R2(12) did not apply to conservation estate land, in accordance with the RMA.

352. Ms Evans also noted that the Panel asked if '*any 12 month period*' should refer to a calendar year. Ms Evans noted, on the advice of Mr Peakall, that '*any*' indicated this could be assessed as a rolling 12-month average rather than a calendar year. She noted a calendar year could result in 60 days in a row of aircraft activity, which was inappropriate in proximity to sensitive activities.

353. In relation to NOISE-R2(16), the Panel noted that this clause needed to include where the measurement should be taken from. Ms Evans confirmed she had discussed this with Mr Peakall, who advised had it should be from any point at or within the boundary of any site within the Residential, Settlement, Māori Purpose, Hospital, Open Space, Natural Open Space,

Scenic Visitor or Future Urban zones; and at the notional boundary of a site in the General Rural or Rural Lifestyle zones.

354. In relation to **NOISE-R3**, Ms Evans provided a separate Right of Reply associated with submission points relevant to the Westport Rifle Range. She considered the mapping and provisions in the JWS #1 were appropriate and recommended that the planning maps, and Noise and Subdivision chapters should be amended accordingly. She noted that further minor edits may be recommended, but the substance and intent was not likely to change, and final recommendations were to be included in her final Right of Reply, outlined below

355. In her overall Right of Reply, Ms Evans noted the provisions had been renumbered so there was one clause for each issue covered by the rule. In relation to NOISE-R3(1)(ii), she noted that Mr Peakall had originally recommended deleting this clause but that she now recommended that it was retained and modified based on expert conferencing.

356. In relation to NOISE-R3(2), Ms Evans highlighted Mr Peakall had provided evidence on the KiwiRail response in his reply evidence at paragraphs 24-38. She confirmed that it continued to be her preference that measurement would be taken from the railway track. She also noted that clause 3(ii) took into account noise barriers (as noted in paragraph 13 of KiwiRail's response). Ms Evans recommended that the Hokitika line be exempt from NOISE-R3 due to its very low train movements, but that the Rapahoe line should be included as train movements were expected to increase.

357. In relation to acoustic insulation requirements, Ms Evans noted that acoustic insulation requirements only applied to habitable rooms and spaces used for sleeping, and therefore the inclusion of sporting and recreational activities in the definition of '*sensitive activity*' was not an issue in NOISE-R3.

358. In response to Mr Hofmans' evidence, Ms Evans relied on and accepted Mr Peakall's expert advice that insulation requirements only applied to properties in proximity to the Karamea Aerodrome. She noted that resource consent applications to breach NOISE-R3(4) would be assessed on a case-by-case basis.

359. In relation to NOISE-R3(7)(v), Ms Evans recommended the amended wording as agreed by the noise experts and confirmed this had been included in the revised provisions.

360. Ms Evans recommended updating the rule references in NOISE-R3 and associated cross-references in the advice note and NOISE-APP1-Acceptable constructions requirement, to reflect the amended numbering of the clauses.

361. In relation to **NOISE-R4**, Ms Evans agreed with the NZDF submission requesting that the setback distances in NOISE-R4(1)(b)(ii) be amended to refer to distance in metres and noted this amendment was made in Addendum Report #2.

362. In relation to **NOISE-RX**, Ms Evans considered there was scope to amend the approach from the notified rules to manage noise where it was received and not where it was generated. She also noted wide scope from other submitters ranging from amendments for less restrictive noise limits to more restrictive, as well as changes to the hours.

363. Ms Evans also responded to the Hearings Panel query around comparing the GIZ noise limits to other district plans and noted that her consideration in the Addendum Report #2 relating to lawfully established activities was considered unnecessary.

364. In response to the Panel questions relating to **NOISE-R9(2)**, Mr Peakall and Ms Evans confirmed that an advice note regarding a Port Noise Management Plan was more appropriate.

365. Mr Peakall and Ms Evans also considered that an advice note was also more appropriate in relation to a noise management plan in the Airport Zone under **NOISE-10**. Ms Evans also recommended consolidating new clauses 2X and 2Y (relating to engine testing) to align with the JWS #2 wording agreed by Mr Peakall and Dr Chiles. Ms Evans considered there was scope to make this amendment.

Hearing Panel's Evaluation

NOISE-R1

366. The Panel accepts Ms Evans' recommended amendments to NOISE-R1, as shown in Appendix 1 of the Right of Reply. We note the agreement between Mr Peakall and Dr Chiles that NOISE-R1 (3) should be deleted due to the lack of a definition for '*Mobile Noise Sources'* and the risk that this exemption could be used as a loophole.

367. The Panel agrees with Ms Evans' recommended replacement of '*section 7.7 of* ' in NOISE-R1(4) with '*as assessed*' and note this was supported Mr Peakall to align with New Zealand Standards. We note the requirements provided for the measurement of wind farm noise but did not include how such noise should be assessed and agree that this should be addressed by referring to the standard in full.

368. The Panel agrees with Ms Evans' recommended amendment to NOISE-R1(5) to replace '*managed*' with '*measured and assessed'* to give greater clarity and better alignment with standards.

369. The Panel agrees with Ms Evans' recommendation to add new clauses to include the relevant standards for noise from aerodromes, airfields or airports; noise from new or altered roads; and noise from port activities. We accept Mr Peakall's view that NOISE-R1 is the best location to set out all the applicable standards for noise and consider this gives greater clarity to plan users, as well as addressing the relief sought by Te Mana Ora.

370. In relation to the remainder of the submissions on NOISE-R1, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans

NOISE-R2

371. The Panel accepts Ms Evans' recommended amendments to NOISE-R2, as shown in Appendix 1 of the Right of Reply.

372. The Panel agree the recommended amendment to NOISE-R2(1) provides clarity on what noise is generally expected with a residential activity. The Panel notes Ms Evans' comments in the s42A Report that spraying and harvesting are highly unlikely to be associated with a residential activity on a large scale. We agree.

373. The Panel agree with Ms Evans' recommended amendment to NOISE-R2(5) to add '*or regionally significant infrastructure'* to NOISE-R2(5), as sought by Manawa. The Panel notes that Manawa sought to delete *'lifeline utilities'* and add '*regionally significant infrastructure'* but that Ms Evans did not agree with this because '*Lifeline Utilities'* are defined by Schedule 1

of the Civil defence Emergency Act 2002 and include a different range of infrastructure services to those defined as '*Regionally Significant Infrastructure'*.

374. The Panel agree with Ms Evans' recommended amendment to delete '*or daycare facilities'* from NOISE-R2 (6) based on Mr Peakall's opinion a concentration of child noise from a daycare facility should be subject to controls like any other commercial activity, particularly given these are normally located in residential areas. We agree that Te Mana Ora's submission provides wide scope for this amendment to protect amenity.

375. The Panel agree with Ms Evans' recommended amendment to NOISE-R2(7) because the standard as notified only provided for vehicle noise associated with residential activities and vehicle noise from activities in all zones was not enabled. We consider the additional wording '*permitted activity'* gives greater clarity.

376. The Panel agrees with Ms Evans' recommended deletion of NOISE-R2(10) because the intent of the exception is unclear.

377. The Panel notes that Mr Peakall's recommended changes to NOISE-R2(11) to remove the reference to '*aircraft*' and to deletion of NOISE-R2(15), which had been omitted in the Appendix 1 of Addendum Report, are now included in Appendix 1 of the Right of Reply.

378. The Panel agrees with Ms Evans' recommended amendment to NOISE-R2(11) to use the defined terms '*agricultural, pastoral, and horticultural activities*' and to remove '*farming*' to provide better alignment with the definition. We consider this is more appropriate than using '*rural production activities*' in the context of the rule. We also agree with the recommended minor adjustment of the words to give greater clarity to the standard.

379. The Panel agrees with Ms Evans' recommended amendments to NOISE-R2(12) based on the advice of Mr Peakall that the notified wording did not define the number of days that such activity could occur and the use of *'infrequent*' would be open to interpretation issues. We agree and consider that a maximum of 30 days in any 12-month period is reasonable and enforceable based on logbooks required for aircraft operation. We note Dr Chiles and Mr Peakall agreed in the JWS that a setback of 250m should be included in the standard, although we acknowledge Mr Peakall later qualified this by saying it may not be necessary if there was a maximum day limit. We agree that the setback requirement and the maximum day limit are appropriate given this is now recommended to be worded as '*or*'. We consider a setback or limit on the days of operation is not appropriate when operating on public conservation land. We agree with the recommended inclusion of a new advice note to clarify that land held or managed under the Conservation Act 1987 is exempt from this clause (12).

380. The Panel acknowledges Mr Michelle's view that if a day limit was applied then an hour limit would also be needed and that this should be based on a calendar year. We do not consider it is necessary to have an hour limit and note that limiting the number of days is easier for people to understand. We acknowledge that enforcement of this limit is likely to be by complaint only and consider it is easy for someone concerned to record days that an operation occurs. We consider a 12-month rolling average is appropriate to avoid an operation occurring in the same location over January and December.

381. The Panel notes Mr Michelle suggested that no submitter had asked for a day limit or a setback and therefore questioned the scope to make these amendments. We consider the request from Te Mana Ora (S190.536) to delete this clause provides broad scope to add limits. We acknowledge the agreement reached between Mr Peakall and Dr Chiles regarding the need

for a day limit *or* a 250m setback from a sensitive activity, outside of the conservation estate land. We agree and consider the wording of the exemption is reasonable for protecting human health, while enabling such activity as permitted activity standards, while enabling rural production activities and conservation activities (including biosecurity activities).

382. The Panel also acknowledge Mr Milner's view that there could be different standards for different zones. We consider the exemption for public conservation land is appropriate but do not consider it is necessary to have different standards for different zones.

383. The Panel agrees with Ms Evans' recommended amendment to NOISE-R2(14) to include the permitted daylight hours for exemption for rifle ranges, as recommended by Mr Peakall. No additional evidence was provided by the Westport Rifle Club or the Westport Pistol Club regarding the recommended restrictions during night time hours, so we consider this is appropriate.

384. The Panel agrees with Ms Evans' recommended amendment to delete NOISE-R2(15) based on the advice of Mr Peakall that activities such as dog kennels and certain industrial activities that involve impulsive sound can have significant noise effects and need to be suitably assessed and these should not be excluded. While not specifically requested, we agree that Te Mana Ora's submission provides wide scope for this amendment to protect amenity.

385. The Panel agree with Ms Evans' recommended amendments to NOISE-R2(16), in response to Te Mana Ora (S190.536) and agreed with by Mr Peakall that audible bird scaring devices should be controlled by way of a numerical limit based on the frequency of operation, measured from in the relevant zones.

386. The Panel agrees with Ms Evans' recommended amendments to NOISE-R2(17) based on Mr Peakall's evidence.

387. The Panel agrees that activity status where compliance is not achieved should be changed from '*Restrict Discretionary*' to '*N/A*' and that this corrects a drafting error.

388. In relation to the remainder of the submissions on NOISE-R2, the Panel agrees that these are rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R3

389. The Panel accepts Ms Evans' recommended amendments to NOISE-R3 and her recommendation to add new NOISE-APP1 to the Plan, as shown in Appendix 1 of the Right of Reply. Overall, we are satisfied that the recommendations are a result of the expert assessment of the rule by Mr Peakall to ensure the protection of human health, as sought by Poutini Ngai Tahu (S620.211). The amendments also respond to the submission points of Waka Kotahi NZTA (S450.171) relating to noise and vibration from state highways; and KiwiRail (S442.088) to include standards for noise, vibration and mechanical ventilation. We note that there was a high level of agreement between Mr Peakall and Dr Chiles regarding appropriate standards to protect human health from adverse noise effects.

390. The Panel agrees with Ms Evans' recommended amendments to refer to the *Road Noise Overlay* in NOISE -R3(1) and delete the references to distance that were notified in clauses (a) and (b) of this standard, which was supported by Mr Peakall and Dr Chiles. Dr Chiles confirmed that overlays are also used in several other districts where NZTA Waka Kotahi had used national noise modelling to better define areas around highways where there are buildings that are likely to require treatment to manage noise effects. The Panel are supportive of this

approach as an overlay will give a more accurate reflection of the likely noise exposure for state highways in the district. We note Ms Evans provided a s32AA evaluation for use of the Road Noise Overlay and concluded this was a more efficient and effective approach than using a setback. We agree.

391. The Panel accept Ms Evans' recommendation for a 100m setback from the railway track rather than using the KiwiRail Rail Noise overlay mapping, which measures 100m from the designation boundary. We agree with Ms Evans that the overlay mapping includes a larger area than measuring a 100m setback from the tracks. We acknowledge Mr Peakall's view that there is no significant or material difference between using the setback rule or creating an overlay in terms of providing a trigger for requiring mitigation; and that both will result in satisfactory noise and vibration outcomes. However, the overlay proposed by KiwiRail affects a larger area of land, which we consider is not within the scope of the Plan as notified.

392. In terms of allowing for the railway track to move within the designation, as sought by KiwiRail, we consider the setback from the tracks addresses this issue, as it will be assessed from where the tracks are located at the time an activity is proposed. We agree with Ms Evans that the location of the track is where the effect occurs and that it is appropriate to measure the setback from the where the effect is generated.

393. The Panel accept Ms Evans' recommendation to exclude the Hokitika railway line from the rules in recognition of the low traffic volume on this line. We agree with the recommendation of Mr Peakall and Dr Chiles that an Alert Layer would be appropriate in case of increased volumes.

394. The Panel acknowledges Mr Kennedy's concern that the 100m setback has increased from 40m to 60m and that it now potentially affects more properties. However, we consider this requested increase is within the scope of the relief sought by KiwiRail and is well supported by expert evidence to protect human health and wellbeing. We note the KiwiRail submission sought to measure the setback from the 'rail corridor' and therefore indicated a large increase was sought from the setback requirement as notified. We consider the refinements to the rule make it clear that noise mitigation will only be required for new buildings and alterations used for a sensitive activity and/or space used for sleeping. While we acknowledge there will be cost associated with installing acoustic insulation and compliance costs for the Councils, we consider this is necessary to give effect to NOISE-O3.

395. The Panel also acknowledges the concerns of Mr Hofmans regarding the restricting effect of the Karamea Aerodrome Noise Overlay (as well as other overlays relating to natural hazards and the coastal environment) on his aspirations for their property. However, we accept the expert evidence of Mr Peakall that the noise overlay is appropriate to protect human health and to protect operation of the aerodrome from reverse sensitivity effects from new sensitive activities in close proximity. We accept Mr Peakall's view that the level of use is immaterial given the level of activity that can occur as of right and that the rules seek to protect all nearby noise sensitive receivers. Mr Peakall noted that the noise levels at potential building sites identified by Mr Hofmans would be '*relatively low*' and no additional acoustic treatment on top of standard construction under the Building Code. We are satisfied that the use of noise contours represents an effective and efficient approach to managing adverse effects that is used throughout New Zealand. Similar to the railway line setback, we acknowledge there will be cost associated with installing ventilation installation for new buildings or alterations and compliance costs for the Council, we consider this is necessary to give effect to NOISE-O3. We agree with Ms Evans regarding the flexibility Mr Hofmans seeks in terms of alternative approaches.

396. The Panel also acknowledges the concern of Poutini Ngāi Tahu to minimise any impacts on Poutini Ngāi and Māori Purpose Zone land. However, we note their support for the rules to be based on expert assessment to protect human health. We consider the revised rule reflects this approach.

397. The Panel agrees with Ms Evans' recommended amendments to improve clarity and consistency of wording, such as including '*and or space used for sleeping'* to provide more clarity on the definition of a '*habitable room'*; and the replacement of *'minimum'* with '*maximum*'. We consider the addition of '*and maintained*' will ensure that the building always remains compliant with the required standard. The Panel notes that Mr Peakall and Dr Chiles supported the proposed 20m distance for vibration limits for new or altered habitable rooms and/or spaces used for sleeping.

398. The Panel agree with Ms Evans, recommended amendment to include the Haast Airfield in NOISE-R3(4) as consequential amendment from Special Purpose Zone Chapter Recommendation Report. The Panel agrees with all other recommended amendments to NOISE-R3(4) and NOISE-R3(5) for consistency with the recommended changes to other standards in NOISE-R3, as agreed to by Mr Peakall and Dr Chiles.

399. The Panel agrees with Ms Evans' recommended amendments to the provisions for NOISE-R3(6) and note agreement between the parties that these, in combination with new Rule NOISE-R13A and the Westport Rifle Range Noise Overlay, are appropriate to manage potential reverse sensitivity effects from new sensitive activities in the surrounding area.

400. The Panel agrees with Ms Evans' recommended amendments to NOISE-R3(7) to improve clarity and consistency with the wording used in other relevant standards.

401. The Panel agrees with Ms Evans' recommended consequential amendments to the advice note and to reflect the addition of new NOISE-APP1 – Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise R3. We consider these will assist plan users to understand the rule and to determine acceptable solutions to meet the permitted activity standards.

402. In relation to the submission point from SFF (S441.0041), the Panel agree with Ms Evans that no amendment to the rule is required because any reverse sensitivity effects are best addressed through appropriate zoning and the zone provisions. We agree with Mr Peakall that noise can be controlled at the boundary of the site, if necessary, through methods such as building design and screening. We note Mr Tuck confirmed that SFF can comply with the noise limits at the boundary, but was concerned this may not prevent complaints from new dwellings on the adjacent land. We do not consider the potential for complaints justifies the amendment to the rule sought.

403. In relation to the remainder of the other submissions on NOISE-R3, the Panel agree that these are rejected for the reasons outlined by Ms Evans.

NOISE-R4

404. The Panel agrees with Ms Evans' recommended amendments to NOISE-R4, as shown in Appendix 1 of the Right of Reply, to correct errors.

405. In relation to the remainder of the other submissions no NOISE-R4, the Panel agree that these are rejected for the reasons outlined by Ms Evans

NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and NOISE-R11.

406. The Panel agrees with Ms Evans' recommendation to delete rules NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and replace them with new Rule NOISE-RX. We note the high level of agreement between the experts in relation to the wording of the new rule. We accept that this is a substantial improvement on the notified rules by simplifying the rule framework and providing improved certainty and consistency. We accept that managing noise effects at the point where noise is received is appropriate and is consistent with the approach taken in other district plans around New Zealand.

407. The Panel accepts Mr Peakall's opinion that the recommended noise limits in new Rule NOISE-RX are appropriate for the level of amenity expected in the relevant zone and that these represent the minimum levels for protecting human health, while providing for noise generating activities. Dr Chiles agrees with this.

408. Mr Peakall, Dr Chiles and Mr Hegley agree that for rural zones the standard criteria of 55 dB L_{Aeq} during the daytime and 45 dB L_{Aeq} /75 dB L_{AFmax} at night time are at the upper limit of what NZS 6802 identifies as appropriate for residential amenity. Mr Peakall and Dr Chiles agree that it is appropriate to have some respite in weekends and public holidays from noise given the recommended limits are at the upper limit of acceptability to protect human health and wellbeing. Mr Peakall and Dr Chiles therefore agree that a lower noise limit of 50 dB L_{Aeq} should apply during the daytime on weekends and public holidays in the GRUZ. The only point of difference between Mr Peakall and Dr Chiles, is that Dr Chiles considers that a lower limit of 50 dB L_{Aeq} should also apply in the evening period between 7pm and 10pm to protect public health. Dr Chiles highlighted the recommended limits were more lenient than the notified rule because the notified rule had a lower limit of 45 dB L_{Aeq} from 8pm to 8am weekends and public holiday.

409. In contrast to this, Mr Hegley considered the recommended limit was more restrictive than the notified rule because the noise limit was 55 dB L_{Aeq} on weekends and public holidays from 8am to 8pm, not 50 dB L_{Aeq} on weekends and public holidays from 7am – 10pm. He suggested this would 'shift the balance' from a mixed zone to a residential zone with a working component.

410. The Panel has considered Ms Booker's concern that the GRUZ noise limits had reduced in both the noise level and hours in new Rule NOISE-RX.

411. The Panel relies on the agreement between Mr Peakall and Dr Chiles that the recommended noise limits for the GRUZ are appropriate and balance the mixed use of the zone. We agree that there should be lower permitted noise levels on weekends and public holidays in recognition that the noise limit of 55 dB L_{Aeq} is at the upper limit for residential amenity. We consider this change has been balanced by Mr Peakall and Ms Evans through allowing a higher noise limit of 50 dB L_{Aeq} on weekends and public holidays from 7am – 10pm. However, the preference of the Panel is to apply the same 50 dB L_{Aeq} in the evening period from 7pm – 10pm on weekdays, as recommended by Dr Chiles, to provide appropriate respite.

412. The Panel acknowledges the recommended noise limits in the GRUZ do not apply to a wide range of rural production activities because these are exempt. We agree with Ms Evans that this in conjunction with the reasonably high noise limits from 7am to 7pm on week days and strikes an appropriate balance for mixed use of the zone by protecting human health and providing for many anticipated noise generating activities as permitted activities. We consider

that any activities outside of those provided for, including mineral extraction activities, should be assessed through a consent process.

413. The Panel has also carefully considered the noise limits recommended for the MINZ and BCZ. We note that the noise limits for the MINZ have not changed from what was notified and accept these are appropriate based on the expert evidence. We note that the recommended noise limit for the BCZ has changed from being the same as those notified for the MINZ to a recommendation that no limits apply. We accept this is appropriate given the BCZ boundaries reflect existing mineral extraction activities.

414. The Panel has considered all of the recommended noise limits for the various zones and accept the expert evidence of Mr Peakall that these are appropriate, and the view of Ms Evans that they support the outcomes sought for those zones.

415. The Panel recommends new Rule NOISE-RX is renumbered as NOISE-R5.

416. In relation to the remainder of the other submissions on NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and NOISE-R11, the Panel agree that these are rejected for the reasons outlined by Ms Evans.

NOISE-R9

417. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R9, as shown in Appendix 1 of the Right of Reply.

418. In response to Panel questions, Ms Evans reconsidered her recommendation in the s42A Report to include a new clause (2) requiring activities to be conducted in accordance with a Port Noise Management Plan. She advised that after further discussions with Mr Peakall, she recommended that noise management plans required by the Port Noise Standard (NZ6809:1999 Acoustic Port Noise Management and Land Use Planning) should be included as advice note rather than part of the rule. We agree this is appropriate.

419. The Panel recommends NOISE-R9 is renumbered as NOISE-R6.

420. In relation to the remainder of the other submissions on NOISE-R9 the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R10

421. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R10, as shown in Appendix 1 of the Right of Reply.

422. The Panel agrees with the Ms Evans' recommended amendment to include reference to a Noise Management Plan as an Advice Note not as a rule as initially recommended in the 42A Report. We note that Mr Peakall, in his Reply evidence, advised that not all airports are required to prepare noise management plans and he considered it was not necessary to have this as a rule to control noise emissions. On this basis, the Panel consider it more appropriate as an advice note.

423. The Panel notes the agreement reached between Mr Peakall and Dr Chiles to add a new clause (3). We consider it is appropriate to exempt larger passenger aircraft to undertake essential unplanned testing during the daytime. We consider small aircraft for scheduled passenger

services will be able to comply with the noise limits. The Panel include an advice note to assist interpretation of the rule.

424. The Panel recommends NOISE-R10 is renumbered as NOISE-R7.

425. In relation to the remainder of the other submissions on NOISE-R10, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R12

426. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R12, as shown in Appendix 1 of the Right of Reply.

427. The Panel agrees with Ms Evans' recommended amendments to NOISE-R12, The Panel notes the deletion of NOISE-R12 (g) is a correction as this is a repeat of clause (a), and the Panel considers that the additional clause *(k) The functional need and/or operational need of the activity* as recommended in the 42A report will provide direction to plan users to consider the requirements of the activity with respect to potential noise effects and mitigation. The Panel notes the recommended additional clause (k) will now change to (j) as a consequence of the recommended deletion of clause (g).

428. The Panel recommends NOISE-R12 is renumbered as NOISE-R8.

429. In relation to the remainder of the other submissions on NOISE-R12 the Panel agree that these are rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R13

430. The Panel accepts Ms Evans' recommendation to retain this rule as the default for Rule NOISE-R3, as shown in Appendix 1 of the Right of Reply.

431. The Panel recommends new NOISE-R13 is renumbered as NOISE-R9.

NOISE-R13A

432. The Panel agrees with Ms Evans' recommendation to add a new rule as a consequential amendment to adding the noise contours to address the submission points in relation to protecting the existing lawfully established activities undertaken at the Westport Rifle Range. We note this reflects the agreement recorded in JWS #1.

433. The Panel recommends new NOISE-R13A is renumbered as NOISE-R10.

NOISE-APP1 - Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to NOISE-R3.

434. The Panel agrees with Ms Evans recommended amendment to include a new NOISE-APP1 providing guidance on acceptable construction design for acoustic insulation requirements for new buildings for use by a sensitive activity as required by NOISE-R3. We agree this provides improved certainty and clarity to Plan users as to how these standards can be achieved.

Hearing Panel's Recommendation

435. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend amendments to the **Noise – Ngā Oro Rules** and to add new **NOISE-APP1** as follows:

Noise Rules

Permitted Activities

NOISE - R1 General Standards

All activities must comply with the following relevant standards.

1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise,[52] except where more specific requirements apply.

2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

~~3. Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources";~~ [53]

3. Noise from aerodromes, airfields or airports not subject to NOISE-R10 must be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.[54]

4. Noise from new or altered roads must be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.[55]

~~4.~~**5.** Noise from wind turbines ~~shall~~ **must**[56] be measured **and assessed**[57] in accordance with ~~section 7.7 of~~[58] NZS 6808: 2010 Acoustics Wind Farm Noise;

~~5.~~**6.** Noise from Helicopter Landing areas ~~shall~~ **must**[59] be ~~managed~~ **measured and assessed**[60] in accordance with,[61] and comply with the noise standards and limits of,[62] NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.

[52] RMA Schedule 1, clause 16(2)
[53] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[54] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[55] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[56] RMA Schedule 1, clause 16(2)
[57] Consequential amendment Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[58] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[59] RMA Schedule 1, clause 16(2)
[60] Consequential amendment Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[61] RMA Schedule 1, clause 16(2)
[62] RMA Schedule 1, clause 16(2)

7. Noise from port activities must be managed in accordance with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.[63]

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R2 Emissions of Noise in All Zones

Activity Status Permitted

Where the following activities are exempted from meeting Zone noise standards:

1. ~~Intermittent residential activities~~**Noise associated with use of the site for residential activity, including**[64] use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture**r'**s[65] specifications ~~and associated with the use of a site for a residential activity~~[66] ~~used on an intermittent basis (e.g. spraying, harvesting, etc);~~[67]
2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);
3. Activities at emergency service facilities associated with emergency response and emergency response training;
4. Helicopters used for an emergency and as an air ambulance;
5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding ~~2~~**two**[68] weeks in duration, where they are operated by emergency services, or lifeline utilities **or regionally significant infrastructure**;[69]
6. People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~[70] or in residential dwellings. This ~~did~~ **does**[71] not include any amplified noise;
7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a**n** ~~normal residential~~ activity **provided for as a permitted activity in that zone;**[72]
8. Trains **operating**[73] on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption ~~did~~ **does**[74] not apply to the testing (when stationary), maintenance, loading or unloading of trains;
9. Road construction work where management controls are in place to mitigate the emission of noise;
10. ~~Any residential activity on the same site as a noise source being assessed;~~[75]

[63] Consequential change to the recommended amendment to Rule NOISE-R9
[64] RMA Schedule 1, clause 16(2)
[65] RMA Schedule 1, clause 16(2)
[66] RMA Schedule 1, clause 16(2)
[67] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[68] RMA Schedule 1, clause 16(2)
[69] Manawa Energy Limited S438.126
[70] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[71] RMA Schedule 1, clause 16(2)
[72] Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited S464.049, WMS Group (HQ) Limited and WMS Land Co. Limited S599.094
[73] RMA Schedule 1, clause 16(2)
[74] RMA Schedule 1, clause 16(2)
[75] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

11. Agricultur**al**~~e~~, **pastoral and** horticultur**al**~~e~~ ~~and pastoral farming~~[76] activities undertaken ~~for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis~~ in the General Rural **Zone** and Rural Lifestyle **Z**~~z~~ones~~;~~ [77]
12. ~~Infrequent a~~**A**ircraft **take off and** landing, **including helicopter movements**, ~~for~~ **associated with** rural production **activities and conservation activities**[78] **at least 250 metres from any sensitive activity or** ~~and purposes on an intermittent basis~~ **for no more than 30 days in any 12 month period per site.** ~~including aerial topdressing and helicopter movements~~; [79]
13. Non-commercial motorised watercraft operating on the surface of waterbodies;
14. Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm**;[80]
15. ~~Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;~~ [81]
16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, **and generating less than 65 dB_{LAE} for each event measured at any point at or within the boundary of any site within a Residential Zone, Settlement Zone, Māori Purpose Zone, Hospital Zone, Open Space Zone, Natural Open Space Zone, Scenic Visitor Zone, Future Urban Zone or at the notional boundary of any site in the General Rural Zone or Rural Lifestyle Zone**; [82] and
17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm, and **no more than 12 days per calendar year**[83] ~~only~~,[84] and if operating outside of these hours complies with the underlying noise standards of the zone. **This does not include any amplified noise.** [85]

Advice Note:

NOISE - R2.12 does not apply to land held or managed under the Conservation Act 1987.[86]

Activity Status where compliance not achieved: ~~**Restricted Discretionary**~~ **N/A**[87]

NOISE-R3	**Acoustic Insulation Requirements for New or Altered[88] Buildings for Use by a Sensitive Activity**

Activity Status: Permitted

Where:

1. The building will be used by a sensitive activity and is located within **the Road Noise Overlay shown on the planning maps**[89]~~:~~

[76] RMA Schedule 1, clause 16(2) to use defined term
[77] RMA Schedule 1, clause 16(2)
[78] New Zealand Agricultural Aviation Association S166.024, Director General of Conservation S602.180, West Coast Regional Council S488.033
[79] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[80] Westport Pistol Club S336.009
[81] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[82] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[83] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[84] RMA Schedule 1, clause 16(2)
[85] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[86] RMA Schedule 1, clause 16(2)
[87] RMA Schedule 1, clause 16(2)
[88] KiwiRail Holdings Limited S442.088
[89] Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

~~a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~

~~**b.** 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph;~~ [90]where**:**

~~i.~~ **a.** Any habitable room ~~used for a sensitive activity~~ **and/or space used for sleeping** must be designed, ~~and~~ constructed **and maintained** to achieve a ~~minimum~~ **maximum** internal noise ~~limit~~ **level** of 40 dB ~~LA~~$L_{A\text{eq }(24h)}$**(24h)**; [91] and

~~ii. Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and~~

b. Compliance with a. above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and [92]

~~iii.~~ **c.** Any **new or altered habitable room and/or space used for sleeping** ~~building~~ **within 20 metres of the edge of the carriageway**[93] must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95)~~;~~**.**

2. ~~c.~~ ~~46~~**10**0m[94] of the edge of the tracks of ~~a~~ **any** railway line **except for the Hokitika line**[95] where~~:~~

~~i. A~~a**ny new or altered**[96] habitable room used for a sensitive activity **and/or space used for sleeping:** [97]

a. ~~must be~~ **Is** designed~~, and~~ constructed **and maintained** to achieve a maximum internal noise ~~limit~~ **level**[98] of 35 dB ~~LA~~$L_{A\text{eq }(1h)}$**(1h)~~;~~.** [99]

b. Compliance **with a. above**[100] must be achieved based on an assumption of 70 **dB** ~~LA~~$L_{A\text{eq }(1h)}$**(1h)**[101] at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m~~;~~ **or** ~~ii.~~ [102]

c. It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks. [103]

3. ~~c.~~ **60m of the edge of the tracks of any railway line, except for the Hokitika line, where** ~~**iii.** Any building~~ **any new or altered habitable room and/or space used for sleeping**[104] must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);

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90 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

91 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211 and RMA Schedule 1, clause 16(2)

92 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

93 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

94 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

95 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

96 Consequential to KiwiRail Holdings Limited S442.088

97 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

98 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

99 RMA Schedule 1, clause 16(2)

100 RMA Schedule 1, clause 16(2)

101 RMA Schedule 1, clause 16(2)

102 RMA Schedule 1, clause 16(2)

103 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211, Misato Nomura S151.002

104 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

4. ~~d.~~ The 50 dB~~A~~[105] Noise Contour boundary of Franz Josef Heliport or the 55 dB~~A~~[106] Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome **or Haast Airfield**;[107] where:

a. Any **new or altered**[108] habitable room **and/or space used for sleeping**[109] must be designed, ~~and~~ constructed **and maintained**[110] to achieve a ~~minimum~~ **maximum**[111] indoor design noise level of 40 dB L_{dn};

5. ~~e.~~ Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where**:**

a. The building is designed**,** ~~and~~ constructed **and maintained**[112] to ensure that the following indoor design noise levels are not exceeded:

A. **40**~~35~~ dB $LA_{\underline{A}eq}$[113] inside **any new or altered habitable room** ~~bedrooms~~[114];

B. **35**~~40~~ dB ~~L~~**L**$_{Aeq}$[115] inside ~~any other habitable room, except for~~ **new or altered** bedrooms **between 10pm and 7am**[116]; and

6. Between the 55 dB L_{AFmax} and 60 dB L_{AFmax} contours of the Westport Rifle Range Noise Overlay shown on the planning maps:

a. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 35 dB$_{LAFmax}$ from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and

b. An outdoor living area not less than 30m^2 must be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB L_{AFmax}.[117]

7. ~~f.~~ Where windows need to be closed to achieve the internal noise levels specified in ~~a. to e.~~**-1-6**[118] above an alternative ventilation system shall be provided which achieves the following requirements:

i. Satisfies clause G4 of the New Zealand Building Code;

ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. Provides relief for equivalent volumes of spill air; and

iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18~~o~~ºC and 25~~o~~ºC[119]; and

[105] RMA Schedule 1, clause 16(2)
[106] RMA Schedule 1, clause 16(2)
[107] Consequential amendment to Special Purpose Zone Chapter Recommendation Report to include Haast Airfield in the Airport Zone
[108] Consequential to KiwiRail Holdings Limited S442.088
[109] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211)
[110] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211)
[111] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211
[112] RMA Schedule 1, clause 16(2) to reflect NZ 2107:2000
[113] RMA Schedule 1, clause 16(2)
[114] Consequential to KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211
[115] RMA Schedule 1, clause 16(2) to reflect NZ 2107:2000
[116] Consequential to KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211
[117] Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009
[118] RMA Schedule 1, clause 16(2)
[119] RMA Schedule 1, clause 16(2)

v. Does not generate more than 35 dB $L_{A\,eq\,(30s)}$ **(30s)**[120] when measured **at any point where a person associated with a sensitive activity could be located, and no less than** ~~at least~~[121] 1m away from any grille or diffuser.

Advice Note:

1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a **new or altered**[122] habitable room **and/or space used for sleeping,**[123] an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or.

2. For NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5 and NOISE-R3.6.a, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE-R3.7.[124]

3. For NOISE-R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part B and meets the ventilation requirements of NOISE-R3.7. [125]

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R4 Emission of Noise for Temporary Military Training Activities

Activity Status Permitted

Where the following noise standards are complied with:

1. Weapons firing and/or the use of explosives:
   a. Notice is provided to the Council at least ~~5~~**five**[126] working days prior to the commencement of the activity;
   b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity:
      i. 7am to 7pm: 500m;
      ii. 7pm to 7am: 1~~.~~250m[127]
   c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity:
      i. 7am to 7pm: 95 dB ~~C~~L_{Cpeak}; [128]
      b. 7pm to 7am: 85 dB ~~C~~L_{Cpeak}. [129]

[120] RMA Schedule 1, clause 16(2)
[121] RMA Schedule 1, clause 16(2)
[122] Consequential to KiwiRail Holdings Limited S442.088
[123] RMA Schedule 1, clause 16(2)
[124] KiwiRail Holdings Limited S442.088 and amendments to reflect updated numbering in rule
[125] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211, Buller District Council S538.333, Waka Kotahi NZ Transport Agency S450.171; KiwiRail Holdings Limited S442.088
[126] RMA Schedule 1, clause 16(2)
[127] Westport Pistol Club S336.011, Westport Rifle Club Incorporated S457.010
[128] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.538
[129] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.538

2. Mobile noise sources:

    d. Shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to mobile noise sources.

3. Fixed (stationary) noise sources:

    a. Shall comply with the noise limits set out below when measured at the notional boundary of any building housing a sensitive activity:

        i. 7am to 7pm 55 dB L_{Aeq} (15 min)

        ii. 7pm to 10pm 50 dB L_{Aeq} (15 min)

        iii. 10pm to 7am 45 dB ~~L~~$_{Aeq}$[130] (15 min) and 75 dB L~~A~~F~~F~~$_{AF}$ ~~max~~$_{max}$.[131]

NOISE-R5~~X~~ Emission of noise for activities not provided for by NOISE-R2, NOISE-R4, NOISE-R9 and NOISE-R10[132]

Activity Status Permitted

Where:

1. Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am –10:00pm**	**Night-time 10:00pm-7:00am**
RESZ Residential Zone **SETZ Settlement Zone** **GRUZ General Rural Zone** **RLZ Rural Lifestyle Zone** **MPZ Māori Purpose Zone** **HOSZ Hospital Zone** **OSZ Open Space Zone** **NOSZ Natural Open Space Zone** **SVZ Scenic Visitor Zone** **FUZ Future Urban Zone**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}**	**45 dB L_{Aeq}** **70 dB L_{AFmax}**

2. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am -7:00pm**	**Monday-Friday 7:00pm – 10:00pm** **Saturday, Sundays and Public**	**Night-time 10:00pm-7:00am**

[130] RMA Schedule 1, clause 16(2)
[131] RMA Schedule 1, clause 16(2)
[132] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540, Chris and Jan Coll S558.327 and others

		Holidays 7:00 am – 10:00pm	
GRUZ General Rural Zone **RLZ Rural Lifestyle Zone**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}**	**45 dB L_{Aeq}** **70 dB L_{AFmax}**

3. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any[133] of following zones:

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**
SARZ Sport and Recreation Zone **AIRPZ Airport Zone** **CMUZ Commercial and Mixed Use Zones** **STADZ Stadium Zone** **LIZ Light Industrial Zone**	**60 dB L_{Aeq}**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}** **75 dB L_{AFmax}**
GIZ General Industrial Zone **PORTZ Port Zone**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**

4. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**

[133] Minor amendment to improve clarity

MINZ Mineral Extraction Zone	**55 dB L_{Aeq}**	**55 dB L_{Aeq}**	**45 dB L_{Aeq}** **75 dB L_{AFmax}**

Activity Status when not achieved: **Restricted Discretionary**

~~**NOISE-R5 Emission of Noise in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone**~~[134]

~~**Activity Status Permitted**~~

~~Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within another site in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone:~~

~~a. 7:00am to 7:00pm Monday to Friday and 8:00am to 5:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 7:00pm to 7:00am Monday to Friday and 5:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~c. 7:00pm to 7:00am all days - 70 dB L_{AFmax}~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R6 Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone**~~[135]

~~**Activity Status Permitted**~~

~~Where:~~

~~4. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq\ (15min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~Activity status where compliance not achieved: **Restricted Discretionary**~~

[134] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[135] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

~~**NOISE-R7**~~	~~**Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct**~~ [136]

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 6:00am to 11:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $_{LAeq\ (15\ min)}$~~

~~b. 11:00pm to 6:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $_{LAeq\ (15\ min)}$~~

~~c. 11:00pm to 6:00am all days - 75 dB LAFmax~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R8**~~	~~**Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone**~~[137]

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 60 dB $_{LAeq\ (15min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $_{LAeq\ (15\ min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB $_{LAFmax}$~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

NOISE – R~~9~~6	**Emission of Noise within the PORTZ - Port Zone**

Activity Status Permitted

Where:

1. The maximum noise generated from activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

Activity Status if compliance not achieved: Restricted Discretionary

Advice Note:

[136] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[137] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

A Port Noise Management Plan is recommended by NZS 6809 that sets out the details of how NZS: 6809 is being implemented. [138]

NOISE - R~~10~~7 Emission of Noise within the AIRPZ - Airport Zone

Activity Status Permitted

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports**, Haast Airfield**[139] and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;

3. Noise from aircraft engine testing is exempt from NOISE-R7.1 above, and:

(a) is not subject to a noise limit if it is essential unplanned testing occurring between 7:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least eight passenger seats; and

(b) for all other cases must comply with the noise limits set out in NOISE-R5; [140]

~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed:~~

~~a. on any day 7.00am to 10.00pm exceed 55 dB $_{LAeq\ (15\ hour)}$~~

~~**b.** on any day 10.00pm to 7.00am not exceed 45 dB $_{LAeq\ (9\ hours)}$ and 75 dB $_{LAmax}$; and~~[141]

4. The maximum noise generated from aircraft operations at Hokitika **and Westport Airports, Haast Airfield**[142] **and Greymouth and Karamea Aerodrome**[143] over any 90 continuous days shall not exceed:

a. 55 dB $\mathbf{L}_{~~Ldn~~}$[144] at or beyond the noise contour boundary shown on the planning maps; and

5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any ~~7~~**seven**[145] continuous days, shall not exceed:

a. 50 dB $\mathbf{L}_{~~Ldn~~}$[146] at or beyond the noise contour boundary shown on the planning maps; and

6. Standards 4 and 5 above do not apply to:

a. Aircraft landing or taking off in an emergency; and

b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and

[138] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.544
[139] Consequential to recommendation to include Haast Airfield in the Airport Zone
[140] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545 and consequential amendment to delete clause 3 of NOISE-R10 and adding new NOISE-RX (renumbered NOISE-R5)
[141] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[142] Consequential to recommendation to include Haast Airfield in the Airport Zone
[143] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545
[144] RMA Schedule 1, clause 16(2)
[145] RMA Schedule 1, clause 16(2)
[146] RMA Schedule 1, clause 16(2)

c. Aircraft undertaking firefighting duties; and

d. Military aircraft movements; and

e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.

~~7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.~~[147]

Advice Notes:

1. A Noise Management Plan may be prepared that sets out details of how NZS 6805 or NZS 6807 is being implemented. [148]

2. Fixed wing aircraft with less than eight passenger seats are unlikely to exceed noise limits when undertaking aircraft engine testing so are exempt from the restriction in hours in clause 3(a) that apply to fixed wing aircraft with at least eight passenger seats.

Activity Status if compliance not achieved: Restricted Discretionary

~~NOISE – R11~~ **~~Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone~~**[149]

~~Activity Status Permitted~~

~~Where:~~

~~1. The maximum noise generated from activities did not exceed the following limits at Amax any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~1. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~2. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~3. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

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

NOISE–R~~12~~8 Emission of Noise not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the health and wellbeing of people;

b. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site,[150] and the degree to which such sounds are compatible with the surrounding activities;

c. The level, hours of operation, duration and nature of the noise;

d. The primary purpose and the frequency of use of the activity;

e. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;

[147] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[148] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545
[149] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[150] RMA Schedule 1, clause 16(2)

f. Effects on character and amenity values of the surrounding environment; and

~~**g. Effects on the health and wellbeing of people;**~~[151]

h. Effects on wildlife and habitat values;

i. The temporary or permanent nature of any adverse effects;

j. Any noise reduction measures**~~;~~ and**

k. The functional need or operational need of the activity.[152]

Activity status where compliance not achieved: N/A

NOISE-R~~13~~9	**New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3**

Activity Status Restricted Discretionary

Where:

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that ~~did~~ **does**[153] not provide the required acoustic insulation on the ability of existing or future permitted ~~business~~[154] activities to operate or establish without undue constraint.

Activity status where compliance not achieved: N/A

NOISE–R10	**Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay**

Activity Status: Restricted Discretionary

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of noise mitigation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that did not provide the required noise mitigation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.

Activity status where compliance not achieved: N/A[155]

NOISE-APP1	**Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise - R3**[156]

[151] Waka Kotahi NZ Transport Agency S450.172, Buller Conservation Group S552.156, Frida Inta S553.156
[152] Westpower Limited S547.490
[153] RMA Schedule 1, clause 16(2)
[154] In response to submitter evidence
[155] Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009
[156] KiwiRail Holdings Limited S442.088, Gina Hogarth S304.002, Misato Nomura S151.002, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

Part A: Approved construction requirements for compliance with NOISE-R3.1, NOISE-R3.2, NOISE-R3.4. NOISE-R3.5, NOISE-R3.6.a.

Applicability	
	Construction requirements detailed in this Appendix are only applicable where: **1. The building is a single level construction;** **2. The floor of the building is a reinforced concrete slab;** **3. No habitable room of the building is located less than 4.5 metres from the State Highway road boundary or railway track edge;** **4. The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room; and** **5. The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.** **In all other situations, a design report from a suitably qualified acoustics specialist is required.**
Construction Options	
Exterior Walls Option 1	**Exterior cladding of aerated concrete or similar, with a surface mass not less than 27 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m^2.**
Exterior Walls Option 2	**Exterior cladding of profiled sheet metal not less than 0.45 mm thick.** • **20 mm thick battens forming a ventilated cavity,** • **Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres,** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**
Exterior Walls Option 3	**Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m2 (Hardies Linea or equivalent).** • **20 mm thick battens forming a ventilated cavity.**

	• **Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**
Glazing and Exterior doors - All options	• **Windows to consist of double glazing consisting of a minimum of two layers of 4 mm thick glass separated by a 12 mm air gap, with airtight seals.** • **External doors to be either double glazed to the same standard as windows or a solid timber construction with a surface mass not less than 24 kg/m^2 and incorporating full perimeter seals.**
Roof – All Options	• **Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles.** • **Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **Two layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m^2.**

Part B: Approved construction requirements for compliance with NOISE-R3.3

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an existing railway track and is a single storey framed building with:

a. A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and

b. Vibration isolation separating the sides of the floor slab from the ground; and

c. No rigid connections between the building and the ground.

In all other situations, a design report from a suitably qualified acoustic specialist is required demonstrating compliance with NOISE-R3.3.

New buildings and alterations must meet the ventilation requirements of NOISE-R3.7.





Sharon McGarry

Hearings Panel - Chair

Maria Bartlett

Hearings Panel Member



Anton Becker

Hearings Panel Member

Date: 9 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISION

Definitions

AUDIBLE BIRD SCARING DEVICE
means gas gun, avian distress alarm or other such device used for the purpose of scaring birds.

Noise Chapter

Overview

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where ~~noise~~ sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports**, Airfields, Aerodromes,** and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, **including maintaining the amenity of existing sensitive activities by managing noise levels,** and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels. The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

NOISE – O1	The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not **result in unreasonable noise that may** compromise community health, safety and wellbeing.
NOISE-O2	The function and operation of ~~existing and permitted future~~ **lawfully established** noise generating activities**,** ~~and~~ community **facilities, and** infrastructure, **including regionally significant infrastructure** are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive activities.
NOISE – O3	The health and wellbeing of people and communities, **including sensitive activities,** are protected from significant levels of noise.

NOISE – P1	Enable the generation of noise ~~when it is~~ of a type, character, scale and level that is appropriate to the zone, having regard to: a. The purpose, character and qualities of the zone that the activity is located in;

	b. The nature, frequency and duration of the noise generating activity; c. Whether the noise generating activity is ~~critical~~ **regionally significant** infrastructure; d. Methods of mitigation; and e. The sensitivity of the surrounding environment.
NOISE – P2	Require sensitive activities sited in higher noise environments to be located and designed ~~so as~~ to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account: a. The type of noise generating activity; and b. Other noise sources in the area; and c. The nature and occupancy of the ~~noise~~ sensitive activity; and d. Mitigation measures, including acoustic insulation, screening and topography. For the purpose of NOISE - P2 higher noise environments include: e. CMUZ - Commercial and mixed-use zones; f. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; ~~and~~ g. Locations in close proximity to a State Highway and the Rail~~way~~ Corridor; **and** **h. The Westport Rifle Range Noise Overlay.**
NOISE – P3	Within the Airport Noise Contour Boundary overlay avoid sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.
NOISE-P4	Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to: a. Maximum noise limits to reflect the character and amenity of each zone; b. Type, scale and location of the activity in relation to any ~~noise~~ sensitive activities; c. Hours of operation and duration of activity; d. The temporary or permanent nature of any adverse effects; ~~and~~ e. The ability to internalise and/or **avoid, remedy or mitigate adverse effects** ~~minimise any conflict with adjacent activities~~; **and** f. **The functional need or operational need of the activity**.

Noise Rules
Permitted Activities

NOISE - R1 General Standards

All activities must comply with the following relevant standards.

1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise**,** except where more specific requirements apply.
2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

~~3. Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources";~~

3. Noise from aerodromes, airfields or airports not subject to NOISE-R10 must be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.

4. Noise from new or altered roads must be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.

~~4.~~**5.** Noise from wind turbines ~~shall~~ **must** be measured **and assessed** in accordance with ~~section 7.7 of~~ NZS 6808: 2010 Acoustics Wind Farm Noise;

~~5.~~**6.** Noise from Helicopter Landing areas ~~shall~~ **must** be ~~managed~~ **measured and assessed** in accordance with**,** and comply with the noise standards and limits of**,** NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.

7. Noise from port activities must be managed in accordance with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R2 Emissions of Noise in All Zones

Activity Status Permitted

Where the following activities are exempted from meeting Zone noise standards:

1. ~~Intermittent residential activities~~**Noise associated with use of the site for residential activity, including** use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture**r'**s specifications ~~and associated with the use of a site for a residential activity used on an intermittent basis (e.g. spraying, harvesting, etc);~~
2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);
3. Activities at emergency service facilities associated with emergency response and emergency response training;
4. Helicopters used for an emergency and as an air ambulance;
5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding ~~2~~**two** weeks in duration, where they are operated by emergency services, or lifeline utilities **or regionally significant infrastructure**;

6. People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~ or in residential dwellings. This ~~did~~ **does** not include any amplified noise;
7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a**n** ~~normal residential~~ activity **provided for as a permitted activity in that zone;**
8. Trains **operating** on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption ~~did~~ **does** not apply to the testing (when stationary), maintenance, loading or unloading of trains;
9. Road construction work where management controls are in place to mitigate the emission of noise;
10. ~~Any residential activity on the same site as a noise source being assessed;~~
11. Agricultur**al**~~e~~, **pastoral and** horticultur**al**~~e~~ ~~and pastoral farming~~ activities undertaken ~~for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis~~ in the General Rural **Zone** and Rural Lifestyle **Z**~~z~~one~~s~~;
12. ~~Infrequent a~~**A**ircraft **take off and** landing, **including helicopter movements**, ~~for~~ **associated with** rural production **activities and conservation activities at least 250 metres from any sensitive activity or** ~~and purposes on an intermittent basis~~ **for no more than 30 days in any 12 month period per site.** ~~including aerial topdressing and helicopter movements~~;
13. Non-commercial motorised watercraft operating on the surface of waterbodies;
14. Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm**;
15. ~~Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;~~
16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, **and generating less than 65 dB_{LAE} for each event measured at any point at or within the boundary of any site within a Residential Zone, Settlement Zone, Māori Purpose Zone, Hospital Zone, Open Space Zone, Natural Open Space Zone, Scenic Visitor Zone, Future Urban Zone or at the notional boundary of any site in the General Rural Zone or Rural Lifestyle Zone**; and
17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm, and **no more than 12 days per calendar year** ~~only~~, and if operating outside of these hours complies with the underlying noise standards of the zone. **This does not include any amplified noise.**

Advice Note:

NOISE - R2.12 does not apply to land held or managed under the Conservation Act 1987.

Activity Status where compliance not achieved: ~~**Restricted Discretionary**~~ **N/A**

NOISE-R3	**Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity**

Activity Status: Permitted

Where:

1. The building will be used by a sensitive activity and is located within **the Road Noise Overlay shown on the planning maps:**

~~a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~

~~**b.** 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph;~~ where**:**

~~iv.~~ **a.** Any habitable room ~~used for a sensitive activity~~ **and/or space used for sleeping** must be designed, ~~and~~ constructed **and maintained** to achieve a ~~minimum~~ **maximum** internal noise ~~limit~~ **level** of 40 dB ~~LA~~$L_{A\text{eq }(24h)}$ **(24h)**; and

~~v. Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and~~

b. Compliance with i. above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and

~~vi.~~ **c.** Any **new or altered habitable room and/or space used for sleeping** ~~building~~ **within 20 metres of the edge of the carriageway** must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95)~~;~~**.**

2. ~~c.~~ 46**10**0m of the edge of the tracks of ~~a~~ **any** railway line **except for the Hokitika line** where**:**

~~i. A~~**a**ny **new or altered** habitable room used for a sensitive activity **and/or space used for sleeping:**

a. ~~must be~~ **Is** designed**,** ~~and~~ constructed **and maintained** to achieve a maximum internal noise ~~limit~~ **level** of 35 dB ~~LA~~$L_{A\text{eq }(1h)}$ **(1h)~~;~~.**

b. Compliance **with i. above** must be achieved based on an assumption of 70 **dB**~~LA~~$L_{A\text{eq }(1h)}$ **(1h)** at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m~~;~~, **or** ~~ii.~~

c. It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks.

3. ~~c.~~ **60m of the edge of the tracks of any railway line, except for the Hokitika line, where** ~~**iii.** Any building~~ **any new or altered habitable room and/or space used for sleeping** must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);

4. ~~d.~~ The 50 dB~~A~~ Noise Contour boundary of Franz Josef Heliport or the 55 dB~~A~~ Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome **or Haast Airfield**; where:

a. Any **new or altered** habitable room **and/or space used for sleeping** must be designed, ~~and~~ constructed **and maintained** to achieve a ~~minimum~~ **maximum** indoor design noise level of 40 dB L_{dn};

5. ~~e.~~ Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where**:**

a. The building is designed**,** ~~and~~ constructed **and maintained** to ensure that the following indoor design noise levels are not exceeded:

A. **40**~~35~~ dB LA_{Aeq} inside **any new or altered habitable room** ~~bedrooms~~;

B. **35**~~40~~ dB ~~L~~**L**$_{Aeq}$ inside ~~any other habitable room, except for~~ **new or altered** bedrooms **between 10pm and 7am**; and

6. Between the 55 dB L_{AFmax} and 60 dB L_{AFmax} contours of the Westport Rifle Range Noise Overlay shown on the planning maps:

a. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 35 dB$_{LAFmax}$ from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and

b. An outdoor living areas not less than 30m^2 must be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB L_{AFmax}.

7. ~~**f.**~~ Where windows need to be closed to achieve the internal noise levels specified in ~~a. to e.~~ **1-6** above an alternative ventilation system shall be provided which achieves the following requirements:

i. Satisfies clause G4 of the New Zealand Building Code;

ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. Provides relief for equivalent volumes of spill air; and

iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18~~o~~ºC and 25~~o~~ºC; and

v. Does not generate more than 35 dB $LA_{Aeq\ (30s)}$ **(30s)** when measured **at any point where a person associated with a sensitive activity could be located, and no less than** ~~at least~~ 1m away from any grille or diffuser.

Advice Note:

1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a **new or altered** habitable room **and/or space used for sleeping,** an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or.

2. **For NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5 and NOISE-R3.6.i, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE-R3.7.**

3. **For NOISE-R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part B and meets the ventilation requirements of NOISE-R3.7.**

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R4	**Emission of Noise for Temporary Military Training Activities**

Activity Status Permitted

Where the following noise standards are complied with:

1. Weapons firing and/or the use of explosives:
    a. Notice is provided to the Council at least ~~5~~**five** working days prior to the commencement of the activity;
    b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity:
        iii. 7am to 7pm: 500m;
        iv. 7pm to 7am: 1~~.~~250m
    c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity:
        i. 7am to 7pm: 95 dB ~~C~~**L**$_{Cpeak}$;
        ii. 7pm to 7am: 85 dB ~~C~~**L**$_{Cpeak}$.
2. Mobile noise sources:
    a. Shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to mobile noise sources.
3. Fixed (stationary) noise sources:
    a. Shall comply with the noise limits set out below when measured at the notional boundary of any building housing a sensitive activity:
        i. 7am to 7pm 55 dB L_{Aeq} (15 min)
        ii. 7pm to 10pm 50 dB L_{Aeq} (15 min)
        iii. 10pm to 7am 45 dB ~~L~~$_{Aeq}$ (15 min) and 75 dB L~~A~~**F**$_{AF}$ ~~max~~$_{max}$.

NOISE-R5	**Emission of noise for activities not provided for by NOISE-R2, NOISE-R4, NOISE-R9 and NOISE-R10**

Activity Status Permitted

Where:

1. **Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:**

Zone	**Maximum Noise Limit**		
	Daytime (Monday–Friday) 7:00am-10:00pm	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**

RESZ Residential Zone **SETZ Settlement Zone** **GRUZ General Rural Zone** **RLZ Rural Lifestyle Zone** **MPZ Māori Purpose Zone** **HOSZ Hospital Zone** **OSZ Open Space Zone** **NOSZ Natural Open Space Zone** **SVZ Scenic Visitor Zone** **FUZ Future Urban Zone**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}**	**45 dB L_{Aeq}** **70 dB L_{AFmax}**

2. **Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:**

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am -7:00pm**	**Monday-Friday 7:00pm – 10:00pm** **Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**
GRUZ General Rural Zone **RLZ Rural Lifestyle Zone**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}**	**45 dB L_{Aeq}** **70 dB L_{AFmax}**

3. **The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary any site within any of following zones:**

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**

SARZ Sport and Recreation Zone **AIRPZ Airport Zone** **CMUZ Commercial and Mixed Use Zones** **STADZ Stadium Zone** **LIZ Light Industrial Zone**	**60 dB L_{Aeq}**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}** **75 dB L_{AFmax}**
GIZ General Industrial Zone **PORTZ Port Zone**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**

4. **Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:**

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**
MINZ Mineral Extraction Zone	**55 dB L_{Aeq}**	**55 dB L_{Aeq}**	**45 dB L_{Aeq}** **75 dB L_{AFmax}**

Activity Status when not achieved: **Restricted Discretionary**

~~**NOISE-R5 Emission of Noise in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone**~~

~~**Activity Status Permitted**~~

~~Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within another site in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone:~~

~~a. 7:00am to 7:00pm Monday to Friday and 8:00am to 5:00pm weekends and public holidays: 55 dB $L_{Aeq (15 min)}$~~

~~b. 7:00pm to 7:00am Monday to Friday and 5:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq (15 min)}$~~

~~c. 7:00pm to 7:00am all days - 70 dB L_{AFmax}~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R6**~~	~~**Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq\ (15min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~Activity status where compliance not achieved: **Restricted Discretionary**~~

~~**NOISE-R7**~~	~~**Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 6:00am to 11:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 11:00pm to 6:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~c. 11:00pm to 6:00am all days - 75 dB LAFmax~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R8**~~	~~**Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 60 dB $L_{Aeq\ (15min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

NOISE – R~~9~~6	**Emission of Noise within the PORTZ - Port Zone**

Activity Status Permitted

Where:

1. The maximum noise generated from activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

Activity Status if compliance not achieved: Restricted Discretionary

Advice Note:

A Port Noise Management Plan is recommended by NZS 6809 that sets out the details of how NZS 6809 is being implemented.

NOISE - R~~10~~7 Emission of Noise within the AIRPZ - Airport Zone

Activity Status Permitted

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports**, Haast Airfield** and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;

3. Noise from aircraft engine testing is exempt from NOISE-R7.1 above, and:

(a) is not subject to a noise limit if it is essential unplanned testing occurring between 7:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least eight passenger seats; and

(b) for all other cases must comply with the noise limits set out in NOISE-R5;

~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed:~~

~~a. on any day 7.00am to 10.00pm exceed 55 dB $L_{Aeq\ (15\ hour)}$~~

~~**b.** on any day 10.00pm to 7.00am not exceed 45 dB $L_{Aeq\ (9\ hours)}$ and 75 dB L_{Amax}; and~~

4. The maximum noise generated from aircraft operations at Hokitika **and Westport Airports, Haast Airfield and Greymouth and Karamea Aerodrome** over any 90 continuous days shall not exceed:

a. 55 dB $\mathbf{L}_{\text{~~L~~dn}}$ at or beyond the noise contour boundary shown on the planning maps; and

5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any ~~7~~**seven** continuous days, shall not exceed:

a. 50 dB $\mathbf{L}_{\text{~~L~~dn}}$ at or beyond the noise contour boundary shown on the planning maps; and

6. Standards 4 and 5 above do not apply to:

a. Aircraft landing or taking off in an emergency; and

b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and

c. Aircraft undertaking firefighting duties; and

d. Military aircraft movements; and

e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.

Advice Notes:

1. A Noise Management Plan may be prepared that sets out details of how NZS 6805 or NZS 6807 is being implemented.

2. Fixed wing aircraft with less than eight passenger seats are unlikely to exceed noise limits when undertaking aircraft engine testing so are exempt from the restriction in hours in clause 3(a) that apply to fixed wing aircraft with at least eight passenger seats.

Activity Status if compliance not achieved: Restricted Discretionary

~~**NOISE – R11 Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. The maximum noise generated from activities did not exceed the following limits at Amax any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~2. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~3. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~4. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

NOISE–R~~12~~8 Emission of Noise not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

1. Effects on the health and wellbeing of people;
2. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site**,** and the degree to which such sounds are compatible with the surrounding activities;
3. The level, hours of operation, duration and nature of the noise;
4. The primary purpose and the frequency of use of the activity;
5. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;
6. Effects on character and amenity values of the surrounding environment; and
7. ~~Effects on the health and wellbeing of people~~**;**
8. Effects on wildlife and habitat values;
9. The temporary or permanent nature of any adverse effects;
10. Any noise reduction measures**;**~~.~~
11. **The functional need or operational need of the activity.**

Activity status where compliance not achieved: N/A

NOISE-R~~13~~9	**New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3**

Activity Status Restricted Discretionary

Where:

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that ~~did~~ **does** not provide the required acoustic insulation on the ability of existing or future permitted ~~business~~ activities to operate or establish without undue constraint.

Activity status where compliance not achieved: N/A

NOISE–R10	**Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay**

Activity Status: Restricted Discretionary

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of noise mitigation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that did not provide the required noise mitigation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.

Activity status where compliance not achieved: N/A

NOISE-APP1	**Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise - R3**

Part A: Approved construction requirements for compliance with NOISE-R3.1, NOISE-R3.2, NOISE-R3.4. NOISE-R3.5, NOISE-R3.6.i.

Applicability	
	Construction requirements detailed in this Appendix are only applicable where: **1. The building is a single level construction;** **2. The floor of the building is a reinforced concrete slab;** **3. No habitable room of the building is located less than 4.5 metres from the State Highway road boundary or railway track edge;** **4. The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room; and** **5. The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must**

	only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction. **In all other situations, a design report from a suitably qualified acoustics specialist is required.**
Construction Options	
Exterior Walls Option 1	**Exterior cladding of aerated concrete or similar, with a surface mass not less than 27 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m^2.**
Exterior Walls Option 2	**Exterior cladding of profiled sheet metal not less than 0.45 mm thick.** • **20 mm thick battens forming a ventilated cavity,** • **Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres,** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**
Exterior Walls Option 3	**Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m2 (Hardies Linea or equivalent).** • **20 mm thick battens forming a ventilated cavity.** • **Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**

Glazing and Exterior doors - All options	• **Windows to consist of double glazing consisting of a minimum of two layers of 4 mm thick glass separated by a 12 mm air gap, with airtight seals.** • **External doors to be either double glazed to the same standard as windows or a solid timber construction with a surface mass not less than 24 kg/m^2 and incorporating full perimeter seals.**
Roof – All Options	• **Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles.** • **Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **Two layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m^2.**

Part B: Approved construction requirements for compliance with NOISE-R3.3

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an existing railway track and is a single storey framed building with:

a. A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and

b. Vibration isolation separating the sides of the floor slab from the ground; and

c. No rigid connections between the building and the ground.

In all other situations, a design report from a suitably qualified acoustic specialist is required demonstrating compliance with NOISE-R3.3.

New buildings and alterations must meet the ventilation requirements of NOISE-R3.7.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic 6

Notable Trees - Ngā Rākau Whakamaumahara

Hearing Dates: 6 December 2023

HEARING PANEL

Paul Rogers (Chair)

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Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with my appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the:

   (a) Notable Trees - Ngā Rākau Whakamaumahara ('**TREE**') chapter of the Historical and Cultural Values section in Part 2 – District-Wide Matters of pTTPP; and

   (b) Schedule Two: Notable Trees - Te Rārangi Tuarua: Ngā Rākau Whamaumahara ('**Schedule Two**') section in Part 4 – Appendices of pTTPP.

3. This Recommendation Report contains my evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the TREE chapter and Schedule Two.

4. The Section 32 Report[1] on Notable Trees ('s32 Report') provided an evaluation of the options relating to identifying, recognising, and protecting notable trees through the pTTPP, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The evaluation concluded that, compared to the status quo or no regulations, the pTTPP TREE provisions are the most appropriate option, given that the benefits outweigh the costs. It also found that considerable efficiencies can be gained by adopting the pTTPP TREE provisions.

5. Eighty-one submission points and seventeen further submissions were received on the TREE chapter and Schedule Two.

6. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a principal planner with Kererū Consultants, acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report summarised the submissions and further submissions received, and relief sought. It analysed the submissions on the TREE provisions and Schedule Two, and detailed recommendations (summarised in Appendix 1 of s42A Report). It also indicated whether individual submission points and further submission points were recommended to be accepted/accepted in part/rejected (see Appendix 2 of the s42A Report).

7. The matters raised by submitters and further submitters were grouped in the s42A Report in relation to each of the following key issues:

   (a) TREE chapter as a whole;

   (b) Objectives;

[1] Section 32 Evaluation – Report Four - Historical and Cultural Values - Ngā Uara ā-Ahurea, ā-Hītori Hoki Historic Heritage - Ngā Tuku Ihotanga Notable Trees -Ngā Rākau Whakamaumahara Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori

[2] Section 42A Officer's Report Notable Trees

(c) Policies;

(d) Rules; and

(e) Schedule Two.

8. A s32AA evaluation for all recommended amendments was provided at the end of the s42A Report.

9. After the hearing, Ms Easton provided a Right of Reply ('**Reply**') dated 8 December 2023.

10. This Recommendation Report follows the same structure of the s42A Report and provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter statement or evidence and the Reply, before providing my evaluation and recommendation.

11. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified pTTPP provisions (attached as **Appendix 1** to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified pTTPP provisions made by the Panel. The tracked change version of the pTTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the pTTPP, the tracked change version of the pTTPP shown in **Appendix 1** of this Report must prevail.

12. This Recommendation Report contains the reasons for my recommendations. These comprise either adoption of the reasoning and recommendations of the original s42A Reports or the Reply, or a specific reasoning.

13. Where I recommend the pTTPP provisions should remain as notified, it is because:

(a) I have adopted the reasoning and recommendation of the s42A Report or the Reply to retain the provision as notified; or

(b) I have recommended to retain the provision as notified for reasons set out in this Recommendation Report.

14. Where there is a recommended change to a notified provision of the pTTPP, it is because:

(a) I have recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

(b) I have adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

(c) I have adopted the reasoning and recommendation to that recommended in the Reply; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

15. Where there may be a different recommendation between the s42A Report and the Reply (i.e., the Reporting Officer's recommendation has changed as a result of hearing the statement or evidence of submitters), unless the recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply has been adopted and it must be taken to prevail.

16. If there are circumstances where I consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, NPS and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

17. If any changes are recommended to the provisions (since the s32A Report was completed) a further evaluation, if required, has been undertaken pursuant to s32AA of the RMA. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

18. Clause 16(2) of Schedule 1 of the RMA enables me to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. Any such minor amendments are recorded in the recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (**Appendix 1** of this Report).

1.2. Terminology in this Report

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

BCG	Buller Conservation Group
BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
NPS	National Policy Statements
NZCPS	New Zealand Coastal Policy Statement 2010
NDFL	Nikau Deer Farm Limited
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement

SASM	Sites and Areas of Significance to Māori
Te Mana Ora	Te Mana Ora (Community and Public Health) of Te Whatu Ora (Health New Zealand)
Te Tumu Paeroa	Te Tumu Paeroa – The office of the Māori Trustee
Waka Kotahi	NZ Transport Agency Waka Kotahi
Westpower	Westpower Limited

1.3. Hearing Arrangements

20. The hearing was held via Audio Visual on the 6 December 2023. Some submitters appeared by internet connection.

1.4. Appearances

Section 42A the Reporting Officers

- Ms Lois Easton, Planner with Kererū Consultants

21. The following submitters appeared at the hearing:

Ms Frida Inta for herself and on behalf of the BCG

Mr George and Ms Carly Coates on behalf of NDFL

Westpower Limited

- Mr Martin Kennedy, Planner

1.5. Overview of submitter evidence received

22. Evidence of Manawa Energy (S438) dated 8 November 2023 was circulated prior to and tabled at the hearing.

23. For those appearing at the hearing the following evidence and/or statements were received:

(a) Statement of evidence by Mr Kennedy in association with Westpower (dated 6 November 2023);

(b) Statement of evidence by Ms Easton (undated);

(c) Ms Inta on behalf of BCG and herself (dated 6 December 2023); and

(d) Mr and Ms Coates on behalf of NDFL (undated).

1.6. Right of Reply

24. Ms Easton provided a Reply responding to questions raised at the hearing and proposing further amendments to the TREE chapter (as notified) beyond those recommended in the s42A Report.

1.7. Procedural Steps and Issues

25. No procedural matters were raised at the hearing.

1.8. Site Visits

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

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

27. The TREE chapter is one of three subsections in the Historical and Cultural Values - Ngā Uara ā-Ahurea, ā-Hītori Hoki section located in Part 2 – District Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. The chapter has objectives, policies and rules for undertaking work on a notable tree (including trimming, maintenance, removal in any form, etc.) and work within the root protection area of a notable tree (i.e., gardening, mowing, root pruning, building activities, etc.).

28. The s32 Report outlined the relevant statutory considerations applicable to notable trees, and the relationships between the sections of the RMA and higher order documents. It[3] highlighted matters from sections 6, 7 and 8 of the RMA, NPS, and iwi management plans relevant to the TREE chapter, and implied that the WCRPS was irrelevant. The s42A Report[4] also broadly discussed these considerations.

29. The s32 Report[5] indicated that there are two relevant iwi management plans, i.e., Te Rūnanga o Makaawhio Pounamu Management Plan and Ngāti Waewae Pounamu Management Plan, which both contain information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. It[6] noted that Poutini Ngāi Tahu cultural resources are generally dealt with in a comprehensive way in the Sites and Areas of Significance to Māori chapter.

30. Clause 10 of Schedule 1 of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation. References to relevant submissions are made in the footers.

31. The Planning Standards mandatory direction 7.16 requires provisions relating to managing trees or groups of trees to be in a Notable Trees chapter in the Historical and Cultural Values section of the pTTPP. This direction also requires a schedule of individual trees and groups of trees, containing descriptions including species information; this schedule may be

[3] Section 32 Evaluation Report Four– Historical and Cultural Values - Ngā Uara ā-Ahurea, ā-Hītori Hoki Historic Heritage - Ngā Tuku Ihotanga Notable Trees -Ngā Rākau Whakamaumahara Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori, sections 6.2.1 to 6.2.6

[4] Section 42A Officer's Report Notable Trees, sections 4.1 to 4.2

[5] Above n 3, section 6.2.6

[6] Above n 5

incorporated as an appendix of the pTTPP. I am satisfied the pTTPP structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. NOTABLE TREES

2.1. Whole Chapter

Submissions and Further Submissions

32. Three submission points relating to the TREE chapter (as a whole) were summarised in a Table on page 6 of the s42A Report. Appendix 2 of the s42A Report records another submission point[7] which had been missed from the s42A Report. Two submissions supported the retention of the TREE chapter as notified, while one submission opposed the whole chapter.

33. I adopt the summary of these submissions detailed in the s42A Report, and I have considered all the relevant submissions.

Section 42A Report

34. Ms Easton acknowledged submissions[8] supporting the retention of the TREE chapter as notified.

35. She recommended rejecting Mr and Ms Coates submission[9] opposing the TREE chapter, noting she does not support its complete deletion. She emphasised that most content reflects existing Schedule Two from the three operative district plans. Where scheduling justification was insufficient (Buller and Westland), she indicated that trees were reassessed using the Standard Tree Evaluation Method (STEM), a method employed by many local authorities to evaluate heritage and notable trees within a district plan context. She highlighted that the Grey District Council already had detailed scheduling records.

36. Ms Easton stated the TREE provisions were informed by best practice and subject to extensive consultation and community engagement. She highlighted community members nominated additional trees, which were assessed using STEM, with any new notable trees added to Schedule Two.

37. She emphasised that a s32 analysis found it appropriate to include the TREE provisions in the pTTPP due to strong community support, alignment with the three operative district plans, and the trees' contribution to the West Coast's amenity and heritage values. She indicated that the TREE provisions do not impose *"unjustifiably high costs on the community or parts of the community".*

38. Ms Easton confirmed all landowners with scheduled notable trees on their property were notified and encouraged to submit on the pTTPP. She mentioned no submissions opposed any notable trees.

Hearing and Submitter Evidence

[7] Te Tumu Paeroa (S440.052)
[8] Forest & Bird (S560.187) and BDC (S538.175)
[9] Mr George and Ms Carly Coates (S415.002)

39. Mr and Ms Coates[10]:

(a) suggested improving the notable tree identification framework by defining terms like "*notable*" and "*rare*" to prevent interpretation issues.

(b) noted STEM involves significant user discretion and should be implemented by qualified, independent professionals.

(c) raised concerns about the lack of a resolution process when Ngāi Tahu, the community, and stakeholders disagree on tree identification.

(d) warned that the current process could be misused to obstruct development.

(e) raised concerns that SASMs create additional regulatory burden, potentially requiring dual permissions - from a council-approved arborist and local iwi, the latter if a notable tree is located within a SASM.

(f) claimed a s32 financial analysis for the TREE chapter has not been completed, failing to address maintenance costs and production losses on private land.

(g) questioned who would bear arborist costs and suggested compensation for private property owners.

(h) argued that the TREE chapter should give landowners the right to refuse or consent to the scheduling of notable trees on private property.

(i) suggested the chapter should include a provision relating to compensating private landowners for any associated costs of a notable tree on private property in exchange for the private landowner consenting/approving a tree being scheduled as notable.

Reporting Officer Reply Evidence

40. In response to my hearing queries, Ms Easton[11] advised the following.

(a) The three Councils would need to individually determine "*who*" pays for arborist work on notable trees through their respective Funding Policy and Long-Term Plans.

(b) The Council would consider the qualifications and experience of the "*Council-approved arboricultural contractor*" when applying the permitted activity TREE rules.

(c) Recommended text for an advice note defining a "*Council-approved arboricultural contractor*". However, for clarity, she did not specifically advise whether an advice note should be included in the permitted activity TREE rules.

Hearing Panel's Evaluation

41. For the reasons detailed by Ms Easton, I agree that retaining the TREE chapter as notified is the most appropriate outcome, especially given that most of the content reflects existing Schedule Two from the three operative district plans. Where scheduling justification was insufficient (Buller and Westland), she indicated that trees were reassessed using the

[10] Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1

[11] Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 1, points 3, 4, and 9 (a), (b), and (c)

Standard Tree Evaluation Method (STEM), a method employed by many local authorities to evaluate heritage and notable trees within the context of a district plan. She highlighted that the Grey District Council already had detailed scheduling records.

42. I also accept Ms Easton's advice that the TREE provisions were informed by best practice and subject to extensive consultation and community engagement. Additionally, she highlighted that community members nominated additional trees, which were assessed using STEM; any new notable trees were added to Schedule Two.

43. I consider the issues raised by Mr and Mrs Coates are capable of resolution utilising the proposed provisions of the TREE chapter, so I do not recommend withdrawal of the chapter. As well, if the relief sought by this submitter was provided for within the Plan provisions, I think it unlikely that heritage and notable trees would be adequately provided for within the pTTPP.

Recommendation

44. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the **Notable Trees chapter** be retained in the pTTPP.

2.2. Notable Tree Objectives

Submissions and Further Submissions

45. Four submission points relating to the TREE objectives (as a whole) were summarised in a Table on page 7 of the s42A Report. All submissions supported the retention of the TREE objectives as notified.

46. Two submission points and one further submission point relating to **TREE – O1** were summarised in a Table on page 7 of the s42A Report. Appendix 2 of the s42A Report records two further submission points[12] which were omitted from the s42A Report. One submission supported the retention of the objective as notified. The other submission supported in part the objective, seeking an amendment. One further submission opposed Forest & Birds submission on the objective. The two other further submissions supported Te Mana Ora's submission on TREE-01, although one requested the "large old trees at Seaview, Hokitika" be inserted into Schedule Two.

47. A Table on pages 7 and 8 of the s42A Report summarised two submission points supporting **TREE–O2** as notified. However, the s42A Report mistakenly omitted a third submission point[13] that partially supported TREE – O2 while requesting the notable trees referred to in the objective be clearly identified as being of value to Poutini Ngāi Tahu in Schedule Two. Also, Appendix 2 of the s42A Report records a further submission point[14] which has been omitted from the s42A Report. That further submission supported Te Mana Ora's submission on the objective.

48. Four submission points relating to **TREE–O3** were summarised in a Table on page 8 of the s42A Report. One submission supported the retention of the objective as notified. Two submissions

[12] Ms Inger Perkins (FS33.6 and FS33.8)
[13] Te Tumu Paeroa (S440.052)
[14] Ms Inger Perkins (FS33.7)

supported in part the objective, seeking an amendment. Lastly, one submission sought an amendment to the objective by creating a new objective.

49. I adopt the summary of these submissions and further submissions detailed in the s42A Report, and I have considered all the relevant submissions and further submissions.

Section 42A Report

Objectives (General)

50. Ms Easton acknowledged submissions[15] supporting the retention of the TREE objectives as notified.

Objective 1

51. Ms Easton noted the submission[16] supporting the retention of TREE – O1 as notified.

52. Ms Easton recommended rejecting Forest & Bird's[17] submission as she was unsupportive of including "*habitat*" as a value to recognise trees notable for the habitat that they provide. She reasoned that "*habitat*" is not a STEM criterion, and STEM has been used to identify the notable trees. She highlighted that habitat is dealt with separately by the Ecosystems and Biodiversity chapter.

Objective 2

53. Ms Easton acknowledged submissions[18] supporting the retention of TREE – O2 as notified.

Objective 3

54. Ms Easton noted the submission[19] supporting the retention of TREE – O3 as notified.

55. Ms Easton recommended accepting Waka Kotahi and GDC submissions[20] supporting an amendment to explicitly provide for the pruning or trimming of notable trees for safety reasons.

56. Ms Easton recommended rejecting Westpower's submission[21] for a new objective allowing tree trimming, pruning, and removal in relation to energy and critical infrastructure, reasoning that this is better addressed through the Waka Kotahi and GDC submissions noted in [55] above.

Hearing and Submitter Evidence

57. At the hearing, Mr Kennedy[22]:

[15] Mr William McLaughlin (S567.150), Mr Chris and Ms Jan Coll (S558.066), Chris J Coll Surveying (S566.066), and Ms Laura Coll McLaughlin (S574.066)
[16] Te Mana Ora (S190.256)
[17] Forest & Bird (S560.188)
[18] Te Mana Ora (S190.257) and Ngāi Tahu (S620.109)
[19] Te Mana Ora (S190.258)
[20] Waka Kotahi (S450.071) and GDC (S608.597)
[21] Westpower (S547.186)
[22] Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.3

(a) disagreed with Ms Easton's recommended rejection of Westpower's proposed objective, arguing her amendments kept provisions too narrowly focused on safety.

(b) noted regionally significant infrastructure may need to locate near notable trees for locational, technical, functional or operational reasons.

(c) emphasised that servicing community needs should be recognised alongside tree protection, which is already acknowledged by making tree removal discretionary activity rather than non-complying.

(d) maintained Westpower's proposed objective is appropriate.

(e) indicated that TREE-O3 could be reworded to address locational, technical, functional or operational matters while limiting the number of objectives.

Reporting Officer Reply Evidence

58. The Reply does not detail any points relevant to the TREE objectives.

Hearing Panel's Evaluation

59. I agree with Ms Easton's recommendations on TREE-01 to reject Forest and Birds submissions for the reasons she provides.

60. I agree with Ms Easton's recommendations on TREE-03 accepting Waka Kotahi and GDC submissions[23] supporting an amendment to explicitly provide for the pruning or trimming of notable trees for safety reasons. I consider this a sensible and practical amendment that also provides some relief to Westpower.

61. I agree with her reasons for rejecting and accepting submissions as detailed within her s42A and Reply reports.

Hearing Panel's Recommendation

62. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Notable Trees Objectives**:

Notable Tree Objectives	
TREE – O3	To provide for the protection of notable trees while recognising instances where trimming and/or pruning is required **where this**: a. ~~and~~ may improve the health of the tree, or b. **is needed for safety reasons including the safe operation of infrastructure and energy activities; and recognise there may be** instances where removal of the tree is unavoidable due to safety **requirements**.

2.3. Notable Tree Policies

[23] Waka Kotahi (S450.071) and GDC (S608.597)

Submissions and Further Submissions

63. Four submission points relating to the TREE policies (as a whole) were summarised in a Table on page 9 of the s42A Report. Appendix 2 of the s42A Report records three further submission points[24] which have been missed from the s42A Report. All submissions supported the retention of the TREE policies as notified.

64. One submission point relating to **TREE – P1** was summarised in a Table on page 9 of the s42A Report. Appendix 2 of the s42A Report records one further submission point[25] which was omitted from the s42A Report. The submission point supported the retention of the policy as notified, and the further submission point supported Te Mana Ora's submission on the policy.

65. Three submission points and one further submission point relating to **TREE – P2** were summarised in a Table on page 9 of the s42A Report. Appendix 2 of the s42A Report records an additional further submission point[26] which was omitted from the s42A Report. One submission point supported the retention of the policy as notified. Two submission points sought an amendment to the policy. Lastly, one further submission point opposed Forest & Bird's submission on the policy, and the other further submission point supported Te Mana Ora's submission on the policy.

66. A Table on pages 9 and 10 of the s42A Report summarised two submission points supporting **TREE – P3** as notified. The s42A Report mistakenly omitted a third submission point[27] that partially supported TREE – P3 while requesting the notable trees referred to in the policy be clearly identified as being of value to Poutini Ngāi Tahu in Schedule Two.

67. Seven submission points and one further submission point relating to **TREE – P4** were summarised in a Table on page 10 of the s42A Report. Appendix 2 of the s42A Report records an additional submission point[28] and further submission point[29] which were omitted from the s42A Report. Two submission points supported the retention of the policy as notified. One submission point supported the policy while also requesting an amendment to a tenet. Five submission points sought an amendment to the policy. Lastly, the two further submissions opposed Forest & Bird's submissions on the policy.

68. A Table on pages 10 and 11 of the s42A Report summarises six submission points and two further submission points relating to **TREE – P5 but** includes an error. Waka Kotahi's submission[30] related to TREE – P6, not TREE – P5. Also, Appendix 2 of the s42A Report records an additional further submission point[31] which has been omitted from the s42A Report. The correct count is five submission points and three further submissions. Two submission points supported the retention of the policy as notified, while three sought an amendment to the policy. Two further submissions opposed BCG's and Ms Inta's submission on the policy, while the third supported Ms Inta's submission on this policy.

69. Three submission points relating to **TREE – P6** were summarised in a Table on page 11 of the s42A Report. These submissions supported the retention of the policy as notified.

[24] Ms Inger Perkins (FS33.2, FS33.3, and FS33.4)
[25] Ms Inger Perkins (FS33.9)
[26] Ms Inger Perkins (FS33.5)
[27] Te Tumu Paeroa (S440.052)
[28] Forest & Bird (S560.472)
[29] Westpower (FS222.02)
[30] Waka Kotahi (S450.073)
[31] Ms Inger Perkins (FS33.1)

70. Three submission points and two further submission points relating to **new TREE policies** were summarised in a Table on page 11 of the s42A Report. Three submission points sought a new TREE policy, and the two further submissions opposed BCG's and Ms Inta's submitted new TREE policy

71. I have considered all the relevant submissions and further submissions and have adopted the summaries in the s42A Report.

Section 42A Report

Policies (General)

72. Ms Easton acknowledged submissions[32] supporting the retention of the TREE policies as notified.

Policy 1

73. Ms Easton noted the submission[33] supporting the retention of TREE – P1 as notified.

Policy 2

74. Ms Easton noted the submission[34] supporting the retention of TREE – P2 as notified.

75. Ms Easton recommended rejecting both Westpower's and Forest & Bird submissions[35] to amend TREE – P3 as requested.

76. She was unsupportive of Westpower's request for "general" protection of notable trees, and to provide an exception for certain tree trimming, pruning, or removal. She reasoned that the policy aims to protect these trees, with their removal only to be considered in very limited circumstances where no alternative is available. She did, however, acknowledge that pruning and trimming of notable trees may be necessary.

77. She was also unsupportive of Forest & Bird's request to include "habitat" as a value, reasoning that "habitat" is not a STEM criterion, and STEM has been used to identify the notable trees.

Policy 3

78. Ms Easton acknowledged submissions[36] supporting the retention of TREE – P3 as notified.

Policy 4

79. Ms Easton noted the submissions[37] supporting the retention of TREE – P4 as notified.

80. Ms Easton recommended accepting in part Westpower's submission38. She supported adding "*or*" after "*people*;" in point (b) for clarity; including "*operation*" before "*infrastructure*" in point (c) to correct an error; and adding "*energy activities*" before "*infrastructure*" in point (c)

[32] Mr William McLaughlin (S567.151), Mr Chris and Ms Jan Coll (S558.067), Chris J Coll Surveying (S566.067), and Ms Laura Coll McLaughlin (S574.067)
[33] Te Mana Ora (S190.259)
[34] Te Mana Ora (S190.260)
[35] Westpower (S547.188) and Forest & Birds (S560.470)
[36] Ngāi Tahu (S620.110) and Te Mana Ora (S190.261)
[37] Waka Kotahi (S450.072) and Te Mana Ora (S190.262)
[38] Westpower (S547.189 and S547.190)

and (d) for consistency with the wider pTTPP. However, she was unsupportive of inserting "*critical infrastructure*" to (c) and (d), considering it redundant since the term is already covered by the broader "*infrastructure*".

81. Ms Easton recommended rejecting the submissions[39] from GDC, Chorus NZ Ltd, Spark NZ Trading Ltd, and Vodafone NZ Ltd. She was unsupportive of replacing "*operation*" with "*provision*" in point (c), as this would support notable tree trimming or pruning where infrastructure is proposed (rather than just existing infrastructure), substantially weakening the policy's protective intent.

82. In response to Forest & Bird's[40] submission to limit notable tree trimming and maintenance to periods outside of bird breeding and nesting periods, Ms Easton recommended rejecting this submission. She considered this request unreasonable and excessively onerous, as protecting the breeding and nesting periods of all bird species on the West Coast could create extensive timing restrictions for tree trimming and maintenance, especially when the trees were not scheduled specifically for their bird habitat value.

Policy 5

83. Ms Easton noted the submission[41] supporting the retention of TREE – P5 as notified.

84. Ms Easton recommended accepting the submission[42] from Ngāi Tahu supporting the retention of the policy as notified.

85. Ms Easton recommended the submissions[43] from Ms Inta, BCG, and Westpower be rejected.

86. In response to Ms Inta's and BCG's requests to delete point (e) from the policy, Ms Easton was unsupportive, considering an assessment of "whether the tree renders the site incapable of reasonable use" achieves a balance between the reasonable use of land and protecting notable trees. She noted that the policy provides a high benchmark for work within the root protection area with necessary inclusions but is not intended to be used a "loophole".

87. Ms Easton is also unsupportive of Westpower's request to add a new exception to the policy. She considered "*any technical, locational, functional or operational constraints of energy activities, including critical infrastructure*" too broad an exception, and inappropriate as it would support land development / use more than protection. She indicated that since infrastructure works most likely threaten notable trees, such an exemption would undermine the policy's protective purpose and the rationale for scheduling the trees.

Policy 6

88. Ms Easton acknowledged submissions[44] supporting the retention of TREE – P6 as notified.

New TREE policies

[39] GDC (S608.598) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.038)
[40] Forest & Bird (S560.471)
[41] Te Mana Ora (S190.263)
[42] Ngāi Tahu (S620.111)
[43] Ms Frida Inta (553.055), BCG (S552.055), and Westpower (S547.191)
[44] Waka Kotahi (S450.073), GDC (S608.599), and Te Mana Ora (S190.264)

89. Ms Easton recommended rejecting the submissions[45] from Ms Inta, BCG, and Westpower.

90. Ms Easton is unsupportive of Ms Inta's and BCG's request for a new TREE policy. She considered it ultra vires and contrary to natural justice to include and protect additional trees as notable trees through the pTTPP process, rather than through a private plan change. She indicated that affected parties should be provided with the opportunity to submit on a request to schedule a tree as a notable tree.

91. Ms Easton is also unsupportive of Westpower's[46] request for a new TREE policy providing for the removal of notable trees in relation to energy activities and critical infrastructure. She considered the proposed policy too broad and inappropriate for the same reasons as detailed in [87] above.

Hearing and Submitter Evidence

92. Despite not making a submission or further submission on the TREE policies, at the hearing Ms Inta[47] objected to Westpower's submission[48] to insert "*energy activities*" into TREE – P4 (c).

93. With regards to Westpower's proposed policy, Mr Kennedy[49]:

    (a) agreed with Ms Easton about protecting notable trees.

    (b) argued that regionally significant infrastructure needs better recognition to balance servicing the community with tree protection.

    (c) noted the rule framework already acknowledges potential conflicts between infrastructure and notable trees.

    (d) explained that Westpower's proposed policy and TREE-P2 amendments were intended to complement their proposed objective and identify constraints that may create conflicts between competing outcomes.

    (e) asserted that locational, technical, functional or operational constraints or requirements of energy activities are inappropriate policy provisions to include in the pTTPP.

94. In response to Ms Easton recommending rejection of Westpower's proposed amendments to TREE – P5, Mr Kennedy[50]:

    (a) argued the amendments would ensure consideration of locational, technical, functional or operational constraints or requirements of energy activities when balancing tree protection with servicing the community.

[45] Ms Frida Inta (S553.055), BCG (S552.055), and Westpower (FS222.016 and FS222.0128)
[46] Westpower (S547.187)
[47] Ms Frida Inta (S553), Notes for Hearing Contaminated Land, Hazardous Substances, Notable Trees, page 3, Notable Trees section
[48] Westpower (S547.190)
[49] Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.4
[50] Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.5

(b) agreed with Ms Easton that many urban trees often face protection versus servicing conflicts, noting this is already recognised by making tree removal a discretionary activity rather non-complying.

(c) emphasised that TREE – P5 determines when work is "appropriate" rather than providing for protection, making regional significant infrastructure constraints and requirements relevant considerations, especially given the acknowledged potential conflicts.

(d) distinguished TREE – P5 from TREE – P4, which "allows" certain activities.

95. Mr and Ms Coates[51] queried whether Poutini Ngāi Tahu must respect private property rights when applying TREE–P3 by obtaining landowner permission to access private land for tree assessments, and whether they are required to use STEM to identify notable trees.

Reporting Officer Reply Evidence

96. In response to my hearing queries, Ms Easton[52] advised the following.

97. Adding a new notable tree(s) to Schedule Two would require a private plan change following the standard RMA Schedule 1 process.

98. Poutini Ngāi Tahu would need to obtain landowners' permission to access private property to evaluate whether any trees are notable trees, and that a suitably qualified person would use STEM to assess and identify any notable trees.

99. Inserting "*energy activities*" in the TREE provisions is supported for clarity based on Westpower's argument because the Energy chapter is separate from the infrastructure chapter. However, the definition for "*energy activities*" and "*infrastructure*" includes the same activities.

100. It is recommended that "*including critical infrastructure*" in TREE provisions be rejected because the s42A Report for the Energy Infrastructure and Transport chapters recommended changing all "*critical infrastructure*" references to "*regionally significant infrastructure*".

101. As "*regionally significant infrastructure"* is covered by the broader "*infrastructure*" term it is unnecessary to include "*regionally significant infrastructure*" in many locations.

102. Considering the Hearing 1 discussions, it is recommended that, in all instances, only "*functional*" and "*operational*" needs be included in the TREE provisions, as these cover the "*technical*" and "*locational*" matters.

Hearing Panel's Evaluation

103. I accept Ms Easton's recommended amendments to TREE-P4 for the reasons set out within her s42A and Reply reports.

104. I agree with the reasons she provides for rejecting submissions and further submissions on this suite of policies.

[51] Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1

[52] Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, pages 1 and 2, points 5, 7, and 9 (a), (b), and (c)

105. I agree with the reasons she gives in support of rejecting submissions that sought new policies.

Hearing Panel's Recommendation

106. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Notable Tree Policies**:

Notable Tree Policies	
TREE - P4	Allow the trimming and pruning of notable trees and activities in the root protection area where the works: a. Retain or improve the health of the tree; **or** b. Are necessary to prevent a serious threat to property and people; **or** c. Are necessary for the ongoing **operation** of infrastructure **and energy activities**; or d. Are for the maintenance of network utility infrastructure **and energy activities** to enable compliance with relevant safety standards.

2.4. Notable Tree Rules

Submissions and Further Submissions

107. Four submission points relating to the TREE rules (as a whole) were summarised in a Table on page 13 of the s42A Report. All submission points supported the retention of the TREE rules as notified.

108. One submission point relating to **TREE – R1** was summarised in a Table on page 13 of the s42A Report. This submission supported the retention of the rule as notified.

109. Five submission points and one further submission point relating to TREE – R2 were summarised in a Table on page 14 of the s42A Report. Three submission points supported the retention of the rule as notified. Two submission points sought an amendment to the rule. Lastly, the further submission opposed Forest & Bird's requested amendment.

110. Five submission points and one further submission point relating to **TREE – R3** were summarised in a Table on page 14 of the s42A Report. Three submission points supported the retention of the rule as notified. Two submission points sought an amendment to the rule. Lastly, the further submission opposed Forest & Bird's requested amendment.

111. Four submission points relating to **TREE – R4** were summarised in a Table on pages 14 to 15 of the s42A Report. Two submission points supported the retention of the rule as notified, with the other two submission points seeking an amendment to the rule.

112. Five submission points relating to **TREE – R5** were summarised in a Table on page 15 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point supported in part the rule (with an amendment sought). Lastly, three submission points sought an amendment to the rule.

113. Four submission points relating to **TREE – R6** were summarised in a Table on page 15 of the s42A Report. One submission point supported the retention of the rule as notified. Three submission points sought an amendment to the rule.

114. Two submission points relating to **TREE – R7** were summarised in a Table on pages 15 and 16 of the s42A Report. Both submissions supported the retention of the rule as notified.

115. One submission point relating to **TREE – R8** was summarised in a Table on page 16 of the s42A Report. This submission supported the retention of the rule as notified.

116. I adopt the summary of these submissions and further submissions detailed in the s42A Report, and I have considered all the relevant submissions and further submissions.

Section 42A Report

Rules (General)

117. Ms Easton acknowledged submissions[53] supporting the retention of the TREE rules as notified.

TREE - R1: Permitted Activity - Gardening and Mowing in the Root Protection Area of a Notable Tree identified in Schedule Two

118. Ms Easton noted the submission[54] supporting the retention of the TREE – R1 as notified.

TREE - R2: Permitted Activity - Trimming and Maintenance of a Notable Tree identified in Schedule Two

119. Ms Easton acknowledged submissions[55] supporting the retention of TREE – R2 as notified.

120. Ms Easton recommended accepting in part Westpower's submission[56] as she supported including "*energy activities*" in conditions (1)(d), as it would be consistent with other parts of the pTTPP. However, she was unsupportive of including "critical infrastructure", considering it unnecessary as the broader "infrastructure" term already covers it.

121. In response to Forest & Bird's submission[57] to limit notable tree trimming and maintenance to periods out of bird breeding and nesting periods, Ms Easton recommended rejecting this submission for the same reasons as detailed in [82].

122. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submissions[58] from Te Mana Ora and GDC to retain TREE – R2 as notified be accepted.

123. The S42A report recommends TREE – R2 be amended as follows:

TREE – R2 Trimming and Maintenance of a Notable Tree identified in Schedule Two

Activity Status Permitted

[53] Mr William McLaughlin (S567.152), Mr Chris and Ms Jan Coll (S558.068), Chris J Coll Surveying (S566.068), Ms Laura Coll McLaughlin (S574.068) and Te Mana Ora (S190.265 to S190.275)
[54] Te Mana Ora (S190.265)
[55] Waka Kotahi (S450.074 and S450.075) and GDC (S608.600 and S608.601)
[56] Westpower (S547.192)
[57] Forest & Bird (S560.472)
[58] Te Mana Ora (S190.266) and GDC (S608.600)

Where:

1. The trimming and/or maintenance is:

    a. Necessary to improve, maintain or monitor tree health; or

    b. To enable the ongoing provision of existing infrastructure **or energy activities**; or

    c. For compliance with relevant electricity hazard regulations; or

    d. To prevent a serious threat to people or property; and

    2. A council approved arboricultural contractor has certified that the works will not compromise the ongoing integrity, viability or values of the notable tree.

TREE - R3: Permitted Activity - Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two

124. For the same reasons as detailed in [120] above, Ms Easton recommended accepting in part Westpower's submission[59] as she supported including "*energy activities*" in conditions (1)(d) but was unsupportive of including "critical infrastructure".

125. In response to Forest & Bird's submission[60] to limit root pruning within the root protection area of a notable tree to periods out of bird breeding and nesting periods, Ms Easton recommended rejecting this submission for the same reason as detailed in [82] above.

126. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submissions[61] from Te Mana Ora and GDC to retain TREE – R3 as notified be accepted.

127. The S42A report recommends TREE – R3 be amended as follows:

TREE – R3 Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two

Activity Status Permitted

Where:

1. The root pruning will not compromise the integrity, ongoing viability and values of the tree; and

2. Any machinery associated with undertaking the root pruning is only operated on top of paved surfaces or with ground protection methods used which avoid compaction of the soil around the root zone of the notable tree; and

3. The pruning is:

    a. Necessary to improve, maintain or monitor tree health; or

[59] Westpower (S547.193)
[60] Forest & Bird (S560.472)
[61] Te Mana Ora (S190.267) and GDC (S608.601)

b. To enable the ongoing provision of existing infrastructure **or energy activities**; or

c. For compliance with the relevant electricity hazard regulations; or

d. To prevent a serious threat to people or property; and

4. A council approved arboricultural contractor has certified that the work will be in accordance with 1 and 2.

TREE - R4: Restricted Discretionary Activities - Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two

128. Ms Easton noted the submission[62] supporting the retention of the TREE – R4 as notified.

129. Ms Easton recommended accepting in part Westpower's submission[63] as she supported inserting "practicable" in matter (e), considering it important to assess if alternative options can realistically be implemented. However, she was unsupportive of inserting "technical" and "locational" needs in matter (d), as "functional" and "operational" needs already encompass these considerations, which is consistent with the NZCPS and NPS. Also, she indicated that there are many exceptions throughout the pTTPP for "functional" and "operational" needs.

130. Ms Easton recommended rejecting Westpower's other submission[64] as she is unsupportive of inserting "the benefits to the community of activity occurring" as a new matter of discretion because it lacks specificity of quantity and type of benefits, providing no certain basis for assessment or evaluation.

131. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission[65] from Te Mana Ora to retain TREE – R4 as notified be accepted.

132. For clarity, Appendix 2 of the s42A Report incorrectly records the submission[66] from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd sought at amendment to TREE – R4, where it was on TREE – P4 which is correctly detailed in the Table on page 10 of the s42A Report.

133. The S42A report recommends TREE – R4 be amended as follows:

TREE – R4 Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two

Activity Status: Restricted Discretionary

Where:

1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.

Discretion is restricted to:

[62] Waka Kotahi (S450.076)
[63] Westpower (S547.194)
[64] Westpower (S547.194 and S547.195)
[65] Te Mana Ora (S190.268)
[66] Chorus NZ Ltd, Spark NZ Trading Ltd, and Vodafone NZ Ltd (S663)

a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;

b. Effects on amenity values of public places;

c. Effects on identified values of the tree/s; and

d. Whether there is an operational or functional need for the activity to be located within the root protection area; and

e. Whether any **practicable** alternatives are available to avoid the activity occurring in the root protection area.

TREE - R5: Restricted Discretionary Activities - New Underground Network Utilities and Infrastructure Within the Root Protection Area of a Notable Tree identified in Schedule Two

134. Ms Easton recommended accepting in part Westpower's submission[67] as she supported splitting matter (d) into two with revised matter (d) focused on "functional" and "operational" needs and new matter (e) focused on alternatives for avoidance to improve the readability of the rule. She also supported inserting "practicable" in the new matter (e). However, she was unsupportive of inserting "technical" and "locational" needs in revised matter (d). The reasons for these recommendations are the same as those detailed in [129] above.

135. Ms Easton recommended rejecting Westpower's submission[68] as she is unsupportive of inserting "the benefits to the community of activity occurring" as a new matter of discretion for the same reason as detailed in [130] above.

136. Ms Easton recommended accepting Westpower's submission[69] as she supported deleting matter (c) due to a duplication with preceding matter (a).

137. Ms Easton recommended accepting in part Waka Kotahi's submission[70] supporting the deletion of text from matter (d) to remove confusion from new underground network utilities and infrastructure within the root protection area of a notable tree requiring both avoidance and an assessment for avoidance. She indicated that this concern is addressed through the recommendations detailed in [134] above.

138. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission[71] from Te Mana Ora to retain TREE – R5 as notified be accepted.

139. The S42A report recommends TREE – R5 be amended as follows:

TREE – R5 New Underground Network Utilities and Infrastructure Within the Root Protection Area of a Notable Tree identified in Schedule Two

Activity Status: Restricted Discretionary

Where:

[67] Westpower (S547.197)
[68] Westpower (S547.198)
[69] Westpower (S547.196)
[70] Waka Kotahi (S450.077)
[71] Te Mana Ora (S190.269)

1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.

Discretion is restricted to:

a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;

b. Effects on amenity values of public places;

~~c. Effects on identified values of the tree/s; and~~

~~d~~**c.** Whether there is an operational or functional need for the activity to be located within the root protection area; and~~/or~~

d. Whether any **practicable** alternatives are available to avoid the activity occurring in the root protection area.

TREE - R6: Restricted Discretionary Activities - Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity Standards

140. Ms Easton recommended accepting in part Westpower's submission[72] as she supported splitting matter (d) into two with revised matter (d) focused on "functional" and "operational" needs and new matter (e) focused on alternatives for avoidance. She also supported inserting "practicable" in the new matter (e). However, she is unsupportive of inserting "technical" and "locational" needs in revised matter (d). The reasons for these recommendations are the same as those detailed in [129] and [134] above.

141. Ms Easton recommended rejecting Westpower's submission[73] as she was unsupportive of inserting "the benefits to the community of activity occurring" as a new matter of discretion for the same reasons as detailed in [130] above.

142. Ms Easton recommended accepting Westpower's submission[74] that matter (c) be deleted for the same reasons as detailed in [136] above.

143. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission[75] from Te Mana Ora to retain TREE – R6 as notified be accepted.

144. The S42A report recommends TREE – R6 be amended as follows:

TREE – R6 Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity standards.

Activity Status: Restricted Discretionary

Where:

[72] Westpower (S547.200)
[73] Westpower (S547.201)
[74] Westpower (S547.199)
[75] Te Mana Ora (S190.270)

1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.

Discretion is restricted to:

a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;

b. Effects on amenity values of public places;

~~c. Effects on identified values of the tree/s; and~~

~~d~~**c.** Whether there is an operational or functional need for the activity to be located within the root protection area; and~~/or~~

d. Whether any **practicable** alternatives are available to avoid the activity occurring in the root protection area.

TREE - R7: Discretionary Activities - Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards

145. Ms Easton noted the submission[76] supporting the retention of the TREE – R7 as notified.

146. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission[77] from Te Mana Ora to retain TREE – R7 as notified be accepted.

TREE - R8: Discretionary Activities - Removal, Partial Removal or Destruction of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards

147. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission[78] from Te Mana Ora to retain TREE – R8 as notified be accepted.

Hearing and Submitter Evidence

148. Despite not making a submission or further submission on the TREE rules, at the hearing Ms Inta[79] objected to Westpower's submission[80] to insert "energy activities" into TREE – R2 (b) and TREE – R3 (b).

149. In response to Ms Easton's recommendation to reject or reject in part Westpower's amendments to TREE – R4, TREE – R5, TREE – R6, Mr Kennedy[81] indicated that the constraints or requirements of energy activities are relevant matters to be included, particularly for linear infrastructure.

150. Mr Kennedy[82]

[76] Westpower (S547.202)
[77] Te Mana Ora (S190.271)
[78] Te Mana Ora (S190.272)
[79] Ms Frida Inta (S553) Notes for Hearing Contaminated Land, Hazardous Substances, Notable Trees, page 3, Notable Trees section
[80] Westpower (S547.192 and S547.193)
[81] Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, sections 8.6 to 8.8
[82] Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.6

(a) disagreed with Ms Easton's recommended rejection of amendments to TREE – R4 regarding community benefits, arguing they relate to regionally significant infrastructure which is recognised as significant for the community.

(b) raised that TREE – R4 (i.e., building activities within the root protection area of a notable tree) is a restricted discretionary activity and does not provide for tree removal (a discretionary activity).

(c) suggested the rule could be reworded to specifically reference benefits of "*energy activities*", "*infrastructure*", and "*regionally significant infrastructure*" if more focus was needed.

151. Mr and Ms Coates[83] asked whether TREE – R8 applies to Poutini Ngāi Tahu, such as when felling a culturally significant tree (i.e., holds cultural value for carving purposes) for carving purposes.

Reporting Officer Reply Evidence

152. In response to my hearing queries, Ms Easton[84] advised the following.

(a) Inserting "*energy activities*" in the TREE rules is supported for clarity because the Energy chapter is separate from the infrastructure chapter. However, the definition for "*energy activities*" and "*infrastructure*" include the same activities.

(b) Reject "*including critical infrastructure*" in TREE rules because other s42A Reports have recommended changing this term to "*regionally significant infrastructure*" for the same reasons as detailed in [100] above.

(c) "*Regionally significant infrastructure*" is covered by the broader "*infrastructure*" term making is unnecessary in many locations.

(d) Considering the Hearing 1 discussions, recommended that in all instances only "*functional*" and "*operational*" needs should be included in the TREE provisions, considering it covers the "*technical*" and "*locational*" matters.

153. In response to Westpower's hearing evidence, Ms Easton[85] indicated she may support adding a new matter of discretion to TREE – R4 specifically for the benefits of regionally significant infrastructure to align with the WCRPS direction, while maintaining her opposition to the broader, less defined "the benefits to the community of the activity occurring" phrase.

Hearing Panel's Evaluation

154. I generally agree with Ms Easton's recommended amendments to the Rules as sought by various submitters in their submissions and further submissions concerning the TREE Chapter.

155. I note that some of the rules include the wording "*council-approved arboricultural contractor*", and an advice note is provided to elaborate on how the council will determine the suitability

[83] Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1
[84] Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 1, points 3, 4, and 9 (a), (b), and (c)
[85] Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 2, point 8

of the contractor. In my view, to ensure consistency of plan provisions, the advice note should be included in every rule that provides for wording relating to the arboricultural contractor.

156. I disagree with Ms Easton's Reply on TREE-R4. I consider that a matter of discretion should be focused on avoiding, remediating, or mitigating the adverse effects of an activity or the positive effects or benefits of that same activity, as opposed to being focused on benefits ultimately from an associated activity. Any benefit to the community from regionally significant infrastructure within the root protection area of a notable tree would instead be considered at the RMA Section 104 stage. Consequently, I recommend Westpower's submissions (S547.194, S547.198, and S547.201) should be rejected.

157. I suggest some minor amendments to the heading of TREE-R5 to enable the rule to apply to:

(a) all works associated with network utilities and infrastructure, including any associated buildings / structures not specified in the definitions and maintenance; and

(b) both underground and aboveground works, noting that a Root Protection Area also extends above the ground, particularly for columnar crowns.

158. I consider that clause 16(2) of Schedule 1 of the RMA enables me to make these amendments, as they will improve rule clarity, and capture above-ground network utilities and infrastructure works within the root protection area, noting the root protection area is also above-ground, which would otherwise be a Permitted Activity.

Hearing Panel's Recommendation

159. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Notable Tree Rules**:

<table>
<tr><th colspan="3">Notable Tree Rules</th></tr>
<tr><td colspan="3">Note: There may be several Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.</td></tr>
<tr><th colspan="3">Permitted Activities</th></tr>
<tr><th>Tree – R2</th><th colspan="2">Trimming and Maintenance of a Notable Tree identified in Schedule Two</th></tr>
<tr><td colspan="2">Activity Status Permitted

Where:

1. The trimming and/or maintenance is:

a. Necessary to improve, maintain or monitor tree health; or

b. To enable the ongoing provision of existing infrastructure <u>or energy activities</u>; or</td><td>Activity status where compliance not achieved: Restricted Discretionary</td></tr>
</table>

c. For compliance with relevant electricity hazard regulations; or d. To prevent a serious threat to people or property; and 2. A council approved arboricultural contractor has certified that the works will not compromise the ongoing integrity, viability or values of the notable tree. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** 2. **Whether the contractor has significant experience in tree pruning of the type proposed.**	
Tree – R3	**Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two**
Activity Status Permitted Where: 1. The root pruning will not compromise the integrity, ongoing viability and values of the tree; and 2. Any machinery associated with undertaking the root pruning is only operated on top of paved surfaces or with ground protection methods use which avoid compaction of the soil around the root zone of the notable tree; and 3. The pruning is: a. Necessary to improve, maintain or monitor tree health; or b. To enable the ongoing provision of existing infrastructure **or energy activities**; or c. For compliance with the relevant electricity hazard regulations; or d. To prevent a serious threat to people or property; and	**Activity status where compliance not achieved:** Restricted Discretionary

4. A council approved arboricultural contractor has certified that the work will be in accordance with 1 and 2. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** 2. **Whether the contractor has significant experience in tree pruning of the type proposed.**	
Restricted Discretionary Activities	
Tree – R4	**Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two**
Activity Status: Restricted Discretionary Where: 1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** **2. Whether the contractor has significant experience in tree pruning of the type proposed.** **Discretion is restricted to:** a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; b. Effects on amenity values of public places; ~~c. Effects on identified values of the tree/s; and~~ c. Whether there is an operational or functional need for the activity to be located within the root protection area; and	**Activity status where compliance not achieved**: Discretionary

d. Whether any **practicable** alternatives are available to avoid the activity occurring in the root protection area.	
Tree – R5	**Works for new and existing ~~Underground~~ Network Utilities and Infrastructure Within the Root Protection Area of a Notable Tree identified in Schedule Two**
Activity Status: Restricted Discretionary Where: 1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** **2. Whether the contractor has significant experience in tree pruning of the type proposed.** **Discretion is restricted to:** a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; b. Effects on amenity values of public places; ~~c. Effects on identified values of the tree/s; and~~ ~~d~~**c**. Whether there is an operational or functional need for the activity to be located within the root protection area; and~~or~~ d. ~~w~~**W**hether any **practicable** alternatives are available to avoid the activity occurring in the root protection area.	**Activity status where compliance not achieved:** Discretionary
Tree – R6	**Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity standards.**
Activity Status: Restricted Discretionary Where:	**Activity status where compliance not achieved:** Discretionary

1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** **2. Whether the contractor has significant experience in tree pruning of the type proposed.** **Discretion is restricted to:** a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; b. Effects on amenity values of public places; and ~~c. Effects on identified values of the tree/s; and~~ ~~d~~**c**. Whether there is an operational or functional need for the activity to be located within the root protection area; and~~or~~ **d.** ~~w~~**W**hether any **practicable** alternatives are available to avoid the activity occurring in the root protection area.	

2.5. Schedule Two

Submissions and Further Submissions

160. 10 submission points relating to Schedule Two were summarised in a Table on pages 17 and 18 of the s42A Report. Appendix 2 of the s42A Report records two further submission points (FS1.052 and FS1.061) which have been missed from the s42A Report.

161. Six submission points supported retaining Schedule Two as notified. Two submission points supported retaining Schedule Two in part. The remaining two submission points sought amendments to Schedule Two. The two further submission points supported Ms Mills' and Ms Langridge's submission in part.

162. I adopt the summary of these submissions and further submissions detailed in the s42A Report, and I have considered all the relevant submissions and further submissions.

Section 42A Report

163. Ms Easton recommended accepting the submission[86] from Te Tumu Paeroa to clearly identify notable trees of value to Poutini Ngāi Tahu in Schedule Two. She reasoned that Schedule Two may fail to clearly articulate that specific trees hold cultural significance to Poutini Ngāi Tahu. Therefore, she recommended amending Schedule Two by replacing "*Cultural*" with "*Poutini Ngāi Tahu Values*" as a value of TREE27, TREE58, and TREE59.

164. Ms Easton recommended rejecting the submission[87] from Ms Langridge to amend Schedule Two to protect specific rata trees in Barrytown, including on Ms Langridge's property. She reasoned that TTPP staff assessed the identified trees using STEM, and none of those trees met the threshold for inclusion in the pTTPP.

165. Lastly, Ms Easton recommended accepting in part the submission[88] from Ms Mills to include specific trees at Coronation Reserve and Dixon Park in Schedule Two. She reasoned that TTPP staff reviewed the existing trees in both locations, and did not consider any additional trees (except for TREE29 to TREE37) should be included in Schedule Two.

Hearing and Submitter Evidence

166. Mr and Ms Coates[89] queried at the hearing:

(a) whether a plan change would be required to add, remove, or alter a notable tree to / from Schedule Two.

(b) if a plan change is required, what the plan change process involved.

167. For clarity, page 2 of Mr and Ms Coates hearing statement copies the Notable Trees section from pages 5 and 6 of the s32 Report, rather than presenting their own views.

Reporting Officer Reply Evidence

168. In response to my hearing query, Ms Easton[90] advised that altering Schedule Two (i.e., changing notable aspects for TREE27, TREE58, and TREE59) or adding new notable trees to the schedule **would** require a private plan change following the standard RMA Schedule 1 process.

Hearing Panel's Evaluation

169. For the reasons set out in Ms Easton's s42A Report and Reply, I agree with her recommendations accepting the submission[91] from Te Tumu Paeroa to clearly identify notable trees of value to Poutini Ngāi Tahu in Schedule Two. In detail she recommended amending Schedule Two by replacing "*Cultural*" with "*Poutini Ngāi Tahu Values*" as a value of TREE27, TREE58, and TREE59.

170. As well, I agree with Ms Easton's recommendations accepting in part the submission[92] from Ms Mills to include specific trees at Coronation Reserve and Dixon Park in Schedule Two

[86] Te Tumu Paeroa (S440.052 and S440.016)
[87] Ms Langridge (S252.005)
[88] Ms Mills (S309.005)
[89] Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1
[90] Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 1, point 5
[91] Te Tumu Paeroa (S440.052 and S440.016)
[92] Ms Mills (S309.005)

because TTPP staff reviewed the existing trees in both locations, and did not consider that any additional trees (except for TREE29 to TREE37) should be included in Schedule Two.

Hearing Panel's Recommendation

171. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Schedule Two: Notable Trees - Te Rārangi Tuarua: Ngā Rākau Whamaumahara**:

Schedule Two: Notable Trees **Te Rārangi Tuarua: Ngā Rākau Whamaumahara**

SCHED2 - SCHEDULE OF NOTABLE TREES		
Unique Identifier	**Site Identifier**	**Tree Type and Values**
	Grey District	
TREE27	SH6 (seaward side) Kararoa	Karaka group (Corynocarpus laevigatus) **Poutini Ngāi Tahu Values** ~~Cultural~~
	Westland District	
TREE58	Old pa site, Makaawhio/Jacobs River True left	Grove of Kowhai (Sophora sp.) **Poutini Ngāi Tahu Values** ~~Cultural~~
TREE59	Makaawhio/Jacobs Riverbank True right	Kahikatea (Dacrocarpus dacridioides) **Poutini Ngāi Tahu Values** ~~Cultural~~

Paul Rogers



Hearings Panel - Chair

Date: Monday 23 June 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Notable Tree Objectives	
TREE – O1	To recognise the botanical, aesthetic, cultural or historic value of notable trees.
TREE – O2	To provide for tino rangatiratanga in relation to management of notable trees of value to Poutini Ngāi Tahu.
TREE – O3	To provide for the protection of notable trees while recognising instances where trimming and/or pruning is required **where this:**[93] a. ~~and~~ [94]may improve the health of the tree, or b. **is needed for safety reasons including the safe operation of infrastructure and energy activities; and recognise there may be** instances where removal of the tree is unavoidable due to safety **requirements**[95].

Notable Tree Policies	
TREE – P1	Identify, assess using the Standard Tree Evaluation Method (STEM) and protect notable trees, in partnership with Poutini Ngāi Tahu and in consultation with the community and key stakeholders.
TREE – P2	Trees identified in Schedule Two with notable botanical, aesthetic, cultural or historic value are protected.
TREE – P3	Enable opportunities for mana whenua to exercise tino rangatiratanga for notable trees of value to Poutini Ngāi Tahu.
TREE – P4	Allow the trimming and pruning of notable trees and activities in the root protection area where the works: a. Retain or improve the health of the tree; **or**[96] b. Are necessary to prevent a serious threat to property and people; **or**[97] c. Are necessary for the ongoing **operation** [98]of infrastructure **and energy activities**[99]; or d. Are for the maintenance of network utility infrastructure **and energy activities** [100]to enable compliance with relevant safety standards.

[93] Clause 16(2) of Schedule 1 RMA
[94] Clause 16(2) of Schedule 1 RMA
[95] Waka Kotahi (S450.071), GDC (S608.597), and Westpower (S547.186)
[96] Westpower (S547.189)
[97] Clause 16(2) of Schedule 1 RMA
[98] Westpower (S547.190), GDC (S608.598) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.038)
[99] Westpower (S547.189)
[100] Westpower (S547.189)

TREE – P5	Ensure that any activity within the root protection area of a notable tree is appropriate having regard to: a. The values of the tree and its setting; b. If the tree is identified for cultural values, the outcomes of any discussion with and/or assessment undertaken by Poutini Ngāi Tahu; c. Whether the activity will compromise the tree's health or result in a reduction or loss of its values; d. The impact of the activity on the stature, form or shape, health and vigour, structural integrity and life expectancy of the tree; and e. Whether the tree renders a site incapable of reasonable use.
TREE – P6	The partial or full removal or destruction of an unsafe or structurally unsound notable tree will only be allowed where it has been certified as such by a Council approved arboricultural contractor.

Notable Tree Rules		
Note: There may be several Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.		
Permitted Activities		
Tree – R1	**Gardening and Mowing in the Root Protection Area of a Notable Tree identified in Schedule Two**	
Activity Status Permitted Where: 1. The ground level is not altered; and 2. The protected root zone is not damaged.		**Activity status where compliance not achieved:** Restricted Discretionary
Tree – R2	**Trimming and Maintenance of a Notable Tree identified in Schedule Two**	
Activity Status Permitted Where: 1. The trimming and/or maintenance is: a. Necessary to improve, maintain or monitor tree health; or		**Activity status where compliance not achieved:** Restricted Discretionary

b. To enable the ongoing provision of existing infrastructure **or energy activities**[101]; or c. For compliance with relevant electricity hazard regulations; or d. To prevent a serious threat to people or property; and 2. A council approved arboricultural contractor has certified that the works will not compromise the ongoing integrity, viability or values of the notable tree. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** 2. **Whether the contractor has significant experience in tree pruning of the type proposed.**[102]	
Tree – R3	**Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two**
Activity Status Permitted Where: 1. The root pruning will not compromise the integrity, ongoing viability and values of the tree; and 2. Any machinery associated with undertaking the root pruning is only operated on top of paved surfaces or with ground protection methods use which avoid compaction of the soil around the root zone of the notable tree; and 3. The pruning is: a. Necessary to improve, maintain or monitor tree health; or b. To enable the ongoing provision of existing infrastructure **or energy activities**[103]; or	**Activity status where compliance not achieved:** Restricted Discretionary

[101] Westpower (S547.192)
[102] Clause 16(2) of First Schedule of RMA
[103] Westpower (S547.193)

c. For compliance with the relevant electricity hazard regulations; or d. To prevent a serious threat to people or property; and 4. A council approved arboricultural contractor has certified that the work will be in accordance with 1 and 2. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** 2. **Whether the contractor has significant experience in tree pruning of the type proposed.**[104]	
Restricted Discretionary Activities	
Tree – R4 | **Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two**	
Activity Status: Restricted Discretionary Where: 1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** **2. Whether the contractor has significant experience in tree pruning of the type proposed.**[105] **Discretion is restricted to:** a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;	**Activity status where compliance not achieved**: Discretionary

[104] Clause 16(2) of First Schedule of RMA
[105] Clause 16(2) of First Schedule of RMA

b. Effects on amenity values of public places; ~~c. Effects on identified values of the tree/s; and~~[106] c. Whether there is an operational or functional need for the activity to be located within the root protection area; and d. Whether any **practicable** [107]alternatives are available to avoid the activity occurring in the root protection area.	
Tree – R5	**Works for new and existing ~~Underground~~ [108]Network Utilities and Infrastructure Within the Root Protection Area of a Notable Tree identified in Schedule Two**
Activity Status: Restricted Discretionary Where: 1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** **2. Whether the contractor has significant experience in tree pruning of the type proposed.**[109] **Discretion is restricted to:** a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; b. Effects on amenity values of public places; ~~c. Effects on identified values of the tree/s; and~~[110]	**Activity status where compliance not achieved:** Discretionary

[106] Clause 16(2) of First Schedule of RMA
[107] Westpower (S547.194)
[108] Clause 16(2) of First Schedule of RMA
[109] Clause 16(2) of First Schedule of RMA
[110] Westpower (S547.196)

c. Whether there is an operational or functional need for the activity to be located within the root protection area; and~~/or~~[111] d. ~~w~~**W**[112]hether any **practicable** [113]alternatives are available to avoid the activity occurring in the root protection area.	
Tree – R6	**Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity standards.**
Activity Status: Restricted Discretionary Where: 1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. **Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:** **1. Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.** **2. Whether the contractor has significant experience in tree pruning of the type proposed.** [114] **Discretion is restricted to:** a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; b. Effects on amenity values of public places; ~~c. Effects on identified values of the tree/s; and~~[115] c. Whether there is an operational or functional need for the activity to be located within the root protection area; and~~/or~~[116]	**Activity status where compliance not achieved:** Discretionary

[111] Clause 16(2) of First Schedule of RMA
[112] Clause 16(2) of First Schedule of RMA
[113] Westpower Limited (S547.197)
[114] Clause 16(2) of First Schedule of RMA
[115] Westpower (S547.199)
[116] Clause 16(2) of First Schedule of RMA

d. ~~w~~**W**[117]hether any **practicable** [118]alternatives are available to avoid the activity occurring in the root protection area.	
Discretionary Activities	
TREE - R7	**Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
TREE - R8	**Removal, Partial Removal or Destruction of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A

Schedule Two: Notable Trees

Te Rārangi Tuarua: Ngā Rākau Whamaumahara

SCHED2 - SCHEDULE OF NOTABLE TREES		
Unique Identifier	**Site Identifier**	**Tree Type and Values**
	Grey District	
TREE27	SH6 (seaward side) Kararoa	Karaka group (Corynocarpus laevigatus) **Poutini Ngāi Tahu Values** ~~Cultural~~[119]
	Westland District	
TREE58	Old pa site, Makaawhio/Jacobs River True left	Grove of Kowhai (Sophora sp.) **Poutini Ngāi Tahu Values** ~~Cultural~~[120]

[117] Clause 16(2) of First Schedule of RMA
[118] Westpower (S547.200)
[119] Te Tumu Paeroa (S440.052 and S440.016)
[120] Te Tumu Paeroa (S440.052 and S440.016)

TREE59	Makaawhio/Jacobs Riverbank True right	Kahikatea (Dacrocarpus dacridioides) **<u>Poutini Ngāi Tahu Values</u>** ~~Cultural~~[121]

[121] Te Tumu Paeroa (S440.052 and S440.016)

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic 15

Open Space Zone - Te Takiwā Pōaha

Hearing Dates: 3 and 4 July 2024

HEARING PANEL

Dean Chrystal

Anton Becker

Paul Rogers

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan ('**pTTPP**' or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Open Space and Recreational Zones ('**OSRZ**'), Natural Open Space Zone ('**NOSZ**'), Open Space Zone ('**OSZ**'), and Sport and Active Recreation Zone ('**SARZ**') chapters of the Zones section in Part 3 – Area-Specific Matters of pTTPP.

3. This Recommendation Report contains our evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the OSRZ, NOSZ, OSZ, and SARZ chapters.

4. The Section 32 Report[1] on OSRZ ('**s32 Report**') provided an evaluation of the options relating to managing the three Open Space and Recreational Zones through the pTTPP, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The evaluation concluded that, compared to a modified status quo zoning approach or status quo designation approach, the OSRZ, NOSZ, OSZ, and SARZ provisions represents the most appropriate means of achieving the OSRZ objectives of the pTTPP.

5. Some 338 submission points and 65 further submission points were received in total on the OSRZ, NOSZ, OSZ, and SARZ chapters and relevant definitions.

6. The Section 42A Officer's Report[2] ('**s42A Report**'), authored by Ms. Lois Easton, a principal planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report summarised the submissions and further submissions received, and relief sought. It analysed the submissions on the OSRZ, NOSZ, OSZ, and SARZ provisions, and detailed recommendations (summarised in **Appendix 1** of the s42A Report). It also indicated whether individual submission points and further submission points were recommended to be accepted/accepted in part/rejected (see **Appendix 2** of the s42A Report).

7. The matters raised by submitters and further submitters were grouped in the s42A Report in relation to each of the following key issues:

   (a) Definitions.

   (b) Open Space and Recreation Zones topic as a whole.

   (c) Open Space and Recreation Zones overview section and chapter.

   (d) Objectives.

[1] Section 32 Evaluation Report Ten Open Space and Recreation Zones Ngā Mokowā Pōaha me ngā Takiwā Hākinakina and Public Access Te Āheinga Tūmatanui

[2] Section 42A Officer's Report Open Space and Recreation Zones - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina

(e) Policies.

(f) NOSZ chapter.

(g) OSZ chapter.

(h) SARZ chapter; and

(i) Zoning maps.

8. A s32AA evaluation for all recommended amendments was provided at the end of the s42A Report.

9. After the hearing, Ms. Easton provided a Right of Reply ('**Right of Reply**') dated 15 August 2024.

10. This Recommendation Report follows the same structure of the s42A Report and provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter statement or evidence and the Right of Reply, before providing my evaluation and recommendation.

11. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified pTTPP provisions (attached as **Appendix 1** to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision and records all my recommended amendments (additions and deletions) to the notified pTTPP provisions. The tracked change version of the pTTPP shows my recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the pTTPP, the tracked change version of the pTTPP shown in **Appendix 1** of this Report must prevail.

12. This Recommendation Report contains the reasons for our recommendations. These comprise either adoption of the reasoning and recommendations of the original s42A Reports or the Right of Reply, or a specific reasoning.

13. Where we recommend the pTTPP provisions should remain as notified, it is because:

(a) We have adopted the reasoning and recommendation of the s42A Report or the Right of Reply to retain the provision as notified; or

(b) We have recommended to retain the provision as notified for reasons set out in this Recommendation Report.

14. Where there is a recommended change to a notified provision of the pTTPP, it is because:

(a) We have recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

(b) We have adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

(c) We have adopted the reasoning and recommendation to that recommended in the Right of Reply; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

15. Where there may be a different recommendation between the s42A Report and the Right of Reply (i.e., the Reporting Officer's recommendation has changed as a result of hearing the statement or evidence of submitters), unless the recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply has been adopted and it must be taken to prevail.

16. If there are circumstances where we consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, NPS and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

17. If any changes are recommended to the provisions (since the s32A Report was completed) a further evaluation, if required, has been undertaken pursuant to s32AA of the RMA. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

18. Clause 16(2) of Schedule 1 of the RMA enables us to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. Any such minor amendments are recorded in the recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (**Appendix 1** of this Report).

1.2. Terminology in this Report

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

Bathurst Group	Bathurst Resources Limited and BT Mining Limited
Birchfield Group	Birchfield Ross Mining Limited and Birchfield Coal Mines Ltd
BCG	Buller Conservation Group
BDC	Buller District Council
BDL	Ball Developments Ltd
BCML	Birchfield Coal Mines Ltd
BRML	Birchfield Ross Mining Limited
CMS	Conservation Management Strategy
Councils	Buller District Council, Grey District Council, and Westland District Council
DOC	Department of Conservation
Director General	Director General of Conservation

Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MOE	Te Tāhuhu o ta Mātauranga Ministry of Education
NTCSA	Ngāi Tahu Claims Settlement Act 1998
NZMCA	New Zealand Motor Caravan Association
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-IB	National Policy Statement for Indigenous Biodiversity
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZAAA	New Zealand Agricultural Aviation Association
NZCPS	New Zealand Coastal Policy Statement 2010
NZCCL	New Zealand Coal & Carbon Limited
OSMP	Open Space Management Plan
Planning Standards	National Planning Standards
PML	Phoenix Minerals Limited
REG	Renewable Electricity Generation
RMA or the Act	Resource Management Act 1991
RMP	Reserve Management Plan
RNZ	Radio New Zealand Limited
RSI	Regionally Significant Infrastructure
SASM	Site or Area of Significance to Māori
SEL	Skyline Enterprises Limited
Te Mana Ora	Te Mana Ora (Community and Public Health) of Te Whatu Ora (Health New Zealand)
Terra Firma	Terra Firma Mining Ltd
The Dunn, Boon, Preston, and Rogers group	Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, and Jane & Mike Rogers
The Findlays	Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd

TiGa	TiGa Minerals and Metals Limited
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WCRPS	West Coast Regional Policy Statement
WDC	Westland District Council
Westpower	Westpower Limited
WMS	WMS Group (HQ) Limited and WMS Land Co. Limited
WRCI	Westport Rifle Club Incorporated

1.3. Hearing Arrangements

20. The hearing was held via Audio Visual over 3 and 4 July 2024. Some submitters appeared by internet connection while others joined in person.

1.4. Appearances

21. The following submitters appeared at the hearing:

    (a) Ms Rachael Pull, planner on behalf of Ngāi Tahu (S620 and FS41);

    (b) Ms Christina Sheard and Mr Joshua Leckie legal counsel, Claire Hunter planner and Mr Campbell Robertson on behalf of Bathurst Group (S491 and FS89);

    (c) Ms Nicky Snoyink on behalf of Forest & Bird (S560 and FS34);

    (d) Ms Frida Inta (S553) for herself and on behalf of BCG (S552);

    (e) Mr Andrew Beaumont for himself (S225);

    (f) Messrs Matt Pemberton and Geoff Deavoll on behalf of the Director General (S602 and FS122);

    (g) Mr Martin Kennedy planner on behalf of Westpower (FS222);

    (h) Ms Lucy Smith on behalf of Terra Firma (S537 and FS108); and

1.5. Submitter correspondence

22. In lieu of presenting at the hearing, the TTPP Panel received a letter from:

    (a) KiwiRail on 5 June 2024.

    (b) Chapman Tripp, counsel for RNZ, on 19 June 2024; and

    (c) Ms Daly Williams on behalf of the MoE on 4 July 2024.

1.6. Overview of submitter evidence received

23. Evidence was circulated prior to and tabled at the hearing from:

    (a) Ms Stephanie Styles, on behalf of Manawa (S438) dated 29 May 2024.

24. For those appearing at the hearing the following evidence and/or statements were received:

    (a) Ms Smith, on behalf of Terra Firma (S537 and FS108) dated 5 June 2024;

    (b) Ms Sheard and Mr Leckie, counsel for Bathurst Group (S491 and FS89) dated 19 June 2024;

    (c) Ms Hunter, on behalf of Bathurst Group (S491 and FS89) dated 5 June 2024;

    (d) Mr Pemberton, counsel for the Director General (S602 and FS122);

    (e) Mr Deavoll, on behalf of Director General (S602 and FS122) dated 5 June 2024;

    (f) Mr Kennedy, on behalf of Westpower (FS222) dated 5 June 2024;

    (g) Ms Pull, on behalf of Ngāi Tahu (S620 and FS41) dated 14 June 2024; and

1.7. Right of Reply

25. Ms. Easton provided a Right of Reply responding to questions raised at the hearing and proposing further amendments beyond those recommended in the s42A Report.

1.8. Procedural Steps and Issues

26. No procedural matters were raised at the hearing.

1.9. Site Visits

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

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

28. Part 3 - Area-Specific Matters - Te Wāhanga 3 - Ngā Take a Ia Rohe of the pTTPP contains a Zones - Ngā Takiwā section. The Zones section contains the subsection Open Space and Recreation Zones - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina. That subsection contains four chapters, being the OSRZ, NOSZ, OSZ, and SARZ chapters. The OSRZ chapter contains objectives and policies for the three open space zones, i.e., NOSZ, OSZ, and SARZ. Whereas the NOSZ, OSZ, and SARZ chapters each contain rules to manage activities within their respective zone, and activity specific standards with the Permitted Activity rules.

29. The s32 Report outlined the relevant statutory considerations for open space and recreation land. That included matters from sections 6, 7 and 8 of the RMA, NPS-FM, Planning Standards, WCRPS, iwi management plans, Reserves Act 1977, Walking Access Act 2008, and Conservation Act 1987, relevant to the OSRZ chapters, and broadly discussed these considerations too[3].

30. The s32 Report[4] indicated that there are three iwi management plans, i.e., Te Rūnanga o Makaawhio Pounamu Management Plan, Ngāti Waewae Pounamu Management Plan, and Lake Māhinapua Management Plan. It[5] noted that while these documents focus on specific issues, they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources, and Poutini Ngāi Tahu values.

31. Clause 10 of Schedule 1 of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation. References to relevant submissions are made in the footers.

32. The Planning Standards mandatory direction 5.23 states the NOSZ should either be placed in the Rural Zone or OSRZ chapter of the pTTPP. Mandatory direction 5.20 indicates that the NOSZ, OSZ, and SARZ should sit under the OSRZ chapter of the pTTPP. I am satisfied the pTTPP structure is consistent with these national directions.

33. As background in her summary statement Ms Easton clarified that:

    (a) The Councils do not have any strategic documents or plans for parks and open space to provide context for policy development for the pTTPP. Buller and Grey District Councils owned or managed reserves were subject to Designations, whereas there was no specific management approach for Westland District Council owned or managed reserves;

    (b) Parks or open spaces in the region were generally zoned the same as the surrounding area. In the first instance, it was considered whether the OSZ was appropriate, being the most generic of the three zones. Sportsfields and other active recreation sites were generally zoned SARZ. Outside of the DoC lands, very few sites were zoned NOSZ; and

    (c) The Councils held limited information to make zoning decisions on DoC lands, so DoC lands were largely zoned OSZ, except for National Parks which are zoned NOSZ. It was recognised this approach would mainly impact on concessionaires and third parties rather than DoC activities.

[3] Above n 1, sections 1.2.2 to 1.2.6
[4] Above n 1, section 1.2.5
[5] Above n 4

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

34. Four submission points and one further submission points[6] relating to **Definitions** were summarised in a Table on pages 11 and 12 of the s42A Report. All submission points sought an amendment to the definition of a term, and the further submission point opposed Forest & Birds submission.

35. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

36. Ms Easton recommended rejecting BCG's request (S552.223) to insert the term 'Reserve' and associated definition in the chapter. She reasoned it unnecessary because this term is not used in the OSRZ topic and would require the pTTPP to distinguish reserves for public purpose from road reserves or other types of reserves.

37. Ms Easton recommended rejecting the request from BCG and Ms Inta (S552.225 and S553.212 respectively) to amend the term 'Parks Facilities' to include several elements listed in the 'Parks Furniture' term and subsequently remove those same elements from 'Parks Furniture'. She reasoned that these terms relate to differing scale of facilities, i.e., low impact facilities are 'Parks Furniture' whereas more significant facilities are 'Parks Facilities'.

38. Regarding Forest & Bird's request (S560.072) to amend the Open Space Management Plan (OSMP) definition to limit its considerations to areas and activities outside the NOSZ and overlays and outside areas of significant indigenous biodiversity, Ms Easton recommended accepting in part both the submission. She reasoned that the term should be retained, but not be excluded from specific zones, overlays, or areas because an OSMP is likely to be more specific to the reserve than region-wide provisions.

Hearing and Submitter Evidence

Ms Frida Inta and Buller Conservation Group

39. In the statement for herself and on behalf of BCG, in response to Ms Easton's conclusion detailed in [36], Ms Inta indicated the term "Reserve" is widely used in the pTTPP, she cited various examples. She suggested the Reserves Act covers most reserves, including road reserve, so a further definition for road reserve would not be needed. She mentioned a definition for "Reserve" would be applicable to the zone, Natural Environment Values, and General District-Wide Matters chapters. Consequently, Ms Inta suggested the following "Reserve" term and definition be included in the pTTPP, with this being the same definition included in the Buller District Plan.

Reserve

[6] BCG (S552.223 and S552.225), Ms Frida Inta (S553.212), Forest & Bird (S560.072) and BDC (FS149.067)

Any land set apart for any public purpose, as defined in the Reserves Act 1977. There are different types of reserves administered by the Department of Conservation and the word 'reserves' in this Plan can refer to these reserves.

Reporting Officer Reply Evidence

40. Ms Easton indicated "Reserve" references in the OSRZ chapter relate to the "Reserves Act 1977", she listed other "Reserve" references throughout the pTTPP (i.e., esplanade reserve, Reserves Act, native reserve, Māori reserve, and road reserve). She considered defining "Reserve" unnecessary for the OSRZ topic, reasoning that a generic definition would not aid plan interpretation given there are many reserve types, some of which are established under different Acts.

41. Ms Easton indicated there is scope within the Director General's submission (S602.001) to amend the OSMP definition to insert a reference to the Conservation Management Strategy as illustrated below. She highlighted her support for such an amendment:

*means a Reserve Management Plan or Conservation Management Plan **or Conservation Management Strategy** or National Park Management Plan or Iwi/Papatipu Rūnanga Management Plan or other Management Plan prepared in accordance with the Reserves Act 1977 or the Conservation Act 1987.*

Hearing Panel's Evaluation

42. The Panel agree with Ms Easton's recommendation that no changes to be made to the definitions of "Park facilities" and "Parks Furniture" as there are different scales of facilities included in the definition and Parks Furniture is a low impact facility compared to other Park Facilities which are more significant.

43. The Panel accept Ms Easton's recommendation to amend the definition of OSMP based on the Director General's submission and include Conservation Management Strategy. We consider this is an appropriate amendment.

Hearing Panel Recommendation

44. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted in part, and recommends the following changes to the definition of Open Space Management Plan:

Definitions - Ngā Tautuhinga	
Term	**Definition**
OPEN SPACE MANAGEMENT PLAN	means a Reserve Management Plan or Conservation Management Plan **or Conservation Management Strategy**[7] or National Park Management Plan or Iwi/Papatipu Rūnanga Management Plan or other Management Plan prepared in accordance with the Reserves Act 1977 or the Conservation Act 1987.

[7] Director General of Conservation (S602.001), Forest & Bird (S560.072)

3. OPEN SPACE AND RECREATION ZONES TOPIC AS A WHOLE

Submissions and Further Submissions

45. Seven submission points and five further submission points[8] relating to the **OSRZ** topic as a whole were summarised in a Table on pages 12 and 13 of the s42A Report. One submission point supported the provisions as notified, two submission points were neutral, and the other four submission points sought an amendment. Of the further submissions, three supported or supported in part WCRC's amendment submission point, and one opposed the amendment submission point from GDC and Ms Perkins.

46. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

47. Ms Easton noted the supportive or neutral submissions received on the OSRZ topic and, consequently, recommended their acceptance.

48. She recommended rejecting the submission from GDC (S608.094) to remove all references to SASM from the entire chapter, reasoning their inclusion is appropriate and gives effect to s6 of the RMA. As a result, Ms Easton recommended the further submission from Ngāi Tahu be accepted.

49. Ms Easton recommended rejecting the submission from Ms Inta (S553.227) to rewrite the entire OSRZ chapter, reasoning that the chapter manages activities undertaken on public conservation land by both DoC and other entities. She emphasised that DoC remain landowner and administer of public conservation land, but the Councils also have responsibilities under the RMA.

50. Ms Easton recommended accepting WCRC's requested amendment (S488.029) to insert a Permitted Activity rule in the chapter for aerial helicopter operations associated with biodiversity and biosecurity works. She reasoned that this is already provided for through the permitted 'Conservation Activities' in all three zones. Consequently, Ms Easton recommended that the 'Conservation Activities' term specifically include biosecurity work undertaken by helicopters.

51. Ms Easton recommended accepting in part Ms Perkins requested amendment (S462.037) to provisions relating to cemeteries, reasoning that the term 'Cemeteries' allows for natural burials. However, she emphasised that the Councils will separately manage whether natural burials are appropriate or allowed in specific cemeteries through their individual Cemeteries Bylaw.

Hearing and Submitter Evidence

52. In his legal submission, Mr Pemberton highlighted that most of the Director General's submission points relating to the OSRZ topic have been accepted.

[8] Avery Brothers (S609.098), Director General (S602.191, S602.205, and FS122.034), GDC (S608.094), Ngāi Tahu (FS41.025 and FS41.245), Ms Frida Inta (S553.227), WCRC (S488.029), Mr Tony Michelle (FS30.16), NZHA (FS83.18), and Ms Inger Perkins (S462.037)

53. In her summary of planning evidence on behalf of Ngāi Tahu, Ms Pull generally supported Ms Easton's recommendations on Ngāi Tahu submissions and further submissions.

Hearing Panel's Evaluation

54. The Panel agrees with Ms Easton's recommendations in regard to submissions received on the Chapter as a Whole. We accept that specifically including 'biosecurity work undertaken with helicopters' in the term "Conservation Activities" is appropriate. We note that this has been addressed in the Introduction and General recommendation. We also accept the conclusion that the current definition of cemeteries allows for natural burials and agree that Council's will manage this process through their individual bylaws.

Hearing Panel Recommendation

55. The Panel recommends no amendments to the Plan are made as a result of these submissions but noting that an amendment the definition of "Conservation Activities" has been made in the Introduction and General recommendation.

4. OPEN SPACE AND RECREATION ZONES OVERVIEW SECTION AND CHAPTERS

Submissions and Further Submissions

56. Eight submission points and two further submission points[9] relating to the **OSRZ overview section** were summarised in a Table on pages 14 to 16 of the s42A Report. Four submission points supported the overview section with most requesting retention, and one further submission point supported PML's submission of support. Four submission points requested amending the overview section, noting that Forest & Bird did not specifically state their position, with one further submission point opposing the Director General's amendment.

57. Eight submission points and three further submission points[10] relating to the **OSRZ chapters** were summarised in a Table on pages 15 to 17 of the s42A Report. Seven submission points requested amendments to the chapter, although Forest & Bird's position of support on submission point S560.0553 should have been recorded as 'Amend' instead of 'Support' since they requested an amendment. Lastly, one submission point opposed the chapter, with this submission supported or supported in part by three further submissions.

58. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

59. Ms Easton noted the support on the OSRZ overview section. Consequently, she recommended acceptance in part of their submissions.

60. Ms Easton did not support the Director General's submission (S602.181) to amend the OSRZ overview section, reasoning that there are areas in the OSZ where mineral extraction activities

[9] BRML (S604.068), PML (S606.054), Terra Firma (FS108.001), Whyte Gold Limited (S607.052), WMS (S599.099), Director General (S602.181 and S602.001), Bathurst Group (FS89.028), Forest & Brid (S560.0554, S560.0555, S560.334 and FS34.003), Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris and Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), Ms Laura Coll McLaughlin (S574.342), WCRC (FS136.027), BDC (FS149.0134)

[10] Mr William McLaughlin (S567.742 and S567.401), Ms Laura Coll McLaughlin (S574.342), Mr Chris and Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), WRCI (S457.018), Director General (S602.001), WCRC (FS136.027), BDC (FS149.0134), and Forest & Bird (S560.0553 and FS34.003)

could fit within the OSZ purpose, citing quarrying or gravel pits for local purposes or pounamu or aotea recovery occurring in the OSZ. She recommended accepting the Director General's submission in part as far as amending the overview section as detailed below:

Overview

…

The nature of the West Coast, with its extensive mineral deposits,-**means that minerals are widespread within areas within the Open Space and Recreation Zones.** ~~combined with 84% of the land area being located in public conservation estate[1],~~ **There are a range of circumstances where some mineral extraction may be appropriate, particularly where this supports ongoing access and management of the lands within the zones. There are also some Local Purpose Reserves within the Open Space Zone in particular, where quarrying or gravel extraction may be part of, or the primary local purpose. This** means that provision is also made for mineral extraction within the Open Space Zone …

61. Ms Easton recommended accepting Forest & Bird's amendment (S560.0553) to the OSRZ overview, considering it appropriate for the district wide provisions to be referred to in this overview. However, Ms Easton did not actually make any recommendations on the OSRZ overview, instead incorporated this submission in the NOSZ, OSZ, and SARZ overviews which are discussed in those respective sections.

62. Ms Easton supported the insertion of "ecological" into the NOSZ section of the OSRZ overview as requested by Forest & Bird's (S560.0554). However, this appears to have been omitted in error from her recommendations in the s42A Report.

63. Regarding Forest & Birds other amendment (S560.0554), Ms Easton indicated that if they considered the NOSZ provisions should apply to land they own and manage for conservation purposes, then that may be appropriate. She invited Forest & Bird to advise the Panel of the location of that land. However, Ms Easton was unsupportive of applying any of the open space zones to privately owned land as the zone provisions are focused on development and activities occurring on public owned land, many of which are highly unlikely to occur on privately owned land.

64. Ms Easton recommended accepting in part Forest & Bird's amendments (S560.0555) to the OSZ section of the OSRZ overview, supporting improved clarity of reasoning for mineral extraction provisions. However, she recommended alternative wording to appropriately clarify the rational of those provisions as detailed below:

The nature of the West Coast, with its extensive mineral deposits,-**means that minerals are widespread within areas within the Open Space and Recreation Zones.** ~~combined with 84% of the land area being located in public conservation estate,~~ **There are a range of circumstances where some mineral extraction may be appropriate, particularly where this supports ongoing access and management of the lands within the zones. There are also some Local Purpose Reserves within the Open Space Zone in particular, where quarrying or gravel extraction may be part of, or the primary local purpose. This** means that provision is also made for mineral extraction within the Open Space Zone."

65. Regarding Forest & Bird's submission point (S560.0555), Ms Easton was unsupportive of removing a large area of public conservation land from the OSZ for the same reasons as discussed in below.

66. Ms Easton recommended rejecting Forest & Bird's submission (S560.334) as she was unsupportive of amending DoC's stated obligation in the overview sections, reasoning that the OSRZ provisions do not apply to Energy, Infrastructure, and Transport matters. However, Ms Easton emphasised that DoC's role in administering land under the Conservation Act remains.

67. Ms Easton recommended accepting the submission from Mr McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr and Ms Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Coll McLaughlin (S574.342), supporting inserting the rifle range protection area provisions (GRUZ-R2 to GRUZ-R6, GRUZ-R23, and GRUZ-33) in OSZ as they were omitted in error. Consequently, Ms Easton recommended the following.

68. Rule OSZ – R1 and OSZ – R11 be amended to reflect the Rifle Range Protection Area by adding the following clause (The Panel notes the recommendation appears to have been omitted in Appendix 1 of the s42A Report):

    No Parks Facilities or Parks Furniture are established in the Rifle Range Protection Area except that which is reasonably necessary for the operation of the Rifle Range

69. Rule OSZ – R2 be amended by adding the following clause:

    Within the Rifle Range Protection Area, Recreation Activities are restricted to Recreational Firearms Target Shooting.

70. Rule OSZ – R3 be amended by adding the following clause:

    No community facilities are established in the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range.

71. Rule OSZ – R4 be amended by adding the following clause:

    No clubrooms are located within the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range;

72. Rule OSZ – R5 be amended by adding the following clause:

    No education or research facilities are located within the Rifle Range Protection Area;

73. Rule OSZ – R6 be amended by adding the following clause:

    No camping grounds or accessory buildings are located within the Rifle Range Protection Area;

74. Rule OSZ – R7 be amended by adding the following clause:

    No retail activities are located within the Rifle Range Protection Area;

75. Rule OSZ – R8 be amended by adding the following clause.

    No residential activities or residential units are located within the Rifle Range Protection Area;

76. Rule OSZ – R12 be amended by adding the following clause.

Within the Rifle Range Protection Area only buildings that are reasonably necessary to carry out Agricultural, Pastoral or Horticultural Activities are established;

77. Ms Easton recommended accepting the Director General's submission (S602.001) and further submitters in support, reasoning that the s42A Report was prepared having considered the national park management plans and conservation management strategy for the West Coast.

Hearing and Submitter Evidence

78. In her planning evidence, Ms Styles advised that Manawa made two submission points to amend the **OSRZ overview**, as illustrated below, which were not addressed in the s42A Report. She suggested these amendments, which recognise existing assets, is necessary to set the context of what the OSRZ contain:

Overview

There are a range of open spaces in the West Coast/Te Tai o Poutini districts that are covered by the OSRZ - Open Space and Recreation Zones. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as racecourses and golf clubs. The Department of Conservation administers 84% of the land on the West Coast under the Conservation Act which is also included in the Open Space and Recreation Zones. **A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.**

…

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values. **Additionally, a number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.**

79. In her statement, Ms Smith for Terra Firma indicated acceptance of Ms Easton's recommended amendment to the first sentence of the OSRZ overview. However, she raised concern with Ms Easton's other amendments to the overview, reasoning they disregard mineral extraction other than that undertaken on Council land or for wider community benefit. She said the recommended wording could be interpreted as disregarding new mineral extraction activities unless there is a public benefit, whereas she highlighted the OSZ mineral extraction rules do not differentiate between private or public benefit (i.e., both purposes are subject to the same performance standards). Therefore, she suggested that the overview should clarify that mineral extraction other than for 'public service' might occur in the OSZ.

80. Ms Smith mentioned the reference to 84% of the West Coast land being in conservation estate should be retained, suggesting this underpins the need for a clear policy framework that anticipates mineral extraction activities in the mineral-rich OSZ.

81. She suggested the following amendments to the OSRZ overview, specifically to put less emphasis on the 'public service' types of mineral extraction, which would then be logically supported by OSRZ-O2 (with changes), OSRZ-P9 (with changes) and OSRZ-P14, and OSZ-R11 and OSZ-R19.

Overview

…

The nature of the West Coast, with its extensive mineral deposits, **means that minerals are widespread within areas within the Open Space and Recreation Zones.** ~~combined w~~With 84% of the land area being located in public conservation estate, **there are a range of circumstances where mineral extraction may be appropriate. Examples include but are not limited to activities that support ongoing access and management of the lands within the zones and Local Purpose Reserves where quarrying or gravel extraction may be part of, or the primary local purpose.** This means that provision is also made for mineral extraction within the Open Space Zone.

…

82. In their legal submission, Ms Sheard and Mr Leckie indicated Bathurst Group supported Ms Easton's recommendation on the Director General's submission (S602.181) by retaining reference to "mineral extraction activities" in the OSRZ overview. Ms Hunter concurred with Ms Easton's recommendation.

83. Mr Pemberton raised concern with Ms Easton's response to Forest & Bird's submission (S560.336), particularly that the West Coast CMS (2010-2020) for DoC land had expired. Mr Pemberton indicated the expired CMS has legal effect until its reviewed under Section 17N(1) of the Conservation Act, noting that a new West Coast CMS is being developed. Therefore, he submitted the Panel is required to have regard to this CMS, noting that the WCRPS requires an integrated approach between the RMA and conservation legislation. With respect to how much weight to give to the expired CMS, Mr Pemberton suggested the Panel consider its age.

84. Mr Deavoll agreed with Ms Easton's recommended rejection of the Director General's suggested deletion of the statement relating to mineral extraction within the OSZ from the OSRZ overview section. He considered it appropriate retaining this statement in the overview given OSZ provisions provide for mining activities in the zone. He noted authorised mining activities occur on OSZ lands and indicated it likely, further mining activities will be developed on land within the zone.

85. Ms Inta commented on the OSRZ overview, querying the intent of the statement "*there are a range of circumstances where some mineral extraction may be appropriate, particularly where this supports ongoing access and management of the lands within the zones*." For example, how mineral extraction actually supports the access and management of lands. Ms Inta did not suggest any further amendments to the OSRZ overview. The Panel notes that neither Ms Inta nor BCG specifically submitted on the OSRZ overview.

Reporting Officer Reply Evidence

86. In her right of reply, Ms Easton suggested further amendments to the OSRZ overview as illustrated below to explain the degree of extent and dependence of the objectives, policies and rules on the OSMP:

Overview

…

These Objectives, Policies and Rules apply to all three types of open space, however, the Department of Conservation is exempt under the Resource Management Act from being

required to meet these on land it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered land are required to work within the Te Tai o Poutini Plan framework.

The lands zoned Open Space and Recreation Zones are also governed by specific legislation such as the Reserves Act, the National Parks Act and the Conservation Act. Many matters that impact on resource management are governed through these Acts, and through the Management Plans that are required by these Act. As a consequence, the Objectives, Policies and Rules provide for a linkage to the Reserve, National Park and other types of Open Space Management Plans that are in place for these areas under their governing legislation. As these Open Space Management Plans must be prepared through a consultative process with affected communities, the aim of the approach of referring to them within Te Tai o Poutini Plan provisions is to reduce the duplication of provisions and regulation of activities within these areas. Where no Open Space Management Plan is in place, a full regulatory pathway is provided for within Te Tai o Poutini Plan.

…

87. Responding to the Panel's questions, Ms Easton agreed with Ms Inta that "quarry or gravel extraction" is more appropriate than "mineral extraction" in the OSRZ overview, as it reflects the types of lands (e.g., gravel reserve or quarry reserve) within OSRZ and maintenance activities like gravel removal or quarrying for access protection.

88. In response to the Panel's query about any other recommendations to the OSRZ overview and Manawa's missing submissions (S438.128 and S438.134), Ms Easton advised the following.

    (a) She supported inserting the phrase "*A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets*." into the Overview as sought by Manawa (S438.128). She reasoned this amendment was appropriate.

    (b) She was unsupportive of inserting a similar phrase in the OSZ section of the overview, reasoning the repetition as being unnecessary.

Hearing Panel's Evaluation

89. The Panel agrees with Ms Easton's recommendation to add additional wording as sought by Manawa to the Overview in OSRZ. We consider this additional wording recognises existing renewable energy assets in the zone. We agree with Ms Easton that it is not necessary to repeat this wording under the specific OSZ Overview.

90. The Panel agrees with the Ms Easton's recommended addition of paragraph outlining specific legislation that may apply to the OSRZ such as Reserve Acts, National Parks and Conservation Acts as these govern some resource management matters in these areas. We acknowledge that any areas that are not governed through these Acts or Management Plans have a regulatory pathway through the TTPP. We consider these amendments effectively address the submission of the Director General.

91. Having considered the issue further, the Panel do not agree with the deletion of the term '*mineral extraction*' from the Overview and its replacement this with '*quarrying and gravel extraction*'. We note that there are provisions specifically associated with mineral extraction within the Open Space chapter and making this change to the Overview would be sending the

wrong signal. We also note that the Director General was the only submitter initially seeking the removal of '*Mineral Extraction*' from the Overview and that Mr Deavoll on behalf of the Director General now agrees that it should be retained. In this context we note that neither Ms Inta nor BCG submitted on this issue. Finally, the Panel records that '*quarrying and gravel extraction*' are not specifically defined in the Plan. For the above reasons we recommend Mineral Extraction be retained in the Overview.

92. Notwithstanding the above, the Panel accepts the recommended rewording of the paragraph dealing the minerals, albeit with the wording 'mineral extraction'. With the amendment proposed we do not consider it is necessary to refer to "*84% of the land area being located in public conservation estate".*

93. In terms of the changes proposed in relation to the Rifle Range Protection Area, the Panel accept the amendments proposed, noting that Ms Easton considered them an omission. We have made these amendments in the relevant rules below. We note that as a result of other submissions we have recommended that OSZ – R4 be deleted.

Hearing Panel Recommendation

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

OSRZ	**Open Space and Recreation Zones - Objectives and Policies - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina - Ngā Whāinga me ngā Kaupapa Here**

Overview

There are a range of open spaces in the West Coast/Te Tai o Poutini districts that are covered by the OSRZ - Open Space and Recreation Zones. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as racecourses and golf clubs. The Department of Conservation administers 84% of the land on the West Coast under the Conservation Act which is also included in the Open Space and Recreation Zones**. A number of renewable electricity generation activities are located within these zones and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.**[11]

These Objectives, Policies and Rules apply to all three types of open space, however, the Department of Conservation is exempt under the Resource Management Act from being required to meet these on land it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered land are required to work within the Te Tai o Poutini Plan framework.

The lands zoned Open Space and Recreation Zones are also governed by specific legislation such as the Reserves Act, the National Parks Act and the Conservation Act. Many matters that impact on resource management are governed through these Acts, and through the Management Plans that are required by these Acts. As a consequence, the Objectives, Policies and Rules provide for a linkage to the Reserve, National Park and other types of Open Space Management Plans that are in place for these areas under their governing legislation. As these Open Space Management Plans must be prepared through a consultative process with affected communities, the aim of the approach of referring to them within Te Tai o Poutini Plan

[11] Manawa Energy (S438.128)

provisions is to reduce the duplication of provisions and regulation of activities within these areas. Where no Open Space Management Plan is in place, a full regulatory pathway is provided for within Te Tai o Poutini Plan.[12]

Land included within the Open Space and Recreation Zones adjoins a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. When considering activities close to territorial authority boundaries, plan users need to apply care with regard to managing any potential cross boundary resource management issue.[13]

There are three Open Space and Recreation Zones.

The **NOSZ - Natural Open Space Zone** is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most **ecologically**[14] significant open space and reserves where natural values predominate such as National Parks, Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values.

A low level of development and built form is anticipated within this zone to retain the natural/biodiversity values within natural open space areas.

The **OSZ - Open Space Zone** is open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. A large area of the public conservation lands administered by the Department of Conservation falls within this zone. At a district level the open spaces vary in size from small neighbourhood parks to large parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in towns and settlements and others form an important part of the West Coast walkway and cycleway network. These open spaces include civic spaces, playgrounds, land with community facilities, cemeteries, campgrounds, esplanades, historic reserves and scenic reserves. They also include local purpose reserves that have specifically been set aside for activities such as quarry and gravel reserves, cemeteries, camping grounds and other local purposes such as water supply and drainage.

The nature of the West Coast, with its extensive mineral deposits, **means that minerals are widespread within areas in the Open Space and Recreation Zones.** ~~combined with 84% of the land area being located in public conservation estate,~~ **There are a range of circumstances where some mineral extraction may be appropriate, particularly where this supports ongoing access and management of the lands within the zones. There are also some Local Purpose Reserves within the Open Space Zone in particular, where quarrying or gravel extraction may be part of, or the primary local purpose. This** means that provision is also made for mineral extraction within the Open Space Zone. [15]

The **SARZ - Sport and Active Recreation Zone** is open space areas for a range of sport and recreation activities, including organised sport and recreation for local, districtwide and regional communities. This zone applies in parks, sports grounds and multi-sport facilities. Such areas will normally have associated buildings such as club rooms, changing sheds or toilet facilities.

[12] Director General of Conservation (S602.001)
[13] Consequential change from QLDC (S523.002 and S523.003)
[14] Forest & Bird (S560.0554)
[15] Forest & Bird (S560.0555) Director General of Conservation (S602.181)

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plans or National Park management plans and legislation (Reserves Act 1977 and the Conservation Act 1987).

5. OBJECTIVES

Submissions and Further Submissions

95. Six submission points[16] relating to the **Objectives** as a whole were summarised in a Table on pages 19 to 20 of the s42A Report. Five submission points supported the objective as a whole as notified, while the seventh was neutral.

96. Seven submission points and six further submission points[17] relating **OSRZ – O1** were summarised in a Table on pages 20 to 21. Three submission points supported the objective as notified, although one[18] sought an amendment. The 'support' submission from Straterra (S536.053) was supported by three further submission points. Two submission points supported in part the objective, both seeking an amendment. One submission point opposed in part the objective, seeking an amendment. One submission point sought an amendment to the objective, which was supported by two further submission points, but opposed by one further submission point.

97. Five submission points and two further submission points[19] relating to **OSRZ – O2** were summarised in a Table on page 21. Four submission points supported the objective as notified. One submission point sought an amendment to the objective, which was supported by one further submission and opposed by the second further submission.

98. The Panel adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

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99. Ms Easton noted the support on the objectives as a whole. Consequently, she recommended acceptance of their submissions, except only accepting in part MoE's submission.

100. She noted the support from BDC (S538.382) and RNZ (S476.027) on OSRZ – O1.

101. Ms Easton recommended accepting in part the Director General's submission (S602.182) on OSRZ – O1. She supported including a reference to the OSMP, considering it useful and may address some of the issues raised by Manawa, with minor modification. However, she was unsupportive of the additional amendment, considering it both a duplication and contradiction.

[16] Mr William McLaughlin (S567.396), Mr Chris & Mr Jan Coll (S558.336), Chris J Coll Surveying Limited (S566.336), Mr Laura Coll McLaughlin (S574.336), MoE (S456.022), and Director General (S602.231)
[17] BDC (S538.382), RNZ (S476.027), Manawa Energy (S438.129), Te Mana Ora (S190.595), NZCCL (S472.024), Straterra (S536.053), TiGa (FS104.064), BRML (FS150.037), PML (FS215.039), Director General (S602.182), WMS (FS231.061), BCML (FS232.057), and Bathurst Group (FS89.029)
[18] Straterra (S536.053)
[19] Te Mana Ora (S190.596), BDL (S453.005), BDC (S538.383), RNZ (S476.028), Bathurst Group (S491.035), Terra Firma (FS108.002), and Director General (FS122.035)

102. She recommended accepting in part Manawa's submission (S438.129). She supported OSRZ – O2 to be listed before OSRZ – O1, supporting the types and uses of open space areas being set out first (OSRZ – O2) before OSRZ – O1 (which manages development and activities). However, she did not support amending OSRZ – O1 as sought by Manawa, indicating that Manawa were concerned about values in relation to their land allegedly zoned Open Space, however such land is not zoned Open Space.

103. Consequently, Ms Easton recommended the following changes to OSRZ – O1 and OSRZ – O2, along with addressing a grammatical error (i.e., deletion of a second 'and' in OSRZ-O1 b.):

> OSRZ – O~~1~~**2** Development and activities should complement and not conflict with the functions and values of the particular open space and the surrounding environment **including those identified in any relevant Open Space Management Plan**. Where appropriate open space accommodates a range of functions.
>
> OSRZ – O~~2~~**1** To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones:
>
> …

104. Ms Easton recommended rejecting the submission from Te Mana Ora (S190.595) as she was unsupportive of amending OSRZ – O1, reasoning the objective was specifically written to support some unanticipated activities.

105. She recommended rejecting the submission from NZCCL (S472.024) and Straterra (S536.053), reasoning amending OSRZ – O1 as sought inappropriate because it creates significant uncertainty about what unanticipated activities are supported by the objective.

106. She noted the support from Te Mana Ora (S190.596), BDL (S453.005), BDC (S538.383), and RNZ (S476.028) on OSRZ – O2.

107. Ms Easton recommended rejecting the Bathurst Group submission (S491.035) on OSRZ – O2, as she did not support including "mineral extraction" as a value and considered it inappropriate to manage at the objective level, specifically because "mineral extraction" is not a purpose of the OSRZ.

Submitter Correspondence

108. In her correspondence on behalf of the MoE, Ms Williams advised MoE's submissions on OSRZ - O1[20] (S456.022 and S456.023) were not mentioned in Ms Easton's s42A Report. She indicated MoE does not oppose Ms Easton's recommended amendments to OSRZ – O1. Contrary to the s42A Report, Ms Williams clarified the MoE support is for OSRZ – O1 only, and they neither support nor oppose the other OSRZ provisions. The Panel note the MoE's submissions S456.022 and S456.023 have been incorrectly assigned to all OSRZ objectives and policies.

Hearing and Submitter Evidence

109. In her planning evidence, Ms Styles acknowledged the recommendation to accept Manawa's submission point to reorder OSRZ – O1 and OSRZ – O2. However, regarding Ms Easton's rejection of the amendment to OSRZ – O1, Ms Styles advised Manawa were concerned about the zoning which applies to its schemes not to its freehold land. She suggested objectives

[20] The MoE's correspondence incorrectly refers to OSRZ-R1 (instead of OSRZ-O1) in their explaination about supporting OSRZ-O1 opposed to all OSRZ objectives and policies.

should clearly sets out the direction for the use of OSRZ land so that all parties are clear on what is intended. She argued the phrase "*not conflict with the functions and values of the particular open space*" was not sufficiently directive when the pTTPP does not articulate these functions and values. Consequently, Ms Styles indicated there is no certainty in what is intended to be achieved or how existing infrastructure fits into such a context.

110. Ms Styles expressed concern about Ms Easton's recommendation to refer to a third-party document (i.e., an OSMP) in OSRZ – O1. She argued this is inappropriate since the pTTPP does not define an OSMP, providing no clarity on an OSMP's content or purpose. Additionally, she indicated OSMP's may be based on other legislation with priorities differing from the RMA, potentially leading to amendments without considering district plan matters or allowing inappropriate activities. She highlighted referencing undefined external documents is unsuitable and contrary to good plan drafting principles. Consequently, Ms Styles suggested revising OSRZ – O1 to clearly state the intended outcome for OSRZ and remove references to unknown external, non-RMA documents.

111. Ms Smith for Terra Firma agreed with Ms Easton that mineral extraction is not the purpose of the OSRZ, however disagreed with her reasoning for rejecting their submission. She highlighted that OSRZ – P9 suggests limited mineral extraction is possible in OSRZ where compatible with the open space values.

112. Ms Smith indicated the Mineral Extraction Zones and Buller Coalfield Zones are the preferred location for mineral extraction. However, these zones only manage mineral extraction activities once they have been authorised and established (following a Plan Change), rather than yet to be lawfully established. She suggested new mineral extraction opportunities may arise in the OSZ and, if so, would be subject to the relevant OSZ rules. She indicated the conservation status of most OSZ land does not preclude these activities.

113. In light of the above, Ms Smith argued mineral extraction activities are provided for as a legitimate activity in the OSZ and, in turn, one of the "very wide range of values", albeit the activity is not a purpose of the OSZ. Therefore, she suggested mineral extraction activities should be included in OSRZ-O2 (c) and considered the activity compatible with the other listed functions for the OSZ.

114. In their legal submissions, Ms Sheard and Mr Leckie suggested Ms Easton's reasoning for rejecting Bathurst Group's amendment to OSRZ – O2, does not align with the intent of OSRZ – O2. They indicated the objective lists values of the OSZ but does not pick and choose which of those values are to be encouraged over others. They highlighted the fact that pastoral farming was included in OSRZ-02, it was not the purpose of the zone. They submitted that mineral extraction activities have historically occurred in this zone, and there is significant resource remaining, the minerals resources contribute to the underlying values and it is appropriate for OSRZ-02 to reference to them, which would be in line with the recognition in the Overview.

115. They highlighted areas of the Buller Plateau, in which historic mineral extraction activities have occurred, and significant mineral resources are present, have been included in the OSZ. Consequently, they indicated OSRZ – O2 should recognise the complete range of historic and future uses of the Buller Plateau, noting Ms Hunter's evidence summarised below. Therefore, they submitted it is appropriate for OSRZ – O2 to include reference to "mineral extraction" as this would align with the OSRZ overview and the WCRPS and the policy and rules framework.

116. In her planning evidence, Ms Hunter considered inserting "mineral extraction" in OSRZ-O2 (c) was necessary because mining and mineral resources are already present in OSZ with functional and operational needs to continue. She emphasised that the objective references pastoral farming, which was not a primary use of OSZ, so the same logic should be applied to mineral extraction.

117. Ms Hunter noted that subsequent policies OSRZ-P9 and OSRZ-P14 specifically acknowledge that mineral extraction activities are occurring within the Open Space Zone and that rules provide for mineral exploration and prospecting as permitted activities, and extraction in certain circumstances as restricted discretionary activity. She said it was therefore appropriate to have an objective and policy framework to support this. She proposed the following amendment:

OSRZ – O2

To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones:

…

c. The OSZ – Open Space with a very wide range of values including passive and active recreation, **mineral extraction,** local purposes and pastoral farming.

Reporting Officer Reply Evidence

118. In her right of reply, Ms Easton considered her proposed reference to Open Space Management Plans in existing Objective 1 was appropriate and that it was not referring to a specifically incorporated document.

Hearing Panel's Evaluation

119. The Panel agree with Ms Easton's recommendation to add the reference to Open Space Management Plans in OSRZ-O1. We are satisfied that this is not referring to a specific document that has been incorporated into the Plan.

120. The Panel agree with the reordering of the Objectives based on the reasoning provided by Manawa in their submission. We have also considered Ms Styles concerns with the wording of OSRZ-O1 and we agree that the words "*in particular*" should be removed and the word '*areas*' as this is more directive and clearer. We note however the Manawa did not seek to delete the reference to '*functions and values*' in their submission. We also consider the final sentence of the objective to be appropriate.

121. The Panel accepts the evidence provided by Bathurst Group and recommends the inclusion the words '*mineral extraction*' in OSRZ-0~~2~~1. We agree there is no difference in identifying pastoral farming as a value to identifying mineral extraction as a value given both are already present the zone. We also accept that the policy and rule framework already includes mineral extraction at various levels and it would therefore seem incongruous if it were not included at the objective level.

122. In relation to the remainder of the submissions on the objectives seeking amendments, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

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

OSRZ - Open Space and Recreation Zones Objectives	
OSRZ – O~~1~~2[21]	Development and activities should complement and not conflict with the functions and values of ~~the particular~~ open space **areas**[22] and the surrounding environment **including those identified in any relevant Open Space Management Plan**[23]. Where appropriate open space accommodates a range of functions.
OSRZ – O~~2~~1[24]	To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones: a. The NOSZ - Natural Open Space Zone with high natural values and a low level of development and built form; b. The SARZ - Sport and Active Recreation Zone with sport and active recreation values and ~~and~~ [25]associated buildings and facilities; and c. The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, **mineral extraction**[26] local purposes and pastoral farming.

6. POLICIES

Submissions and Further Submissions

124. 11 submission points[27] relating to the **Policies as a whole** were summarised in a Table on pages 23 to 24 of the s42A Report. Seven submission points supported the policy as a whole as notified, with one[28] seeking an amendment. Three submission points sought amendments to the policies. One submission point opposed in part the policies, seeking and amendment to a policy.

125. Four submission points[29] relating to **OSRZ – P1** were summarised in a Table on page 24 of the s42A Report. One submission point supported the policy as notified. Three submission points opposed the policy.

126. Four submission points and one further submission point[30] relating to **OSRZ – P2** were summarised in a Table on pages 24 to 25. Two submission points supported the policy as notified, while another submission point opposed in part the policy, seeking an amendment

[21] Manawa Energy (S438.129)
[22] Manawa Energy (S438.129)
[23] Director General (S602.182)
[24] Manawa Energy (S438.129)
[25] Clause 16(2) of Schedule 1 RMA
[26] Bathurst Group (S491.035)
[27] Mr William McLaughlin (S567.397), Mr Chris & Ms Jan Coll (S558.337), Chris J Coll Surveying Limited (S566.337), Ms Laura Coll McLaughlin (S574.337), BDC (S538.384), MoE (S456.023), Ngāi Tahu (S620.007), NZCCL (S472.027), Straterra (S536.055), and Forest & Bird (S560.335 and S560.0556)
[28] Straterra (S536.055)
[29] Te Mana Ora (S190.597), BDC (S552.162), Ms Frida Inta (S553.162), and the Findlays (S605.013)
[30] Te Mana Ora (S190.598), RNZ (S476.029), Forest & Bird (S560.336), Manawa Energy (S438.130), and Director General (FS122.036)

Lastly, a submission point supported in part the policy, seeking an amendment, which was opposed by the further submission point.

127. Three submission points[31] relating to **OSRZ – P3** were summarised in a Table on pages 25 to 26. One submission point supported the policy as notified, whereas the other two submission points supported in part the policy, both seeking amendments.

128. Two submissions points[32] relating to **OSRZ – P4** were summarised in a Table on page 26. One submission point supported the policy as notified, whereas the other submission point sought amendment.

129. Two submission points[33] relating to **OSRZ – P5** were summarised in a Table on page 26. One submission point supported the policy as notified, whereas the other submission point opposed in part the policy, seeking an amendment.

130. Three submission points and one further submission point[34] relating to **OSRZ – P6** were summarised in a Table on page 26. All submission points supported the policy as notified, with the submission from Ngāi Tahu supported by the further submission.

131. Three submission points and one further submission point[35] relating to **OSRZ – P7** were summarised in a Table on pages 26 to 27. Two submission points supported the policy as notified. The third submission point opposed in part the policy, with that submission being opposed by Bathurst Group.

132. One submission point[36] relating to **OSRZ – P8** was summarised in a Table on page 27. That submission point supported the policy as notified.

133. 15 submission points and eight further submission points[37] relating to **OSRZ – P9** were summarised in a Table on pages 27 to 30. Two submission points supported the policy as notified. Five submission points supported in part the policy, with the submission from Te Mana Ora and Manawa each opposed by a further submission. Eight submission points sought amendment of the policy, with the submission from WMS, BCML, BRML, PML, and Whyte Gold Limited each opposed by a further submission and the submission from Minerals West Coast supported by a further submission.

134. Five submission points[38] relating to **OSRZ – P10** were summarised in a Table on pages 30 to 31. One submission point supported the policy as notified, while one submission point supported in part the policy, seeking an amendment. Three submission points sought an amendment to the policy.

135. Six submission points and one further submission point[39] relating to **OSRZ – P11** were summarised in a Table on pages 31 to 32. Two submission points supported the policy as

[31] RNZ (S476.030), Te Mana Ora (S190.599), and Manawa Energy (S438.131)
[32] Te Mana Ora (S190.600) and Forest & Bird (S560.337)
[33] Te Mana Ora (S190.601) and Forest & Bird (S560.338)
[34] Mr Craig Schwitzer (S96.004), Ngāi Tahu (S620.213), Bathurst Group (FS89.093), and Te Mana Ora (S190.602)
[35] NZAAA (S166.025), Te Mana Ora (S190.603), Forest & Bird (S560.339), and Bathurst Group (FS89.080)
[36] Te Mana Ora (S190.604)
[37] Waka Kotahi (S450.194), GDC (S608.686), NZCCL (S472.025), WMS (S599.100 and FS231.062), Director General (FS122.037 to FS122.042), BCML (S601.078), BRML (S604.069), PML (S606.055), Whyte Gold Limited (S607.053), Minerals West Coast (S569.040), Bathurst Group (FS89.040), Straterra (S536.018), Terra Firma (S537.020), Te Mana Ora (S190.605), the Findlays (S605.014), Forest & Bird (S560.340), and Manawa Energy (S438.132)
[38] Mr Craig Schwitzer (S96.003), Te Mana Ora (S190.606), Director General (S602.183), and Forest & Bird (S560.341 and S560.0547)
[39] Te Mana Ora (S190.607), RNZ (S476.031), the Findlays (S605.015), Director General (S602.184), Forest & Bird (S560.342), and GDC (S608.687)

notified, while two other submission points supported in part the policy. Two submission points sought an amendment to the policy, with the Director General's submission opposed by the further submission.

136. Four submission points[40] relating to **OSRZ – P12** were summarised in a Table on pages 32 to 33. Two submission points supported the policy as notified, while the other two submission points sought an amendment to the policy.

137. Five submission points and one further submission point[41] relating to **OSRZ – P13** were summarised in a Table on pages 33 to 34. One submission point supported the policy as notified, while another submission point supported in part the policy with that being opposed by the further submission. Three submission points sought an amendment to the policy.

138. One submission point[42] relating to **OSRZ – P15** was summarised in a Table on page 34, which supported the policy as notified.

139. One submission point[43] relating to **OSRZ – P16** was summarised in a Table on page 34, which supported the policy as notified.

140. One submission point[44] relating to **OSRZ – P17** was summarised in a Table on page 34, which supported the policy as notified.

141. Three submission points[45] relating to **OSRZ – P18** were summarised in a Table on page 34. Two submission points supported the policy as notified, while the third submission point sought an amendment.

142. Five submission points[46] relating to **OSRZ – P19** were summarised in a Table on page 35. Two submission points supported the policy as notified, while another two submission points both sought an amendment to the policy. The fifth submission point opposed in part the policy.

143. Four submission points and one further submission point[47] relating to **OSRZ – P20** were summarised in a Table on pages 35 to 36. One submission point supported the policy as notified, while another submission point opposed the policy. Two submission points sought an amendment to the policy, with the Director General's submission supported by the further submission.

144. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

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Policies (General)

[40] Te Mana Ora (S190.608), RNZ (S476.032), Director General (S602.185), and Forest & Bird (S560.343)
[41] NZAAA (S166.026), Te Mana Ora (S190.609), Director General (S602.200 and FS122.043), Forest & Bird (S560.344), and Manawa Energy (S438.133)
[42] Te Mana Ora (S190.611)
[43] Te Mana Ora (S190.612)
[44] Te Mana Ora (S190.613)
[45] Te Mana Ora (S190.614), Forest & Bird (S560.347), and Director General (S602.188 and S602.202)
[46] NZAAA (S166.027), Te Mana Ora (S190.615), Director General (S602.189 and S602.203), Forest & Bird (S560.348 S560.0545)
[47] Te Mana Ora (S190.616), Forest & Bird (S560.349 and S560.0546), and Director General (S602.190 and S602.204)

145. Ms Easton acknowledged submissions supporting the various OSRZ policies as notified. Consequently, she recommended accepting these submissions.

Policies as a whole

146. Ms Easton recommended accepting the new policy proposed by Ngāi Tahu (S620.007) with modification to the wording. She supported a Plan Change process to ensure that the pTTPP zoning of any reclassified land is appropriate and indicated this process may also identify additional land to be include within National Parks, or other high conservation value areas. However, she recommended wording modifications. One modification is to enable the TTPP Committee (subject to the Councils agreement) to drive the Plan Change process, otherwise it would be a Private Plan Change if pursued by the individual Councils. The other modification links the policy wording to 'zoning' rather than the wider term 'plan provisions'.

147. Therefore, Ms Easton recommended the following new policy be included in pTTPP as follows:

> **OSRZ – PXX When conservation stewardship land is reclassified the Tai o Poutini Plan Committee, after working with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, will undertake a plan change to ensure that the plan zone identification is appropriate for the reclassified land parcel.**

148. Ms Easton recommended rejecting the submissions from NZCCL (S472.027) and Straterra (S536.055), reasoning it inappropriate to provide for mineral extraction activities in the NOSZ, and inconsistent with the CMS and National Park Management Plans in place for these areas. Additionally, she indicated that mineral extraction cannot occur in the seven national parks within the NOSZ under the Crown Minerals Act.

149. Ms Easton recommended rejecting Forest & Bird's submissions (S560.335 and S560.0556). She did not support relabelling policies and relocating policies relating to specific zones in the relevant zone chapter as it would create confusion and risk the district wide policies being overlooked.

OSRZ – P1

150. Ms Easton recommended rejecting the submissions from BCG, Ms Inta, the Findlays (S552.162, S553.162, and S605.013 respectively) as she was unsupportive of deleting this policy. She reasoned it is important to recognise that areas zoned OSRZ are not just public conservation land administered by DoC but include Council reserves. Ms Easton noted that the rule framework provides a permissive pathway where activities are in accordance with a relevant operative Act or Management Plan to reduce regulatory burden, while also providing confidence that effects will be appropriately managed through the robust processes required to develop the Management Plans.

OSRZ – P2

151. Ms Easton recommended rejecting Forest & Bird's submission (S560.336), policies to set out the characteristics where possible and/or describe how these are determined for each OSRZ. While supportive of this Ms Easton indicated that there was insufficient information to undertake this level of specificity in policy development.

152. Ms Easton also recommended rejecting Manawa's submission (S438.130), reasoning that RSI and activities are not the purpose of open space or the OSRZ, albeit that such development may obtain resource consent within an OSRZ.

OSRZ – P3

153. Ms Easton recommended rejecting Manawa's submission (S438.131), reasoning that buildings and structures should align with the open space purpose, and the zone's character and amenity. She emphasised that the term "should" provides for circumstances where effects may be minor or less than minor to still be accommodated for within the policy.

154. She also recommended rejecting Te Mana Ora's submission (S190.599), reasoning the amendment sought to be unnecessary as the policy and the relevant rule applies to both new buildings and additions to existing buildings.

OSRZ – P4

155. Ms Easton recommended rejecting Forest & Bird's submission (S560.337), reasoning the policy applies to land outside of the public conservation estate – including all parks and reserves owned and managed by the Councils – with few having RMPs in place. Therefore, Ms Easton indicated the phrase "where it has a link with the open space and recreation resource" remains helpful to the management of these spaces, particularly in the absence of an RMP, as a useful directive to inappropriate activities.

OSRZ – P5

156. Ms Easton recommended supporting Forest & Bird's submission (S560.338) to amend the policy to protect natural values, reasoning it would assist with weighting any assessment on the appropriateness of commercial activities in open space. Additionally, she considered it was appropriate as both the Reserves Act and the Conservation Act place a high weighting on natural values.

157. Consequently, Ms Easton recommended the following amendment to the policy:

> Provide for commercial recreation activities that maintain the quality of the open space and recreation experience of people using the open space, **while also protecting natural values. Have** ~~having~~ particular regard to the scale, intensity and cumulative effects of commercial recreation activities.

OSRZ – P7

158. Ms Easton recommended accepting in part Forest & Bird's submission (S560.339) to amendment the policy, reasoning that the term "promote" is weak in the context of protecting natural values. However, she has recommended alternative wording to improve clarity and consistent with the Reserves Act and Conservation Act.

159. Ms Easton recommended the following amendment to the policy:

> ~~Promote the p~~**P**rotect~~ion~~ and enhance~~ment~~ ~~of~~ **the** existing natural environment values having regard to the relevant OSRZ - Open Space and Recreation Zone and the opportunities for enhancement of these on the site.

OSRZ – P9

160. Ms Easton recommended accepting in part submissions from WMS, BCML, BRML, PML, and Whyte Gold Limited (S599.100, S601.078, S604.069, S606.055, and S607.053 respectively) to

amend the policy. She reasoned inserting a reference to mineral exploration and prospecting is appropriate as these activities are a necessary pre-curser to mineral extraction.

161. Ms Easton did not however support changing "where these are limited in their location" to "*functional or operational need to locate there*". She reasoned the various Acts governing open space land do not place a high weight on the value of mineral extraction, instead they are very clear on the primary purposes of these lands, and "functional and operational needs" are not part of the considerations. She emphasises the intent of the policy (as notified) was to manage instances where necessary resources can only be sourced from land in the OSRZ, or where mineral extraction could be appropriate in special circumstances. However, she noted the pTTPP was not intended to promote the widespread use of OSRZ land for mineral extraction, as that would be inconsistent with the Reserves Act and Conservation Act.

162. Ms Easton recommended rejecting the submissions from:

(a) Minerals West Coast, Straterra, and Terra Firma (S569.040, S536.018, and S537.020 respectively) for the same reasons detailed above; and

(b) Te Mana Ora (S190.605), reasoning inserting the phrase "effects management hierarchy" in the policy would not be consistent with how it is applied within national instruments.

163. In terms of Forest & Bird's submission (S560.340) that seeks this policy be amended to refer to these activities only occurring outside of the NOSZ and "*provided that natural values can be protected*" that the policy "*consider providing*" for a range of purposes, Ms Easton supported inserting the phrase "*provided the natural values can be protected*" into the beginning of the policy, reasoning this being consistent with the Reserves Act and Conservation Act under which these lands are administered. She did not support limiting the stipulated activities to only "*outside of the NOSZ*" as some of these activities already occur and are appropriate in locations in the NOSZ. Further, she was unsupportive of including the wording "*consider providing for*" in the policy. This is because she considered "*provide for*" means these activities may still require a resource consent and recognises that there are locations where these activities are more or less appropriate. The Panel notes that the above amendment did not flow through in Appendix 1.

164. Ms Easton recommended accepting the Findlays submission (S605.014), reasoning hut type accommodation, which would be captured by "and other visitor accommodation", is located and appropriate across many areas of OSRZ.

165. Ms Easton recommended accepting in part Manawa's submission (S438.132), reasoning that REG is appropriate in the OSRZ, and this would be supported by national and regional direction. She indicated that the establishment of such infrastructure would require a Discretionary Activity resource consent under the Energy Chapter, with their being no OSRZ rules, so this amendment is to signal support for REG in the OSRZ. However, Ms Easton emphasised that other RSI, which has a wide definition, in the OSRZ does not appear to achieve similar support through national or regional direction.

166. Consequently, Ms Easton recommended the following amendments to the policy:

Provide for ~~the~~ **a** range of purposes where compatible with the open space values including:

(a) The ongoing operation and appropriate management of cemeteries;

(b) Camping **and other visitor accommodation** opportunities at rivers, lakes and coastal areas ~~where this is compatible with the values of the open space~~;

(c) Gravel and shingle extraction for roading networks and other local purposes;

(d) Quarries for rock;

(e) Pastoral farming including grazing as a management tool;

(f) Mineral **prospecting, exploration and** extraction of resources where these **resources** are limited in their location; ~~and~~

(g) Water supply and drainage networks where this supports local community needs**; and**

(h) **Establishment and operation of renewable electricity generation**.

OSRZ – P10

167. Ms Easton recommended rejecting submission from:

(a) The Director General (S602.183), reasoning that providing "Significant Natural Areas" does not support the open space needs of communities, nor a Council priority for using subdivision and development contributions; and

(b) Forest & Bird (S560.341 and S560.0547), reasoning that subdivision of OSRZ is not the subject of the policy and, instead, is managed by the Subdivision provisions.

168. She recommended accepting the submission from Te Mana Ora (S190.606), reasoning playgrounds are an important part of neighbourhood reserves and, therefore, adding "*accessible, quality playgrounds*" to OSRZ – P10 (a) addresses a notable omission.

169. Consequently, Ms Easton recommended the following amendment to subclause (a) of the policy.

Subdivision and new development should provide for the open space needs generated by the development either through direct provision of land and works, or through a financial contribution. This includes:

(a) Additional neighbourhood parks including waterfront areas, walkways**,** ~~and~~ cycleways **and accessible quality playgrounds** needed as a result of additional household and visitor accommodation growth;

…

OSRZ – P11

170. To address drafting errors of the policy, Ms Easton recommended accepting the submission from:

(a) The Findlays (S605.015), reasoning replacing the undefined term "*campgrounds*" with the defined term "*camping grounds*"; and

(b) The Director General (S602.184), reasoning many of the OSZ land will have "*natural, cultural and biodiversity values*".

171. She recommended accepting in part the submission from:

(a) Forest & Bird (S560.342) as protecting natural values of OSZ land is partly addressed by the Director General's submission discussed in above; and

(b) GDC (S608.687), reasoning that the term "*limited*" in this policy is defined by common language and, therefore, does not require further clarification.

172. Consequently, Ms Easton recommended the following amendment to the policy:

The OSZ - Open Space Zone primarily provides for passive and active recreation activities, **natural, cultural and biodiversity values** community facilities, ~~campgrounds~~ **camping grounds** and cemeteries and limited associated facilities and structures.

OSRZ – P12

173. Ms Easton recommended accepting the Director General's submission (S602.185)[48] on OSRZ – P12 (c), reasoning many of the OSZ land will have natural values.

174. Ms Easton also recommended accepting in part Forest & Bird's submission (S560.343), reasoning Director General's submission discussed above partly addresses protecting natural values of OSZ land.

175. Ms Easton recommended the following amendment to subclause (c) of the policy:

Enable activities and facilities within the OSZ - Open Space Zone that:

…

(c) Minimise adverse effects on the character**, natural environment** and amenity values of the surrounding area.

OSRZ – P13

176. Ms Easton recommended rejecting Manawa's submission (S438.133), reasoning RSI is not the purpose of the OSZ and would not generally meet the "*ancillary to the functions of the zone*" test. Additionally, she indicated the policy supports various Permitted and Restricted Discretionary Activities within OSZ, but the OSZ provisions do not provide for RSI as these activities are generally managed through the Energy, Infrastructure, and Transport chapters.

177. Ms Easton recommended accepting in part the submissions from:

(a) Director General (S602.186 and S602.200) as she generally supported the amendment sought subject to modifications to focus the policy on adverse effects on open space values. Ms Easton was unsupportive of "*allow*" replacing "*provide for*" as these terms should be used to distinguish between supporting Permitted Activities (allow) and where consent may be required (provide for);

(b) Te Mana Ora (S190.609), reasoning the amendment inappropriate for use in zone provisions, but considered the Director General's wording discussed in [(a)] above addressed Te Mana Ora's concern; and

(c) Forest & Bird (S560.344), reasoning the recommended amendments to OSRZ – P13 will articulate the OSZ provides for natural and biodiversity values and where adverse effects on these values can be appropriately managed.

178. Consequently, she recommended the following amendment to the policy:

[48] The s42a report incorrectly refers to S602.184 instead of S602.185 in [129]

Provide for activities that are ancillary to the functions of the OSZ - Open Space Zone **where the effects on open space values can be appropriately managed** including:

…

OSRZ – P18

179. Ms Easton recommended accepting the submissions from the Director General (S602.188, S602.202), supporting low level development and built form in the NOSZ which is mostly in highly natural locations. She also supported minor typographic amendments.

180. Consequently, Ms Easton recommended the following amendments to the policy:

Require ~~A~~ **a** low level of development and built form ~~is anticipated~~ within ~~this~~ **the** NOSZ – Natural Open Space Zone to retain the natural, cultural and biodiversity values within ~~the~~ natural open space areas.

OSRZ – P19

181. Ms Easton recommended accepting the Director General's submission (S602.189), reasoning inserting "*and restore*" to the policy is consistent with the Conservation Act and Reserves Act. The Panel note this recommendation was picked up in the Right of Reply.

182. Ms Easton recommended rejecting the submissions from Forest & Bird (S560.348 and S560.0545). Firstly, she did not support replacing "*enable*" with "*consider providing for*" as it did not align with the policy's intent to support Permitted Activities within NOSZ (enable) as "*consider providing for*" implies resource consents are required. Secondly, she emphasised OSRZ - O2 (now OSRZ – O1) sets out the purposes of the Natural Open Space Zone.

OSRZ – P20

183. Ms Easton recommended rejecting Forest & Bird's submissions (S560.349, S560.0546) to delete this policy, reasoning that the provision for ancillary buildings and structures (i.e., toilet blocks, bird hides or shelters) appropriate for the few Permitted Activities in the NOSZ.

184. She recommended:

(a) accepting the submission from the Director General (S602.190 and S602.204), considering that amending this policy by specifically referring to not adversely affecting indigenous biodiversity values of the site better reflects the intention of the NOSZ.

(b) accepting in part the submission from Forest & Bird (S560.0546), although she preferred the wording proposed by the Director General detailed above.

185. Consequently, Ms Easton recommended the following amendment to subclause (b) of the policy:

Within the NOSZ - Natural Open Space Zone provide for small-scale buildings and structures that:

…

(b) Do not adversely affect the conservation **and indigenous biodiversity** values of the site; and

…

Hearing and Submitter Evidence

186. In her planning evidence, Ms Styles acknowledged Ms Easton's recommendation to accept in part Manawa's amendment to OSRZ – P9 as it addresses their concerns. She also acknowledged Ms Easton's reasoning for recommending rejection of Manawa's amendment to OSRZ – P13. She highlighted it not being necessary to recognise RSI in this policy because it is already included in OSRZ – P9

187. Regarding Ms Easton's recommendation to reject Manawa's amendment to OSRZ – P2, Ms Styles indicated that while Manawa's submission point on OSRZ – P2 was framed to recognise RSI, their concern related to existing REG activities in the OSRZ opposed to all types of RSI. Consequently, she recommended inserting REG activities in the policy as this would be within the scope of Manawa's submission, would address the general concerns outlined in her evidence, and would also be consistent with Ms Easton's acceptance and acknowledgement of REG in OSRZ.

188. Ms Styles indicated that Ms Easton did not address inserting the phrase '*functional and operational need for such a location*' into the policy. She considered this amendment was consistent with the NPS-REG (policies C1 and E2), the NPS-IB (relevant provisions), and the WCRPS (particularly section 6). Consequently, she suggested recognising the existing REG activities and their functional and operational need to locate within the OSRZ appropriate to be included in the policy.

189. Ms Styles suggested the following amendments to OSRZ – P2:

OSRZ - P2

Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions**, renewable electricity generation activities,** and ancillary activities to support these, where this fits with the purpose of the open space and its classification under any relevant Act **or where an activity has a functional or operational need for such a location**.

190. Regarding Ms Easton's recommendation to reject Manawa's amendment to OSRZ – P3, Ms Styles indicated that the policy wording did not recognise the existing uses and activities within OSRZ. Additionally, she did not consider the term '*should*' provided the level of assurance required by Manawa to undertake their activities, and she anticipated that this could be used to direct unreasonable expectations of outcomes for Manawa in the future. Consequently, Ms Styles suggested inserting the phrase '*where practicable*' into the policy recognising: (1) there are other matters which require consideration in the siting and design of buildings within OSRZ; and (2) not all activities in the zone are open space in nature nor is it necessary or appropriate to require the same character for all such buildings.

191. In her statement, Ms Smith for Terra Firma agreed with Ms Easton's recommendation to include mineral exploration and prospecting in OSRZ - P9, although suggested this was disingenuous if the importance of generic mineral extraction is not clearly articulated at the overview and objective level. Consequently, Ms Smith suggested OSRZ – P9 (f) should not include the qualifier "*limited in their location*" because it is not effects-based and fails to account for compliance with OSZ rules. She argued the removal of the qualifier would not equate to promoting mineral extraction as a widespread use of OSZ lands given the high

percentage of land held in the conservation estate, and the time, financial, consenting, and access challenges associated with mineral exploration, prospecting and mining. Consequently, Ms Smith held contrary views to Ms Easton's reasoning for rejecting submissions on the policy.

192. Ms Smith emphasised companies mining conservation lands typically contribute significant funds for pest management and environmental initiatives to offset mining effects, helping meet biodiversity goals and extending DoC programme effectiveness.

193. Ms Hunter for Bathurst Group disagreed with Ms Easton's reasoning to reject Minerals West Coast's submission (S569.040) on OSRZ – P9 (f). Instead, she supported the submission because acknowledging mineral resources' locational limitations and operational requirements is important and consistent with the WCRPS. She argued the RMA's sustainable management purpose is not replaced by the Reserves or Conservation Acts. She emphasised mining activities face unique planning challenges compared to other activities with functional needs - while farmers can fence off sensitive areas without making operations uneconomical, similar protective measures could prevent mineral extraction entirely, causing significant economic losses.

194. Mr Deavoll indicated the Director General sought amendment to OSRZ – P14, not deletion. He indicated recommended amendments to the policy as covered by the MINZ chapter aligns with the Director General's submission.

195. Mr Deavoll supported Ms Easton's recommendation to accept the Director General's amendments to several OSRZ policies, which broadly aimed to retain open space values and manage effects on indigenous biodiversity often associated with these areas.

196. In her evidence on behalf of Ngāi Tahu, Ms Pull raised concern with Ms Easton's recommended new OSZR policy (relating to conservation stewardship land) because the tenet "*will undertake a plan change to ensure that the plan zone identification is appropriate for the reclassified land parcel*" reads like a method. However, she suggested there were no OSRZ objectives and policies to consider this method. She noted the Historic Heritage s42A Report recommended a method for the TTPP Panel to consider additional heritage items through a plan change. Consequently, Ms Pull suggested amending the recommended new OSZR policy as illustrated below to provide for appropriate zoning and use of conservation stewardship land that has been re-classified:

> **Policy OSRZ – PXX When conservation stewardship land is reclassified, *provide for the different functions, values and purpose of the reclassification in partnership with Poutini Ngāi Tahu and key stakeholders.*** ~~*the Te Tai o Poutini Plan Committee, after working with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, will undertake a plan change to ensure that the plan zone identification is appropriate for the reclassified land parcel.*~~

197. Additionally, Ms Pull recommended amending the OSRZ overview by outlining the method for the stewardship land plan change process by inserting the following text:

> **Method: The Te Tai o Poutini Plan Committee will consider undertaking a plan change in relation to reclassification of stewardship land as part of their regular monitoring of Plan implementation. The TTPP Committee, will work with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, to assess whether there is sufficient benefit of re-zoning and if so, initiate a Plan Change.**

198. Ms Pull considered OSRZ-P2 and OSRZ-P6 recognise the NTCSA and its RMA interaction by referencing cultural values and functions, and site classification under relevant Acts including SASMs.

199. In her summary of planning evidence on behalf of Ngāi Tahu, Ms Pull generally supported Ms Easton's recommendations on their submissions and further submissions.

200. In the statement for herself and on behalf of BCG, Ms Inta commented on OSRZ – P9 and OSRZ – P14. (The Panel note that neither Ms Inta nor BCG submitted or further submitted on OSRZ – P9.) She queried the purpose of OSRZ – P9, suggesting the policy should refer to "*activities*" instead, and noting it is not focused on special-purpose reserves. Consequently, she suggested the policy was flawed and could be misinterpreted.

201. Ms Inta indicated her and BCG's submission on OSRZ – P14 (S553.163 and S552.163 respectively) relating to inserting reference to the adverse effects hierarchy were not addressed in the s42A Report, which the Panel acknowledges. She suggested that clause a and b of the policy addressed the same issue, albeit expressed differently. Consequently, she considered OSRZ – P14 (a) could be amended as illustrated below:

OSRZ - P14

Provide for mineral extraction activities within the OSZ - Open Space Zone where:

(a) Impacts on open space and recreation values of the site are minimised**, with any residual adverse effects following the adverse effects hierarchy;**

…

Reporting Officer Reply Evidence

202. Ms Easton supported the suggested amendments to the recommended new OSZR policy (relating to conservation stewardship land), as well as outlining the plan change method in the OSRZ overview, put forward by Ms Pull and Poutini Ngāi Tahu. She noted the method amendment would be a useful inclusion in the pTTPP.

203. Ms Easton clarified submissions on OSZ – P14 were addressed in the MINZ s42A Report, not the OSRZ s42A Report. Consequently, she did not recommend any amendments to that policy, instead referring submitters and the TTPP Panel to the MINZ topic.

204. Ms Easton supported including reference to generic OSMPs in OSRZ objectives, particularly because it does not reference a specific incorporated document. She cited similar approaches in Tauranga, Hamilton, Waikato, New Plymouth, Auckland, and Porirua Plans.

205. Ms Easton clarified OSMP is defined as a Reserve Management Plan or Conservation Management Plan or National Park Management Plan or Iwi/Papatipu Rūnanga Management Plan or other Management Plan prepared in accordance with the Reserves Act 1977 or the Conservation Act 1987. She listed seven management plans that met this definition, with these plans developed by the Councils, the DoC, or the open space landowner. Consequently, she suggested including a OSMP schedule (including links to those OSMP) would have limited utility for pTTPP readers.

206. Ms Easton emphasised the stewardship land is important to consider within the pTTPP but indicated there is no scope to consider the likely process of identifying and reclassifying

stewardship land and the future activities that might occur on it more widely. Consequently, she supported Ms Pull's suggested policy and method amendments. Consequently, she recommended amending the new OSRZ Policy and inserting a new OSRZ Method, as illustrated below:

New Policy OSRZ – PXXX

When conservation stewardship land is reclassified, provide for the different functions, values and purpose of the reclassification in partnership with Poutini Ngāi Tahu and key stakeholders. ~~the Te Tai o Poutini Plan Committee, after working with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, will undertake a plan change to ensure that the plan zone identification is appropriate for the reclassified land parcel.~~

New Method OSRZ – M1

The Te Tai o Poutini Plan Committee will consider undertaking a plan change in relation to reclassification of stewardship land as part of their regular monitoring of Plan implementation. The TTPP Committee, will work with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, to assess whether there is sufficient benefit of re-zoning and if so, initiate a Plan Change.

207. Ms Easton partially agreed with Ms. Styles' evidence on OSRZ - P2 but preferred referencing "*electricity transmission, distribution and renewable electricity generation*" based on the WCRPS. She considered this within the scope of Manawa's submission seeking "*regionally significant infrastructure*" reference. She recommended amending the policy accordingly. However, Ms Easton maintained that functional and operational need should not be included in OSRZ - P2.

OSRZ – P2

Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, **including electricity transmission, distribution and renewable electricity generation** where this fits with the purpose of the open space and its classification under any relevant Act.

208. Regarding Manawa's evidence for inserting "*where practicable*" into OSRZ – P3, Ms Easton now supported this amendment given the term is used in OSRZ - P16 and other Zones policies, as well as Ms Styles evidence. Consequently, Ms Easton recommended amending the policy as illustrated below:

OSRZ - P3

Buildings and structures should be designed and sited to be compatible with the function and predominant purpose of the open space and **where practicable** fit within the character and amenity of the surrounding area.

209. Regarding whether OSRZ – P4 should refer to commercial or retail activities, Ms Easton agreed retail activities should be included in this policy, linking with the three zones rules, but not commercial activities. She indicated in Forest & Bird's submission point (S560.337) there may be some scope to address this matter.

210. Regarding submission points on various OSRZ policies referred to in the s42A Report, but not carried through into recommended amendments, Ms Easton advised the following.

(a) The recommended amendments to OSRZ – P9 were omitted in error from the s42A report, albeit shown in her Appendix 1. She clarified the following amendments are recommended to the policy:

OSRZ - P9

Provide for ~~the~~ a range of purposes where compatible with the open space values including:

a. The ongoing operation and appropriate management of cemeteries;

b. Camping and other visitor accommodation opportunities at rivers, lakes and coastal areas ~~where this is compatible with the values of the open space~~;

c. Gravel and shingle extraction for roading networks and other local purposes;

d. Quarries for rock;

e. Pastoral farming including grazing as a management tool;

f. Mineral **prospecting, exploration and** extraction of resources where these **resources** are limited in their location; ~~and~~

g. Water supply and drainage networks where this supports local community needs**; and**

h. **Establishment and operation of renewable electricity generation.**

(b) Paragraph 140 of the s42A Report refers to the Director General's submitted amendment to OSRZ – P19 (S602.189). However, Ms Easton's recommendations on this submission were omitted from the s42A Report and her Appendix 1 in error. She recommends the following amendment to the policy in response to the Director General's submission:

OSRZ - P19

Within the NOSZ - Natural Open Space Zone enable activities and facilities that:

a. Are consistent with the intended purpose, character and qualities of the Natural open space zone; and

b. Protect, maintain and, where possible, enhance **and restore** indigenous biodiversity including taonga species, natural values and ecological linkages; and

c. Contribute to the health and wellbeing of the community.

211. Ms Easton agreed with Ms Inta on OSRZ – P9, considering that to provide for a range of "activities" was more appropriate phraseology than a range of "purposes".

Hearing Panel's Evaluation

212. The Panel has considered the submissions, and the various amendments proposed to the Open Space polices.

213. The Panel agrees with the recommended new OSRZ policy (relating to conservation stewardship land), as well as the plan change method in the OSRZ overview, which was put

forward by Ms Pull is appropriate and we recommended it be accepted. We noted that the new policy results in a renumbering from OSRZ-P11 onwards.

214. The Panel agrees with Ms Easton that no amendments are required to policies OSRZ-P1 and OSRZ-P4. We support the reasoning set out in her s24A Report in rejecting the submissions seeking amendment to these provisions. The Panel also notes that there were no submissions on OSRZ-P6, OSRZ-P8, OSRZ-P14, OSRZ-P15, OSRZ-P16 and OSRZ-P17 seeking amendments or deletion and we therefore recommend these also be retained as notified.

215. In terms of OSRZ-P2, the Panel have considered Ms Styles concerns regarding renewable electricity generation and we agree that it should be included within the policy to recognise existing situations within the OSRZ. We also accept Ms Easton's addition of '*electricity transmission, distribution*' (also within the zone) alongside renewable electricity generation and we consider all three of these activities are within the scope of the original Manawa submission which sought RSI be included in the policy. For clarity we agree that RSI itself would have been inappropriate.

216. Turning to the issue of '*functional or operational need*' which Ms Styles also sought to be included in OSRZ-P2, the Panel have given this some consideration, however we agree with Ms Easton that electricity transmission, distribution and renewal electricity generation, while they maybe in the zone, are not the purpose of the zone, and we consider including such wording would be sending the wrong signal in that regard.

217. The Panel agree with Ms Styles that the addition of the words '*where practicable*' into OSRZ-P3 would provide recognition that there are other matters which require consideration in the siting and design of buildings within Open Space zones, and we note Ms Easton supported this in her right of reply.

218. The Panel agrees with Ms Easton's reasoning to amend OSRZ-P5 and OSRZ-P7 based on Forest and Bird submissions and OSRZ-P10 based on a Te Mana Ora submission and we recommend these be included.

219. In terms of OSRZ-P9, the Panel have considered each of the respective amendments sought. We agree with the inclusion of "*and other visitor accommodation*", alongside '*camping*' as this would cover huts which are located across many areas of OSRZ. We also accept the inclusion of a clause associated with the establishment and operation of renewable electricity generation is appropriate, rather than RSI, as a signal to support for renewable energy in the OSRZ, noting that consent would still be required under the Energy Chapter.

220. The Panel agrees with the insertion of '*mineral exploration and prospecting*' into OSRZ noting that these activities are a necessary pre-curser to mineral extraction which is already in the policy. We accept Ms Easton reasoning that the inclusion of '*functional or operational need to locate there*' to replace '*where these are limited in their location*' is not appropriate noting that there are other Acts governing open space land and they do not place a high weight on the value of mineral extraction, and instead they are very clear on the primary purposes of these lands as open space.

221. The Panel has considered the Forest and Bird submission to amend the beginning of the policy to refer to protecting natural values. We acknowledge Ms Easton's comment that this would be consistent with the Reserves and Conservation Acts under which open space land is administered, and we recommend this part of the amendment be included. We agree that

'*outside of the NOSZ*' and '*consider providing for*', which were part of the package of amendments Forest and Bird sought are not appropriate.

222. The Panel do not agree with the amendment to delete the word '*purposes*' and replace it with '*Activities*'. This appears to stem from a statement from Ms Inta who was not a submitter on this provision, and we do not consider there is scope available for this.

223. The Panel agrees with Ms Easton's reasoning to amend OSRZ-P11 and OSRZ-P12 (as notified) based on submissions by the Director General and The Findlays and we recommend these be included.

224. The Panel agrees with the amendment to OSRZ-P13 sought by the Director General to refer to adverse effects on open space values being appropriately managed and we note that this would go some way to addressing the submissions of Te Mana Ora and Forest and Bird. We note that 'adverse' was left out of Ms Easton's amendment, however we consider it is important that it be included as a qualifier. We agree with Ms Easton's reasoning not to replace 'provide for' with 'allow' as sought by the Director General. We also agree with her reasoning in relation to rejecting the Manawa submission on including renewable energy and note that Ms Styles considers such relief is not necessary if it is included in OSRZ-P9, which it has been.

225. The Panel agrees with Ms Easton's reasoning to amend OSRZ-P18, OSRZ-P19 and OSRZ-P20 (as notified) based on submissions by the Director General and we recommend these be included. We note that the amendment to OSRZ-P20 addresses Forest and Birds concerns to some extent, however we agree that the remainder of their submission on OSRZ-P19 and OSRZ-P20 should be rejected.

226. The Panel agree with the recommended amendments numbering the policies from OSRZ -P11 to OSRZ-P21 as a consequence of the new Policy OSRZ-P11.

227. In relation to the remainder of the submissions on the OSRZ policies the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

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

OSRZ - Open Space and Recreation Zones Policies	
OSRZ - P1	Open space should be developed and used in accordance with any relevant operative Reserves Act or Conservation Act Management Plan.
OSRZ - P2	Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, **including electricity transmission, distribution and renewable electricity generation,** [49] where this fits with the purpose of the open space and its classification under any relevant Act.

[49] Manawa Energy (S438.130)

OSRZ - P3	Buildings and structures should be designed and sited to be compatible with the function and predominant purpose of the open space and**, where practicable,** [50] fit within the character and amenity of the surrounding area.
OSRZ - P4	Commercial and Residential activities may be appropriate on some open spaces where this is either identified in a Reserves Act or Conservation Act Management Plan, or where it has a link with the open space and recreation resource.
OSRZ - P5	Provide for commercial recreation activities that maintain the quality of the open space and recreation experience of people using the open space, **while also protecting natural values. Have** having[51] particular regard to the scale, intensity and cumulative effects of commercial recreation activities.
OSRZ - P6	Recognise that many open spaces have sites and areas of significance to Poutini Ngāi Tahu, and ensure that these are managed in collaboration with iwi and hapū.
OSRZ - P7	Promote the p**P**rotection and enhancement of **the**[52] existing natural environment values having regard to the relevant OSRZ - Open Space and Recreation Zone and the opportunities for enhancement of these on the site.
OSRZ - P8	Provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, educational facilities, accessory activities and associated buildings and structures having regard to the relevant OZRZ - Open Space and Recreation Zone.
OSRZ - P9	**Provided that natural values can be protected,**[53] P**p**rovide for the **a**[54] range of purposes where compatible with the open space values including: a. The ongoing operation and appropriate management of cemeteries; b. Camping **and other visitor accommodation**[55] opportunities at rivers, lakes and coastal areas where this is compatible with the values of the open space;[56] c. Gravel and shingle extraction for roading networks and other local purposes; d. Quarries for rock; e. Pastoral farming including grazing as a management tool; f. Mineral **prospecting, exploration and** extraction of resources where these **resources**[57] are limited in their location and[58]

[50] Manawa Energy (S438.131)
[51] Forest & Bird (S560.338)
[52] Forest & Bird (S560.339)
[53] Forest & Bird (S560.340)
[54] Clause 16(2) of Schedule 1 RMA
[55] Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605.014)
[56] Consequential amendment from Forest & Bird (S560.340)
[57] WMS (S599.100), BCML (S601.078), BRML (S604.069), PML (S606.055), and Whyte Gold Limited (S607.053)
[58] Consequential change from Manawa Energy (S438.132)

	g. Water supply and drainage networks where this supports local community needs**; and**[59] **h. Establishment and operation of renewable electricity generation**.[60]
OSRZ - P10	Subdivision and new development should provide for the open space needs generated by the development either through direct provision of land and works, or through a financial contribution. This includes: a. Additional neighbourhood parks including waterfront areas, walkways**,** ~~and~~ cycleways **and accessible quality playgrounds**[61] needed as a result of additional household and visitor accommodation growth; b. Additional recreation areas to enhance recreational opportunities and the visual amenity of the built environment; and c. Development of existing land set aside for neighbourhood parks and recreation areas.
OSRZ - P11	**When conservation stewardship land is reclassified, provide for the different functions, values and purpose of the reclassification in partnership with Poutini Ngāi Tahu and key stakeholders.**[62]
Open Space Zone	
OSRZ - P1~~1~~2	The OSZ - Open Space Zone primarily provides for passive and active recreation activities, **natural, cultural and biodiversity values,**[63] community facilities, ~~campgrounds~~ **camping grounds**[64] and cemeteries**,**[65] and limited associated facilities and structures.
OSRZ - P1~~2~~3	Enable activities and facilities within the OSZ - Open Space Zone that: a. Are consistent with the intended purpose, character and qualities of the OSZ – Open Space Zone; ~~and;~~[66] b. Contribute to the overall health and wellbeing of the community; and c. Minimise adverse effects on the character, **natural environment,**[67] and amenity values of the surrounding area.
OSRZ - P1~~3~~4	Provide for activities that are ancillary to the functions of the OSZ - Open Space Zone **where the adverse effects on open space values can be appropriately managed** [68]including: (a) Retail activities;

[59] Consequential change from Manawa Energy (S438.132)
[60] Manawa Energy (S438.132)
[61] Te Mana Ora (S190.606)
[62] Ngāi Tahu (S620.007)
[63] Director General (S602.184)
[64] Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605.015)
[65] Clause 16(2) of Schedule 1 RMA
[66] Clause 16(2) of Schedule 1 RMA
[67] Director General (S602.184)
[68] Director General (S602.186 and S602.200)

	(b) Residential activities, including for ~~for~~ [69]caretaker purposes; and (c) Agricultural, horticultural or pastoral activities.
OSRZ - P14<u>5</u>	Provide for mineral extraction activities within the OSZ - Open Space Zone where: a. Impacts on open space and recreation values of the site are minimised; b. This is provided for within any Open Space Management Plan for the area; c. Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated; d. Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.
Sport and Active Recreation Zone	
OSRZ - P15<u>6</u>	The SARZ - Sport and Active Recreation Zone primarily provides for active, organised and informal recreation, sports and community activities.
OSRZ - <u></u>P16<u>7</u>	With the SARZ - Sport and Active Recreation Zone enable activities and facilities that: a. May generate temporary adverse effects such as increased levels of noise and traffic; and b. Maintain a sense of openness within the zone; and c. Retain existing planting and mature trees, where practicable; and d. Contribute to the health and wellbeing of the community; and e. Do not adversely affect character and qualities of the surrounding area and adjoining sites.
OSRZ - P17<u>8</u>	Within the SARZ - Sport and Active Recreation Zone enable buildings and structures, where these: a. Are for the use of a recreation activity or a conservation activity or ancillary activity to these; b. Are compatible with the purpose, character and qualities of the zone; and c. Avoid or mitigate adverse effects on character and qualities of the surrounding area.
Natural Open Space Zone	
OSRZ - P18<u>9</u>	**<u>Require</u>** ~~A~~ **<u>a</u>** low level of development and built form ~~is anticipated~~ within ~~this~~ **<u>the</u>** NOSZ – Natural Open Space Zone to retain the natural, cultural and biodiversity values within ~~the~~[70] natural open space areas.

[69] Director General (S602.186 and S602.200)
[70] Director General (S602.188 and S602.202)

OSRZ - P~~19~~20	Within the NOSZ - Natural Open Space Zone enable activities and facilities that: a. Are consistent with the intended purpose, character and qualities of the Natural open space zone; and b. Protect, maintain and, where possible, enhance **and restore**[71] indigenous biodiversity including taonga species, natural values and ecological linkages; and c. Contribute to the health and wellbeing of the community.
OSRZ - P~~20~~1	Within the NOSZ - Natural Open Space Zone provide for small-scale buildings and structures that: (a) Are ancillary to a permitted activity; ~~and~~[72] (b) Do not adversely affect the conservation **and indigenous biodiversity**[73] values of the site;~~ and~~[74] (c) Are of a scale, form, location and design that is compatible with the purpose, character and qualities of the zone; and (d) Do not adversely affect the character and qualities of the surrounding area.

OSRZ - Open Space and Recreation Zones Methods	
OSRZ – M1	**The Te Tai o Poutini Plan Committee will consider undertaking a plan change in relation to reclassification of stewardship land as part of their regular monitoring of Plan implementation. The TTPP Committee will work with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, to assess whether there is sufficient benefit of re-zoning and if so, initiate a Plan Change.**[75]

7. NATURAL OPEN SPACE ZONE CHAPTER

Submissions and Further Submissions

229. Four submission points[76] received on the **NOSZ Chapter** as a whole were summarised in a Table on page 44 of the s42A Report. Two submission points were neutral on the policy, one submission point opposed the policy, and the fourth submission point sought amendment to the policy.

[71] Director General (S602.189)
[72] Clause 16(2) of Schedule 1 RMA
[73] Forest and Bird (S560.0546)
[74] Clause 16(2) of Schedule 1 RMA
[75] Ngāi Tahu (S620.007)
[76] SEL (S250.002), Forest & Bird (S560.350), and Director General (S602.196 and S602.210).

230. Seven submission points and seven further submission points[77] received on the **NOSZ overview** were summarised in a Table on pages 44 to 45 of the s42A Report. One submission point supported in part the overview, seeking amendments. The other six submission points sought amendment of the overview. All further submission points opposed Forest & Bird's submission.

231. Five submission points and one further submission point[78] on **NOSZ – R1** were summarised in a Table on page 46 of the s42A Report. One submission point supported the rule as notified, while another submission point supported in part the rule with that submission supported by the further submission. One submission point opposed the rule as notified, with another two submission points opposing in part the rule.

232. Three submission points[79] on **NOSZ – R2** were summarised in a Table on pages 46 to 47 of the s42A Report. Two submission points supported the rule as notified, with the third submission point seeking an amendment.

233. Three submission points and one further submission point[80] on **NOSZ – R3** were summarised in a Table on page 47 of the s42A Report. Two submission points supported the rule as notified. One submission point sought an amendment to the rule, with that opposed by the further submission.

234. Five submission points and one further submission point[81] on **NOSZ – R4** were summarised in a Table on pages 47 to 48 of the s42A Report. One submission point supported the rule as notified. Two submission points opposed the rule as notified, one of which was opposed by the further submission. Two submission points sought an amendment to the rule.

235. Three submission points[82] on **NOSZ – R5** were summarised in a Table on pages 48 to 49 of the s42A Report. One submission point supported the rule as notified, while another opposed the rule as notified. The third submission point sought an amendment to the rule.

236. Three submission points[83] on **NOSZ – R6** were summarised in a Table on page 49 of the s42A Report. On submission point supported the rule as notified, while another opposed the rule as notified. The third submission point sought an amendment to the rule.

237. One submission point[84] on **NOSZ – R7** was summarised in a Table on pages 49 to 50, which supported the rule as notified.

238. Three submission points[85] on **NOSZ – R8** were summarised in a Table on page 50, which supported the rule as notified.

[77] Forest & Bird (S560.351, S560.0548, and S560.0549), Ngāi Tahu (S620.214), BCG (S552.164), Ms Katherine Gilbert (S473.013), QLDC (S523.002), TiGa (FS104.061), Terra Firma (FS108.006), BRML (FS150.047), PML (FS215.036), Bathurst Group (FS89.057), WMS (FS231.058), and BCML (FS232.054)

[78] Te Mana Ora (S190.618), Waka Kotahi (S450.195), BDC (S538.385), GDC (S608.688 and FS1.433), and Forest & Bird (S560.352)

[79] Te Mana Ora (S190.619), MoE (S456.024), and Forest & Bird (S560.353)

[80] Ngāi Tahu (S620.215 and FS41.139), Te Mana Ora (S190.620), and Forest & Bird (S560.354)

[81] Te Mana Ora (S190.621), BDC (S538.386), Director General (S602.193 and S602.207), Ngāi Tahu (FS41.140), Forest & Bird (S560.355), and NZMCA (S490.008)

[82] Te Mana Ora (S190.622), Director General (S602.194 and S602.208), and Forest & Bird (S560.356)

[83] Te Mana Ora (S190.623), Director General (S602.195 and S602.209), and Forest & Bird S560.357)

[84] Te Mana Ora (S190.624)

[85] Te Mana Ora (S190.625), Waka Kotahi (S450.196), and GDC (S608.689)

239. Two submission points[86] on **NOSZ – R9** were summarised in a Table on page 50, one supported the rule as notified, while the other supported in part the rule.

240. Eight submission points and one further submission point[87] on **NOSZ – R10** to **NOSZ – R17** were summarised in a Table on pages 50 to 51. Seven submission points supported the rules as notified. One submission point sought an amendment to the rules, which was opposed by the further submission.

241. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

NOSZ Chapter as a whole

242. Ms Easton recommended rejecting submissions from:

(a) SEL (S250.002), reasoning that if the proposed aerial cableway in the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley is to be accommodated in the pTTPP then that would be best achieved by rezoning the area Open Space Zone. In which case, most aspects of the aerial cableway would be a Permitted or Restricted Discretionary Activity under the OSZ provisions.

(b) Forest & Bird (S560.350), reasoning it inappropriate for the same reasons as detailed in [152] below.

NOSZ Overview

243. Ms Easton recommended rejecting Forest & Bird's submission (S560.0549), reasoning that mineral extraction is not an anticipated activity in NOSZ so it is not necessary to refer to it in the overview section, as you would not for other unanticipated activities. She emphasised that mineral extraction within NOSZ has been considered within the s42A Report for the MIN chapter.

244. Ms Easton recommended accepting BCG's submission (S552.164), reasoning the zoning of LINZ-owned land (e.g., rivers and estuaries) should not be driven by ownership.

245. Ms Easton recommended accepting submissions from:

(a) Forest & Bird (S560.351) and Ngāi Tahu (S620.214), reasoning that referring to relevant District Wide chapters within the overview will correct a drafting error. She also supports the overview referring to the ECO and NFL chapters as they are likely particularly relevant to NOSZ. This also links to Forest & Bird's submission on the OSRZ overview (S560.0553) discussed in [62].

(b) Ms Gilbert (S473.013), reasoning that it is unclear which public conservation land are included within NOSZ and for what purpose. Consequently, Ms Easton recommended the following amendment to the NOSZ overview section.

> "The purpose of the NOZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also

[86] Te Mana Ora (S190.626) and MoE (S456.025)
[87] Te Mana Ora (S190.627 to S190.632 and S190.634), Forest & Bird (S560.018), and Terra Firma (FS108.007)

applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves. This zone also applies to large areas of public conservation land – **specifically gazetted** national parks **and** scientific reserves, **as well as areas classified within the Department of Conservation reserve classification system as** wilderness areas, specially protected areas and ~~important~~ ecological areas."

(c) QLDC (S523.002), supporting amending the overview section to clarify that NOSZ land often adjoins other territorial authority boundaries not managed by the pTTPP, so care needs to be applied regarding any potential cross boundary resource management issues.

(d) Forest & Bird (S560.0548), reasoning the amendments are a requirement of the Reserves Act and Conservation Act.

246. Ms Easton recommended the following amendments to NOSZ overview:

Overview

…

This zone also applies to large areas of public conservation land – **specifically gazetted** national parks **and** scientific reserves, **as well as areas classified within the Department of Conservation reserve classification system as** ~~wilderness areas~~, **Wildlife Management Areas and** ~~s~~**S**pecially ~~p~~**P**rotected ~~a~~**A**reas ~~and important ecological areas~~.

…

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also **need to be consistent with** ~~have regard to~~ any relevant reserve management plans, national park management plans or national legislation (Reserves Act 1977 or Conservation Act 1987).

Other Relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within the Natural Open Space Zones.

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

- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Natural Open Space Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.**

- **Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**

- **Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**

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

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

- **General District Wide Matters - provisions in relation to noise, light and signs in particular may be relevant to activities in the Natural Open Space Zone.**

Adjacent Local Authority Administration

Lands within the Natural Open Space Zone adjoin a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. Plan users need to apply care in regard to any potential cross boundary resource management issues and check the relevant District Plans of adjacent Territorial Authorities when considering activities on the edges of the Te Tai o Poutini Plan planning area.

NOSZ – R1 to NOSZ – R6

247. The support from Te Mana Ora (S190.618, S190.619, S190.620, S190.621, S190.622, S190.623), MoE (S456.024), and Ngāi Tahu (S620.215) was noted by Ms Easton.

248. Ms Easton recommended rejecting submissions from:

(a) Waka Kotahi (S450.195), reasoning redrafting Part Three of the pTTPP to separate out Performance Standards would not improve usability, and is not a requirement of the Planning Standards, nor a necessity. The Councils advised Ms Easton their preference for the way the pTTPP is currently drafted due to consistency and user familiarity with the operative District Plans;

(b) GDC (S608.688) for the same reasons as noted in [(a)] above;

(c) NZMCA (S490.008), reasoning that camping activities could have significant adverse effects on the high natural values of NOSZ lands, so a resource consent process is required to ensure that these effects are effectively managed before a resource consent is granted; and

(d) Forest & Bird (S560.352 to S560.354), reasoning requiring resource consent for a Discretionary Activity to establish basic structures in parks, including structures which support activities necessary to support park function, would be a duplication of regulation when the National Parks Act and Reserves Act have their own processes.

249. Ms Easton recommended accepting submissions from:

(a) BDC's submission (S538.385), reasoning an Advice Note being appropriate for referring to the neighbour written approval process as the RMA Deemed Permitted process takes precedent over NOSZ – R1.

(b) The Director General (S602.193, S602.207, S602.194, S602.208, S602.195, S602.209), reasoning a Restricted Discretionary Activity status would provide an appropriate level of oversight for temporary camping grounds, residential activities, or retail activities in the NOSZ.

(c) Ngāi Tahu (FS41.140), reasoning nohoanga entitlements as part of Poutini Ngāi Tahu Activities should be provided for as a Permitted Activity in the NOSZ (i.e., not require resource consent) because these entitlements are guaranteed to Ngāi Tahu as part of Ngāi Tahu Claims Settlement Act. Consequently, Ms Easton recommended an Advice Note to that effect be included in NOSZ – R4.

250. Ms Easton recommended accepting in part submissions from:

(a) BDC (S538.386), reasoning temporary camping grounds have effects different to other recreational activities, so these activities were intentionally separated through NOSZ – R3 and Rule NOSZ – R4. Ms Easton indicated that BDC's concern relating to notification of the permitted activity to the Council is addressed through her recommendations above.

(b) Forest & Bird (S560.355 to S560.357), reasoning a resource consent process for temporary camping grounds, residential activities, or retail activities in the NOSZ appropriate as these activities would not in all circumstances align with the functions and values of NOSZ lands. However, Ms Easton did not support a Discretionary Activity applying to these activities, reasoning this status was not necessary to protect the values of these natural open spaces. She emphasised preferring the approach detailed above.

251. Consequently, Ms Easton recommended the following amendments to the NOSZ rules:

NOSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

….

5. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone ~~boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~.

…

Advice Note: <u>Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.</u>

NOSZ - R4 Temporary Camping Grounds

Activity Status ~~Permitted~~ <u>Restricted Discretionary</u>

Where:

~~1. Written notification to the Council of the activity is provided at least 10 working days prior to the activity commencing; and~~

~~2.~~ **1.** Camping activity is restricted to 10 days per calendar year.

Discretion is Restricted to:

a. Design, position and location of any buildings or structures;

b. Landscape treatment;

c. Vehicle access and parking design and location; and

d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and biodiversity values.

Advice Note:

…

~~3.~~ This rule does not apply to nohoanga entitlements granted to Poutini Ngāi Tahu as part of the Ngāi Tahu Treaty Settlement Act. Nohoanga entitlements are regulated under Rule NOSZ – R3 as part of Poutini Ngāi Tahu Activities.

Activity status where compliance not achieved: ~~N/A~~Discretionary

NOSZ - R5 Residential Activities

Activity Status ~~Permitted~~ Restricted Discretionary

Where:

1. This is ancillary to a conservation activity or recreation activity;
2. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and
3. All performance standards for Rule NOSZ - R1 are complied with.

Discretion is Restricted to:

a. Design, position and location of any buildings or structures;

b. Landscape treatment;

c. Vehicle access and parking design and location; and

d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and biodiversity values.

Activity status where compliance not achieved: Discretionary

NOSZ - R6 Retail Activities

Activity Status ~~Permitted~~ Restricted Discretionary

Where:

1. This is ancillary to a recreation activity or a conservation activity; and
2. Performance Standards for Rule NOSZ - R1 are complied with.

Discretion is Restricted to:

a. **Design, position and location of any buildings or structures;**

b. **Landscape treatment;**

c. **Vehicle access and parking design and location; and**

d. **Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and biodiversity values.**

Activity status where compliance not achieved: Discretionary

NOSZ – R7 to NOSZ – R17

6. The support from Te Mana Ora (S190.624, S190.625, S190.626, S190.627, S190.628, S190.629, S190.630, S190.631, S190.632), Waka Kotahi (S450.196) and GDC (S608.689) was noted by Ms Easton.

7. Ms Easton recommended rejecting Forest & Bird's submission (S560.018) because it relates to the MINZ chapter and has been miscoded to the OSRZ chapter.

8. Ms Easton recommended accepting the submission from MoE (S456.025), reasoning replacing "Educational" with "Educational Facilities" in NOSZ – R9 will correct a drafting error. However, the Panel notes this was omitted in the amendment.

9. Ms Easton recommended amendments to NOSZ – R7 to NOSZ – R9 in Appendix 1 of the s42A Report is shown in italics below:

NOSZ - R7 Community Facilities

Activity Status Restricted Discretionary

Discretion is restricted to:

…

d. Management of effects on natural character, landscape, historical ***values, Poutini Ngāi Tahu*** values and biodiversity values …

NOSZ - R8

Vehicle Access and Carparking areas

Activity Status Restricted Discretionary

…

Discretion is restricted to:

…

e. Management of effects on natural character, landscape, historical ***values, Poutini Ngāi Tahu*** values and biodiversity values …

NOSZ - R9

Recreational Activities, Conservation Activities, Educational Facilities and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

…

d. Management of effects on natural character, landscape, historical ***values, Poutini Ngāi Tahu*** values and biodiversity values …

Submitter Correspondence

KiwiRail Holdings Limited

10. In her correspondence on behalf of KiwiRail, Ms Grinlinton-Hancock highlighted KiwiRail submitted on the Introduction and General Provisions of the pTTPP addressing the need for safety setbacks from the rail corridor. She indicated none of KiwiRail's submission points were allocated to the OSRZ chapter, nor is there specific discussion of KiwiRail's relief in Ms Easton's s42A Report. Nevertheless, she suggested the relief sought by KiwiRail is relevant to the OSRZ topic.

11. Consequently, Ms Grinlinton-Hancock indicated KiwiRail request amendments to Ms Easton's recommended NOSZ-R1, NOSZ-R7, and NOSZ-R9 as shown below in italics. The reason for these amendments is to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. The KiwiRail amendments are shown below:

NOSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

…

4. Buildings ***or structures*** are setback a minimum 4.5m from road ***and rail designation*** *boundar~~y~~****ies***; and

…

NOSZ-R7 Community Facilities

Activity Status Restricted Discretionary

Discretion is restricted to:

…

e. The safe and efficient operation of the rail network.

…

NOSZ-R9 Recreational Activities, Conservation Activities, Educational Facilities and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

…

f. <u>The safe and efficient operation of the rail network.</u>

<u>Hearing and Submitter Evidence</u>

12. Ms Smith for Terra Firma concurred with Ms Easton's rejection of Forest & Bird's submission (S560.0549) to prohibit new mining on conservation land and not referring to mineral extraction in the NOSZ overview. However, she suggested that mineral extraction should be referred to in the OSZ overview because it is anticipated in this zone.

13. Ms Hunter for Bathurst Group supported Ms Easton's recommendation on Forest & Bird's submission (S560.0549).

14. Mr Deavoll supported Ms Easton's recommendation to amend NOSZ-R4 to NOSZ-R6, reasoning that residential activities, temporary camping grounds, and retail activities in natural open space settings require resource consent scrutiny rather than relying on the scale limitations in NOSZ – R1. He also noted DoC's development and operational activities are often exempt from these rules under RMA section 4(3). Consequently, this change would only generate resource consent applications from third parties proposing such activities in the NOSZ.

15. On behalf of Ngāi Tahu, Ms Pull suggested the NOSZ Overview be amended as shown below to improve consistency and clarity relating to the EIT chapter:

Overview

…

Other relevant Te Tai o Poutini Plan provisions

…

- **<u>Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport chapters contains rules in relation to energy, infrastructure or transport activities. The objectives and policies of this zone will be considered for any energy, infrastructure or transport activity that trigger resource consent.</u>**

16. Ms Pull supported Ms Easton's recommended amendment to NOSZ-R4 inserting an advice note stipulating the rule does not apply to Nohoanga Entitlements. However, she highlighted this recommendation has not been applied to other zones. Consequently, she suggested amending the definition for the terms "camping ground", "freedom camping", and "seasonal camping" by clarifying Nohoanga Entitlements are excluded from these definitions per her evidence for Introduction/ General Provisions Chapter and Ms Philippa Lynch's evidence on behalf of Ngāi Tahu for District Wide provisions and amending NOSZ-R12 to include camping ground activities not meeting restricted discretionary standards.

17. The Panel note that Ngāi Tahu did not submit or further submit on NOSZ-R12, although they did further submit on NOSZ-R4. In her planning evidence, Ms Pull highlighted that Ms Easton's recommended change to the activity status for NOSZ-R4 requires a consequential amendment to NOSZ-R12 so that it includes reference to "Camping Grounds and Temporary Camping

Grounds not meeting Permitted Activity Standards **and Camping Grounds not meeting restricted discretionary standards**.

18. Ms Pull supported the inclusion of Poutini Ngāi Tahu values in the matter of discretion for Restricted Discretionary Activities in the NOSZ to clarify that effects of a development or activity can be assessed from a cultural lens.

19. Lastly, Ms Pull indicated the terms "landscape measures" and "landscape treatment" in NOSZ-R4 to NOSZ-9 are unclear as found during the EIT hearing. Consequently, to improve clarity and consistency with the EIT she suggested amending the matter referencing "landscape measures" or "landscape treatment" in these rules with:

The effects of the proposal on the amenity, character and landscape values of the Zone.

20. Ms Inta suggested that paragraph 156 of Ms Easton's s42A Report (which relates to QLDC's submission on the NOSZ Overview) should be deleted. She did not understand this suggestion as Ms Easton's recommendations to the NOSZ Overview do not appear to repeat "Adjacent Local Authority Administration" concerns.

21. In response to Ms Easton's rejection of S552.164, Ms Inta suggested Ms Easton failed to recognise that LINZ lands are public lands, including many waterway and terrestrial environments much of which contains high natural, ecological, and landscape values. Consequently, Ms Inta indicated that these lands warrant at least a mention in the NOSZ Overview and would be easily mapped in GIS, similar to small DoC land parcels.

Reporting Officer Reply Evidence

22. Ms Easton indicated she did not support a 4.5m setback from the railway corridor for buildings in NOSZ as sought by KiwiRail and detailed by Ms Grinlinton-Hancock. She noted that a setback for buildings against the Natural Open Space Zone in the Buller Gorge was unnecessary as this entire location is only accessible from the rail corridor and the likelihood of any building is therefore negligible.

23. Ms Easton supported Ms Pull's suggested amendments to the NOSZ Overview relating to the EIT chapter being added to the '*other relevant Te Tai o Poutini Plan provisions*' section, considering this better represents the situation in relation to these activities.

24. Ms Easton clarified submissions on NOSZ – R16 were addressed in the MINZ s42A Report, not the OSRZ s42A Report. Consequently, she did not recommend any amendments to that rule, instead referring submitters and the TTPP Panel to the MINZ topic.

25. Further in her right of reply, Ms Easton:

(a) clarified the only rail corridor in the NOSZ was at Buller Gorge. She indicated this NOSZ area is only accessible from the rail corridor because the gorge separates it from the state highway. In their October 2024 right of reply, Ms Easton and Ms Belgrave agreed a 4.5m rail corridor setback is not necessary in the NOSZ because it is entirely vegetated and largely inaccessible in locations adjacent to the Reefton – Westport branch line. Therefore, they do not recommend amendments to NOSZ – R1 in relation to building setback.

(b) highlighted the s42A report Introduction and General Provisions proposed the term "camping grounds" be defined as:

means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more facilities or parties (whether consisting of one or more persons) living independently of each other, whether or not such facilities or parties enjoy the use in common of entrances, water supplies, cookhouse, sanitary fixtures or other premises and equipment, and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground.

(c) considered nohoanga were not captured by the "camping grounds" definition as they are not used for rent, hire, or reward. However, if fees or koha are paid / gifted for use, then nohoanga would be captured by this definition. Consequently, she indicated an exemption may be required. Therefore, she suggested clarifying this in the "camping grounds" definition by inserting "*For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds*" to the definition.

(d) did not consider there was scope in Ngāi Tahu's submissions to change OSRZ rules as sought by Ms Pull relating to "landscape measures".

(e) implied there was no scope in Ngāi Tahu's submissions to amend the NOSZ Overview by referring to the EIT chapter because they only made this submission on the EIT Chapter with no similar submission made on the OSRZ.

(f) considered combining several NOSZ Non-Complying Activity rules as a Clause 16 amendment. However, she did not believe a catch-all "*any activity not provided for in another rule*" Non-Complying Activity rule would satisfy Clause 16, as activities not listed in the pTTPP are currently Permitted but would become non-complying under the catch-all rule.

Hearing Panel's Evaluation

Definition of Camping Grounds

26. The Panel agree with Ms Easton addition to the end of the definition of camping grounds to clarify that nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.

Overview

27. The Panel has considered the various submissions on the Natural Open Space Zone Overview, and we agree the reasoning and amendments proposed by Ms Easton and recommend they be included.

Whole of Chapter

28. The Panel agrees with Ms Easton's conclusions in relation to the Skyline Enterprises Limited's submission on providing for an Aerial Cableway in the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley and we note that this matter has been addressed in more detail in the Special Purpose Zone recommendation.

29. The Panel does not support Forest and Birds submission to amend to purpose of the zone be amended to state that it includes all public conservation land. We agree with Ms Easton that

there is public conservation land where a Natural Open Space Zone identification is inappropriate.

Rules

30. In terms of NOSZ-R1, the Panel agree with the amendment proposed by Ms Easton and her reasoning to remove written approval from the rule and provide for it within an Advice Note.

31. The Panel agrees that rules NOSZ-R2 and NOSZ-R3 should remain unamended and not require the relevant activities to seeks consent as discretionary activities as sought by Forest and Bird. The activities concerned are appropriate to the NOSZ and are limited by NOSZ-R1 and we accept Ms Easton's reasoning in that regard and note that our conclusion also relates to the same Forest and Bird submission on NOSZ-R1.

32. Conversely, the Panel agree with Forest and Bird and Ms Easton that temporary camping grounds, retail activities and residential activities are not activities that would in all circumstances align with the functions and values of the NOSZ, and that a resource consent process is appropriate for these activities. We accept Ms Easton's contention that discretionary activity status is not necessary to protect the values of these natural open spaces and that a restricted discretionary activity status with targeted matters of discretion, as sought by the Director General, is a more appropriate response. We therefore recommend that rules NOSZ-R4, NOSZ-R5 and NOSZ-R6 be deleted as permitted activities and replaced as restricted discretionary activities.

33. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*'.

34. Regarding rules NOSZ–R7, NOSZ-R8 and NOSZ–R9, the Panel accepts the consequential amendments resulting from from Ngāi Tahu's submission (S620.015) on the Introduction and General Provisions. We also acknowledge the correction of the heading to Education Facilities in rule NOSZ-R9.

35. The Panel note that the remaining rules NOSZ-R10 to NOSZ-R17 are either supported or not submitted on apart from a Forest and Bird submission on NOSZ-R16 which is addressed in the Mineral Extraction recommendation. We note that we asked Ms Easton whether it would be possible to combine several of the non-complying activity rules as one catch all rule as a Clause 16 amendment. She did not consider that the creation of an "*any activity not provided for in another rule*" type catch all rule would meet the Clause 16 test. We acknowledge that NORZ-R17 is already a catch all rule, however we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. We note that such an amendment is proposed plan wide in relation to various submitters. In this case we rely on the submission of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

36. In relation to the remainder of the submissions on the NOSZ rules the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

37. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the definition of "**Camping Grounds**" and the **NOSZ Overview and Rules**:

Definitions - Ngā Tautuhinga	
Term	**Definition**
CAMPING GROUNDS	~~has the same meaning as the Camping Grounds Regulations 1985 (as set out below)~~ means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such facilities or parties enjoy the use in common of entrances, water supplies, cookhouse, sanitary fixtures or other premises and equipment, **and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground.** **For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.**[88]

NOSZ	**Natural Open Space Zone - Te Takiwā Pōaha Aotūroa**
Overview The purpose of the NOZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves. This zone also applies to large areas of public conservation land – **specifically gazetted** national parks **and** scientific reserves, **as well as areas classified within the Department of Conservation reserve classification system as** ~~wilderness areas,~~ **Wildlife Management Areas and** ~~s~~**S**pecially ~~p~~**P**rotected ~~a~~**A**reas ~~and important ecological areas~~[89]. Natural Open Space has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement. These are spaces that the community value and areas where people can relax and enjoy recreation and leisure activities such as walking and cycling, fishing, picnicking, and boating. Some of these spaces are used for cultural and customary activities, such as gathering mahinga kai, and are rich in historic heritage and cultural heritage values.	

[88] Ngai Tahu (FS41.140)
[89] Ms Katherine Gilbert (S473.013)

A low level of development and built form is anticipated within this zone to retain the natural/ biodiversity values within the natural open space areas.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also **need to be consistent with** ~~have regard to~~[90] any relevant reserve management plans, national park management plans or national legislation (Reserves Act 1977 or Conservation Act 1987).

Other Relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within the Natural Open Space Zones.

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

- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Natural Open Space Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.**

- **Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**

- **Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Natural Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**

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

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

- **General District Wide Matters - provisions in relation to noise, light and signs in particular may be relevant to activities in the Natural Open Space Zone.**[91]

Adjacent Local Authority Administration

[90] Forest & Bird (S560.0548)
[91] Forest & Bird (S560.0553 and S560.351) and Ngāi Tahu (S620.214)

Lands within the Natural Open Space Zone adjoin a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. Plan users need to apply care in regard to any potential cross boundary resource management issues and check the relevant District Plans of adjacent Territorial Authorities when considering activities on the edges of the Te Tai o Poutini Plan planning area.[92]
NOSZ - Natural Open Space Zone Rules
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.
Permitted Activities

NOSZ - R1	**Park Facilities and Park Furniture**
Activity Status Permitted Where: 1. The maximum building height above ground level is 5m; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. The maximum gross floor area is 100m^2; 4. Buildings are setback a minimum 4.5m from road boundaries; and No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~[93]. This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not	**Activity status where compliance not achieved:** Restricted Discretionary

[92] QLDC (S523.002)
[93] BDC (S538.385)

exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:** 1. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**[94]	
NOSZ – R2	**Educational Facilities and Research Facilities Ancillary to a Conservation Activity or a Recreation Activity**
Activity Status Permitted Where: 1. All performance standards for Rule NOSZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
NOSZ – R3	**Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities**
Activity Status Permitted **Where:** **1.** All performance standards for Rule NOSZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
~~**NOSZ – R4**~~	~~**Temporary Camping Grounds**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. Written notification to the Council of the activity is provided at least 10 working days prior to the activity commencing; and~~ ~~2. Camping activity is restricted to 10 days per calendar year.~~ ~~**Advice Note:**~~ ~~1. Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.~~ ~~2. Where activities are located in Overlay Chapter Areas the relevant provisions also apply.~~	~~**Activity status where compliance not achieved:** N/A~~[95]

[94] BDC (S538.385)
[95] Forest & Bird (S560.355) and Director General (S602.193)

~~**NOSZ – R5**~~	~~**Residential Activities**~~	
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. This is ancillary to a conservation activity or recreation activity;~~ ~~2. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and~~ ~~**3.** All performance standards for Rule NOSZ - R1 are complied with.~~		~~**Activity status where compliance not achieved:** Discretionary~~[96]
~~**NOSZ – R6**~~	~~**Retail Activities**~~	
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. This is ancillary to a recreation activity or a conservation activity; and~~ ~~2. Performance Standards for Rule NOSZ - R1 are complied with.~~		~~**Activity status where compliance not achieved:** Discretionary~~[97]
Restricted Discretionary Activities		
NOSZ – R4	**Temporary Camping Grounds**	
Activity Status Restricted Discretionary **Where:** **1. Camping activity is restricted to 10 days per calendar year.** **Discretion is Restricted to:** **a. Design, position and location of any buildings or structures;** **b. Measures to mitigate landscape effects;**[98] **c. Vehicle access and parking design and location; and** **d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values,**[99] **and biodiversity values.** **Advice Note:** **1. Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.**		**Activity status where compliance not achieved: Discretionary**[100]

[96] Forest and Bird (S560.356) and Director General (S602.207)
[97] Forest and Bird (S560.357) and Director General (S602.208)
[98] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[99] Ngāi Tahu (S620.015)
[100] Forest & Bird (S560.355) and Director General (S602.193)

2. Where activities are located in Overlay Chapter Areas the relevant provisions also apply. **3. This rule does not apply to nohoanga entitlements granted to Poutini Ngāi Tahu as part of the Ngāi Tahu Treaty Settlement Act. Nohoanga entitlements are regulated under Rule NOSZ – R3 as part of Poutini Ngāi Tahu Activities.**	
NOSZ - R5	**Residential Activities**
Activity Status Restricted Discretionary **Where:** **1. This is ancillary to a conservation activity or recreation activity;** **2. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and** **3. All performance standards for Rule NOSZ - R1 are complied with.** **Discretion is Restricted to:** **a. Design, position and location of any buildings or structures;** **b. Measures to mitigate landscape effects;**[101] **c. Vehicle access and parking design and location; and** **d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values,**[102] **and biodiversity values.**	**Activity status where compliance not achieved: Discretionary**[103]
NOSZ - R6	**Retail Activities**
Activity Status Restricted Discretionary **Where:** **1. This is ancillary to a conservation activity or a recreation activity; and** **2. All performance Standards for Rule NOSZ - R1 are complied with.** **Discretion is Restricted to:** **a. Design, position and location of any buildings or structures;** **b. Measures to mitigate landscape effects;**[104] **c. Vehicle access and parking design and location; and**	**Activity status where compliance not achieved: Discretionary**[106]

[101] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[102] Ngāi Tahu (S620.015)
[103] Forest and Bird (S560.356) and Director General (S602.207)
[104] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[106] Forest and Bird (S560.357) and Director General (S602.208)

d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values,[105] **and biodiversity values.**	
NOSZ - R7	**Community Facilities**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of the building; b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**; [107] c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical values, **Poutini Ngāi Tahu values**~~and cultural values~~[108] and biodiversity values.	**Activity status where compliance not achieved:** N/A
NOSZ - R8	**Vehicle Access and Carparking areas**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a Permitted Activity within the NOSZ - Natural Open Space Zone. **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[109] b. Compliance with transport standards; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical values, **Poutini Ngāi Tahu values** ~~and cultural values~~[110] and biodiversity values.	**Activity status where compliance not achieved:** Non-complying
NOSZ - R9	**Recreational Activities, Conservation Activities, Educational Facilities**[111] **and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of any buildings;	**Activity status where compliance not achieved:** N/A

[105] Ngāi Tahu (S620.015)
[107] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[108] Ngāi Tahu (S620.015)
[109] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[110] Ngāi Tahu (S620.015)
[111] MoE (S456.025)

b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[112] c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical values, **Poutini Ngāi Tahu values**~~and cultural values~~[113] and biodiversity values.	
Discretionary Activities	
NOSZ - R10	**Retail and Residential Activities not meeting Permitted Activity Standards**
Activity Status Discretionary Where: **1.** These are ancillary to a recreation activity, education activity or research activity or conservation activity.	**Activity status where compliance not achieved:** Non-complying
NOSZ - R11	**New Cemeteries and Urupā**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
NOSZ - R12	**Camping Grounds and Temporary Camping Grounds not meeting Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
NOSZ - R13	**Any Other Activity not provided for within another Rule in the Zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**[114]
Non-complying Activities	
NOSZ - R1~~3~~4	**Retail Activities and Residential Activities not meeting Permitted or Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
NOSZ - R1~~4~~5	**Vehicle Access and Carparking not meeting Restricted Discretionary Activity Standards**

[112] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[113] Ngāi Tahu (S620.015)
[114] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

Activity Status Non-complying		**Activity status where compliance not achieved:** N/A
NOSZ - R1~~5~~6	**Commercial Activities not provided for in another Rule in the Zone**	
Activity Status Non-complying		**Activity status where compliance not achieved:** N/A
NOSZ - R1~~6~~7	**Mineral Extraction Activities**	
Activity Status Non-complying		**Activity status where compliance not achieved:** N/A
NOSZ - R1~~7~~8	**Industrial Activities ~~or any other Activity not provided for in another Rule~~**[115]	
Activity Status Non-complying		**Activity status where compliance not achieved:** N/A

8. OPEN SPACE ZONE CHAPTER

Submissions and Further Submissions

38. 10 submission points and one further submission point[116] received on the **OSZ Chapter as a whole** were summarised in a Table on pages 57 to 58 of the s42A Report. Nine submission points sought to amend OSZ provisions, with GDC's submission opposed by Ngāi Tahu. The tenth submission point was neutral.

39. Seven submission points and one further submission point[117] received on the **OSZ Overview** were summarised in a Table on pages 58 to 59 of the s42A Report. Six submission points sought an amendment to the overview section. One submission point supported in part the overview section, seeking an amendment, with this being opposed by the further submission.

40. Two submission points[118] received on multiple **OSZ Rules** were summarised in a Table on page 59 of the s42A Report. One submission point opposed specific rules as notified, while the other submission supported the rules as notified.

41. Six submission points[119] received on **OSZ – R1** were summarised in a Table on pages 59 to 61 of the s42A Report. One submission point supported the rule as notified, while three submission points supported in part the rule with amendments sought. One submission point

[115] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[116] Ms Laura Coll McLaughlin (S574.338, S574.339 and S574.341), Mr William McLaughlin (S567.398 to S567.400), Mr Chris & Ms Jan Coll (S558.339), Chris J Coll Surveying Limited (S566.339), GDC (S608.095), Ngāi Tahu (FS41.026), and Director General (S602.219)
[117] Forest & Bird (S560.360, S560.0589, and S560.0590), WMS (S599.102), Director General (S602.00240), QLDC (S523.003), Manawa Energy (S438.135), and Ngāi Tahu (FS41.144)
[118] Mr Murray Stewart (S217.001) and RNZ (S476.034)
[119] Te Mana Ora (S190.636), the Findlays (S605.016), Waka Kotahi (S450.197), GDC (S608.690), BDC (S538.387), and RNZ (S476.033)

opposed the rule as notified, while one submission point opposed in part the rule with amendments sought.

42. Two submission points[120] received on **OSZ – R2** were summarised in a Table on page 61 of the s42A Report, both supported the rule as notified.

43. Two submission points[121] received on **OSZ – R3** were summarised in a Table on pages 61 and 62 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other.

44. Three submission points[122] received on **OSZ – R4** were summarised in a Table on page 62 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other two submission points.

45. Three submission points[123] received on **OSZ – R5** were summarised in a Table on page 62 of the s42A Report. The rule as notified was supported by two submission points but opposed by the third submission point.

46. Two submission points[124] received on **OSZ – R6** were summarised in a Table on page 62 of the s42A Report. One submission point supported the rule as notified, while the second sought an amendment to the rule.

47. One submission point[125] received on **OSZ – R7** was summarised in a Table on pages 62 and 63 of the s42A Report, which supported the rule as notified.

48. One submission point[126] received on **OSZ – R8** was summarised in a Table on page 63 of the s42A Report, which supported the rule as notified.

49. Three submission points[127] received on **OSZ – R9** were summarised in a Table on page 63 of the s42A Report. Two submission points supported the rule as notified, while the third submission point opposed in part the rule.

50. Two submission points[128] received on **OSZ – R10** were summarised in a Table on page 63 of the s42A Report. One submission point supported the rule as notified, while the other opposed in part the rule.

51. One submission point[129] received on **OSZ – R11** was summarised in a Table on page 63 of the s42A Report, which supported the rule as notified.

52. Four submission points and one further submission point[130] received on **OSZ – R12** were summarised in a Table on pages 63 and 64 of the s42A Report. Three submission points sought an amendment to the rule, with the Director General's submission opposed by the further submission. The fourth submission point opposed the rule as notified.

[120] Ngāi Tahu (S620.216) and Te Mana Ora (S190.637)
[121] Te Mana Ora (S190.638) and the Findlays (S605.017)
[122] Te Mana Ora (S190.639), the Findlays (S605.018), and BDC (S538.388)
[123] Te Mana Ora (S190.640), MoE (S456.026), the Findlays (S605.019)
[124] Te Mana Ora (S190.641) and NZMCA (S490.009)
[125] Te Mana Ora (S190.642)
[126] Te Mana Ora (S190.643)
[127] Te Mana Ora (S190.644), the Findlays (S605.020), and Waka Kotahi (S450.198)
[128] Te Mana Ora (S190.645) and GDC (S608.691)
[129] Te Mana Ora (S190.646)
[130] Te Mana Ora (S190.647), Director General (S602.199 and S602.213), GDC (FS1.374), and Forest & Bird (S560.364 and S560.0601)

53. Three submission points[131] received on **OSZ – R13** were summarised in a Table on pages 64 and 65 of the s42A Report. Two submission points supported the rule as notified, while the third sought an amendment.

54. Two submission points[132] received on **OSZ – R14** were summarised in a Table on page 65 of the s42A Report, both supported the rule as notified.

55. Two submission points[133] received on **OSZ – R15** were summarised in a Table on page 65 of the s42A Report. One submission point supported the rule as notified, while the other sought an amendment.

56. One submission point[134] received on **OSZ – R16** was summarised in a Table on page 65 of the s42A Report, which supported the rule as notified.

57. One submission point[135] received on **OSZ – R17** was summarised in a Table on page 65 of the s42A Report, which supported the rule as notified.

58. One submission point[136] received on **OSZ – R18** was summarised in a Table on pages 65 and 66 of the s42A Report, which supported the rule as notified.

59. One submission point[137] received on **OSZ – R20** was summarised in a Table on page 66 of the s42A Report, which supported the rule as notified.

60. Two submission points[138] received on **OSZ – R21** were summarised in a Table on page 66 of the s42A Report. The rule as notified was supported by one submission but opposed by the other.

61. One submission point[139] received on **OSZ – R23** was summarised in a Table on page 66 of the s42A Report, which supported the rule as notified.

62. One submission point[140] received on **OSZ – R24** was summarised in a Table on page 66 of the s42A Report, which supported the rule as notified.

63. Two submission points[141] received on **OSZ – R25** were summarised in a Table on page 66 of the s42A Report. The rule as notified was supported by one submission but opposed by the other with an amendment sought.

64. One submission point and one further submission point were summarised in a Table on page 67 of the s42A Report for **OSZ – R26**. However, the further submission point is an error (i.e., template content) so the correct count is one submission point[142] received on **OSZ – R26**. The submission point supported the rule as notified.

[131] Te Mana Ora (S190.648), Waka Kotahi (S450.199), and Director General (S602.214)
[132] Te Mana Ora (S190.649) and MoE (S456.027)
[133] Te Mana Ora (S190.650) and Director General (S602.215)
[134] Te Mana Ora (S190.651)
[135] Te Mana Ora (S190.652)
[136] Te Mana Ora (S190.653)
[137] Te Mana Ora (S190.655)
[138] Te Mana Ora (S190.656) and Director General (S602.217)
[139] Te Mana Ora (S190.658)
[140] Te Mana Ora (S190.659)
[141] Te Mana Ora (S190.660) and the Findlays (S605.021)
[142] Te Mana Ora (S190.661)

65. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

OSZ Whole Chapter

66. Ms Easton recommended rejecting the submissions from:

(a) Ms Coll McLaughlin (S574.338, S574.339, and S574.341), Mr McLaughlin (S567.398 to S567.400), Mr & Ms Coll (S558.339), and Chris J Coll Surveying Limited (S566.339), Reasoning a change of use or activity can mean that existing non-compliance actually aggravates adverse effects particularly in relation to amenity Issues

(b) GDC (S608.095) as she was unsupportive of removing all references to "Site or Area of Significance to Māori" in the OSZ Chapter. She emphasised that the substantive issues around the merits of Sites and Areas of Significance to Māori are addressed in the s42A report for that topic.

OSZ Overview

67. Ms Easton recommended accepting the submissions from:

(a) Forest & Bird (S560.360) supporting the relevant chapters being listed in the overview section, and the addition of the ECO, NFL, and CE chapters as they were omitted in error. Consequently, she recommended the OSZ overview be amended similarly to the NOSZ overview. This also links to Forest & Bird's submission on the OSRZ overview (S560.0553).

(b) Forest and Bird (S560.0589) sought to amend the Overview to specify Historic Reserves land fall within the zone

(c) WMS (S599.102), regarding inserting a missing "are" which corrects a typographic error;

(d) Forest & Bird (S560.0590), reasoning that the amendments sought are a requirement of the National Parks Act;

(e) The Director General (S602.00240), reasoning that '*concession*' is commonly used for managing activities on public conservation land;

(f) QLDC (S523.003) seeking to amend the overview section to clarify that OSZ land often adjoins other territorial authority boundaries not managed by the pTTPP, so care needs to be applied regarding any potential cross boundary resource management issues; and

(g) Manawa (S438.135), reasoning the amendment sought would be helpful to pTTPP users and it reflects how the pTTPP works, but she recommended widening the advice by explaining the relationship with the Energy, Infrastructure and Transport Chapters.

68. Consequently, Ms Easton recommended the following amendments to the OSZ overview:

Overview

…

The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes. This zone includes areas that may also be used for a range of local purpose uses - for example municipal buildings, water supply, gravel reserves, quarries, campgrounds and cemeteries. In some cases they **are** also the locations for quarrying and mineral extraction before the land is remediated for other open space uses.

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values.

Activities and uses on publicly owned land are required to obtain permission (such as a lease**,** ~~or a~~ licence **or concession**) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also **need to be consistent with** ~~have regard to~~ any relevant reserve management plans and legislation (Reserves Act 1977 or Conservation Act 1987).

Relationship With Energy, Infrastructure and Transport provisions

The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.

Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.

Other relevant Te Tai o Poutini Plan provisions

- **Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**

- **Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**

- **Natural Character and the Margins of Waterbodies** -in some locations areas of Sport and Recreation Zone may extend into the riparian margins of waterbodies. The

Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.

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

Multiple OSZ rules

69. Ms Easton noted the support from RNZ (S476.034) on the proposed rules.

70. Ms Easton recommended rejecting the submission from Murray Stewart (S217.001) to increase the permitted gross floor area to 110m^2 to enable a 9 x 12 three bay shed, reasoning that buildings and structures are to be kept to a minimum size in order to retain the amenity and natural values associated with the open space purpose.

Permitted Activities – Rules OSZ – R1 to OSZ – R12

71. Ms Easton noted the support from Te Mana Ora (S190.636 to S190.646), Ngāi Tahu (S620.216), MoE (S456.026), and NZMCA (S490.009) on specific rules.

72. She recommended rejecting the submissions from:

(a) GDC (S608.690 and S608.691) having discussed the matter further with the planning team at GDC and confirmed they are happy with the current drafting approach and structure of the rules in the Plan.

(b) Waka Kotahi (S450.197) on the basis that the zone chapters have all been developed using the same template and framework, without separate tables of performance standards and this is not a requirement of the national planning standards

(c) The Findlays (S605.019), where she considered that education and research facilities are not normally designated "local purposes" under the Reserves Act so they may not have OSMPs. Ms Easton emphasised that while education and research facilities may be appropriate in the OSZ, they are not generally expected to be a Permitted Activity as they can have significant amenity effects. Consequently, she considered neighbours would expect to have amenity effects assessed before such a facility is approved. Ms Easton's indicated her reasoning is consistent with how education facilities are managed in other zones. She noted the rule framework is drafted to possibly apply a more permissive approach where an OSMP exists because the public consultation process of preparing such a plan would work through these issues;

(d) Te Mana Ora (S190.657), reasoning the effects management hierarchy is not suitable for a Permitted Activity, where no effects assessment is undertaken;

(e) The Findlays (S605.021), reasoning that commercial activities, except if ancillary to recreational and conservation activities, are not consistent with the OSZ purpose;

(f) Forest & Bird (S560.384 and 560.0601), reasoning that not all OSZ land is covered in indigenous vegetation, and agricultural activities can be appropriate in the OSZ. However, Ms Easton considered Forest & Bird's underlying concerns are partly addressed through the recommendations on the Director General's submission detailed below; and

(g) The Findlays (S605.020), reasoning that vehicle access and carparking should only be established where supporting the open space function, opposed to being for general carparking or access to private land for other purposes, hence the reference to an OSMP. Ms Easton highlighted that most OSZ land is unlikely to have an OSMP, and a resource consent process for all parking and vehicle access could be onerous. Consequently, she recommended an amendment to standard 1 of OSZ – R9 requiring the parking and vehicle access to be ancillary to conservation activity, a recreation activity, or a camping ground, similar to Rule OSZ – R7 and OSZ – R8.

73. She recommended accepting the submissions from:

(a) BDC (S538.387) to delete the reference to neighbour's written approval in the wording of the recession plane standard in Rule NOSZ – R1 and that instead an Advice Note be inserted that refers to the Deemed Permitted process as set out in the RMA;

(b) The Findlays (S605.016), reasoning that not linking the '*maximum gross floor area*' requirement to '*per building*' is a drafting error;

(c) The Findlays (S605.017) as she considered it appropriate for local purpose (community facility) reserves and recreation reserves (which often have community facilities) in the OSZ being a Permitted Activity. Ms Easton considered that these activities will generally be located in the OSZ, and therefore community facilities to largely be anticipated in OSZ. Additionally, she emphasised most OSZ lands will not have an OSMP. Lastly, Ms Easton noted that this approach would be consistent with the pTTPP, noting that a community facility in the General Residential Zone is a Permitted Activity, as are community halls in the General Rural, both subject to specific standards;

(d) The Findlays (S605.018) and BDC (S538.388), reasoning that 'clubrooms' permitted by NOSZ – R4 is just a type of community facility and can be covered by OSZ–R3;

(e) The Director General (S602.215 and S602.217), reasoning residential activities would be inconsistent with the OSZ purpose in most circumstances; and

(f) The Director General (S602.214), where she considered that a Controlled Activity may not be appropriate for managing all potential adverse effects of parks facilities and parks furniture not meeting Permitted Activity standards. She emphasised that there is no upper limit on the height or scale of such facilities.

74. She recommended accepting in part the submission from:

(a) RNZ (S476.033), considering a notification clause being an appropriate response for activities listed in OSZ – R13 and OSZ – R14 with a height of 18m or more, as these activities are most likely to be flag poles, sculptures or pou whenua, or tall meteorological or other monitoring equipment. However, she considered it unnecessary to: change the 7m height limit in OSZ – R1; and add a notification clause to the rules managing buildings because it would be very unlikely for a six-storey building (18m) to be developed in the Cape Foulwind Recreation Reserve site or adjacent esplanade reserves; and

(b) The Director General (S602.199 and 602.213), considering that the storage, treatment and disposal of solid and liquid animal waste is not an appropriate Permitted Activity in the OSZ. However, she did not support excluding rural research or farm quarries for two reasons. Firstly, some OSZ land may be local purpose reserves where a quarry purpose is provided for, instead she considered these activities should be allowed in OSZ – R12.

Secondly, rural research could be an appropriate activity. Additionally, Ms Easton was unsupportive of the proposed "*All other rules and standards, including within Overlay Areas are met*" amendment, considering this fairly vague when greater specificity is needed. However, to address the Director General's concerns, she recommended amending OSZ – R12 by inserting a new standard reading "*The activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8*".

75. As noted above Ms Easton recommended amendments to Rule OSZ – R1 to OSZ – R8 (noting OSZ- R4 is to be deleted) and Rules OSZ – R10 and OSZ – R11 (as notified) to refer to the Rifle Range Protection Area.

76. Ms Easton recommended amendments to OSZ – R16 to OSZ – R18 and OSZ – R20 to include Poutini Ngāi Tahu values. This stems from the generic submission by Ngāi Tahu (S620.015) to include as a matter of control or a discretion with all zones chapters effects on Poutini Ngāi Tahu values. Ngāi Tahu content that as currently structured many rules within the zone chapters would not enable the effects on Poutini Ngāi Tahu values to be considered as a matter of control or discretion which could have unintended consequences to Poutini Ngāi Tahu and their relationship with their land, traditions, wai etc.

OSZ - R16 Retail Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

…

Discretion is restricted to:

…

f. Management of effects on natural character, landscape, historical **values, Poutini Ngāi Tahu** values, ecological and biodiversity values …

OSZ - R17 Vehicle Access and Carparking not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

…

e. Management of effects on natural character, landscape, historical **values, Poutini Ngāi Tahu** values, ecological and biodiversity values …

OSZ - R18 Cemeteries and Urupā not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

…

a. Management of effects on natural character, landscape, historical **values, Poutini Ngāi Tahu** values and biodiversity values …

OSZ - R20 Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

…

Discretion is restricted to:

…

e. Management of effects on natural character, landscape, historical **values, Poutini Ngāi Tahu** values, ecological and biodiversity values …

Submitter Correspondence

77. In her correspondence on behalf of the MoE, Ms Williams indicated the MoE does not oppose Ms Easton's recommended amendments to OSZ-R5 and OSZ-R14, nor the other OSRZ and OSZ provisions.

78. Ms Grinlinton-Hancock indicated KiwiRail requested amendments to Ms Easton's recommended OSZ-R1, OSZ-R13 to OSZ-R16, and OSZ-R20 as shown in italics below. The purpose for these amendments is to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure.

OSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

…

3. Buildings ***or structures*** are setback:

    i. 4.5m from the road ***and rail designation*** *boundar~~y~~****ies***; and

    …

OSZ - R13 Park Facilities and Park Furniture not meeting Rule OSZ - R1

Activity Status ~~Controlled~~Restricted Discretionary

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

…

e. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

f. The safe and efficient operation of the rail network.

…

OSZ - R14 Recreational Activities, Conservation Activities, Educational facilities and Research Activities, Community Facilities and Clubrooms, Poutini Ngāi Tahu Activities and Camping Grounds and Accessory Buildings not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

…

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

…

OSZ-R15 Residential Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

…

Discretion is restricted to:

…

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

…

OSZ - R16 Retail Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

…

Discretion is restricted to:

…

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

…

OSZ - R20 Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

…

Discretion is restricted to:

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

79. In their memorandum of counsel on behalf of RNZ, Messrs Williams and Pedler emphasised support for Ms Easton's recommendations for OSZ-R13 and OSZ-R14 but indicated preference for a "broad requirement that applies to *all* structures within 1km of the [Cape Foulwind] transmitter".

Hearing and Submitter Evidence

80. In her planning evidence, Ms Styles agreed with Ms Easton's recommended amendments to the OSZ overview in response to Manawa's submission (S438.135). She highlighted the term '*energy activities*' was recommended to be removed from the pTTPP in other hearings and requested the Panel apply a consistent approach for the OSZ provisions.

81. Mr Pemberton raised concern regarding recommended amendments to OSZ-R19 and associated reasoning which the Director General had submitted on seeking discretionary status. He acknowledged that this rule was assessed in the Mineral Extraction hearing (which DoC had not attended) and noted that the reporting officer recommended OSZ-R19 to be discretionary, but no assessment matters were included or any reference to activities not occurring in certain places such as ONLs or SNAs as per the provision as notified. He suggested this rule does not reflect the ecological bottom lines for mining activities stipulated by the WCRPS, nor give effect to the WCRPS. Mr Pemberton highlighted this matter may be addressed in the ECO chapter, and, if so, the Director General will speak to those provisions. The Panel notes that OSZ–R19 and OSZ–R22 are addressed in the Mineral Extraction recommendation.

82. Ms Pull supported the inclusion of Poutini Ngāi Tahu values in the matters of discretion for OSZ-R18 and OSZ-R19 as the activities provided for in these rules could potentially impact Poutini Ngāi Tahu values. However, she suggested Poutini Ngāi Tahu values were an unnecessary consideration for the other OSZ provisions. She reasoned that this was because she was unable to conclude that a feasible activity creating a rule breach beyond the permitted baseline would have a more than minor effect on Poutini Ngāi Tahu values not already protected by the SASM overlay. Consequently, Ms Pull indicated removing 'Poutini Ngāi Tahu values' from rules:

OSZ-R13 Park Facilities and Furniture

OSZ-R14 Recreational activities et al…

OSZ-R15 Residential Activities

OSZ-R16 Retail Activities

OSZ-R17 Vehicle Access and Carparking

OSZ-R20 Agricultural, Horticultural and Pastoral Activities

83. Additionally, Ms Pull suggested amending OSZ-13 to OSZ-20 by replacing '*landscape measures*' in these rules with:

The effects of the proposal on the amenity, character and landscape values of the Zone.

84. Ms Pull suggested SASM be deleted from OSZ-R19 to remove duplication as mineral extraction activities within the Pounamu and Aotea overlay are addressed by the SASM rules. She indicated retaining the advice note in OSZ-R19 but expand to refer the reader to both SASM-R7 and SASM-R11 for mineral extraction activities within the Pounamu and Aotea overlay.

85. Ms Pull highlighted below the amendment Ngāi Tahu sought to OSZ-R19 to include a reference to the accidental discovery protocol was not addressed in the s42A report. However, she indicated retaining the '*historical and cultural heritage requirements*' matter of discretion in the rule will provide additional clarity in how to consider potential effects on these matters. Again, the Panel notes this provision was addressed in the Mineral Extraction recommendation.

OSZ - R19 Mineral Extraction Activities and Mineral Prospecting and Exploration not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, ~~a Site or Area of Significance to Māori,~~ a Significant Natural Area or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas]

Discretion is restricted to:

…

f. **Poutini Ngāi Tahu values and** Historic ~~and cultural~~ heritage requirements; **including any accidental discovery protocol requirements;**

…

Advice Note: Refer to Rule**s** SASM - R7 **and SASM-R15** in the Sites of Significance to Māori Chapter where mineral extraction is proposed within the Aotea or Pounamu Management Area **or SASM** Overlays.

86. Ms Pull raised concerns with Ms Easton's recommended amendment to the OSZ Overview relating to energy, infrastructure, and transport activities being exempt from OSZ provisions. She highlighted this interpretation is not applied to NOSZ or SARZ, or elsewhere in the pTTPP. Additionally, Ms Pull emphasised the Planning Standards state zone chapters must include cross references to the relevant energy, infrastructure, and transport provisions, but considered this does not exempt energy, infrastructure, and transport activities from OSZ provisions. Consequently, Ms Pull suggested the OSZ Overview be amended as shown below, including removing Ms Easton's recommended amendment relating to the EIT provisions, to improve consistency and clarity.

Overview

…

~~**Relationship With Energy, Infrastructure and Transport provisions**~~

~~The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.~~

~~Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.~~

~~The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.~~

Other relevant Te Tai o Poutini Plan provisions

…

- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport chapters contains rules in relation to energy, infrastructure or transport activities. The objectives and policies of this zone will be considered for any energy, infrastructure or transport activity that trigger resource consent.**

87. In her statement, Ms Inta commented on OSZ – R11. (The Panel note that neither Ms Inta nor BCG submitted or further submitted on this rule.) She suggested a drafting error with "Where" omitted from the start of clause 3. However, the Panel notes the list (i.e., clauses [1] to [5]) start from the term "Where".

88. Ms Inta also suggested the advice note for OSZ – R11 should also refer to the MINZ provisions and she indicated that OSZ–R11 differs to the similar MINZ provisions.

Reporting Officer Reply Evidence

89. Ms Easton clarified submissions on OSZ–R11, OSZ–R19 and OSZ–R22 were addressed in the MINZ s42A Report, not the OSRZ s42A Report. Consequently, she did not recommend any amendments to those rules, instead referring submitters and the TTPP Panel to the MINZ topic.

90. In her right of reply, Ms Easton:

(a) highlighted there are several locations where the rail corridor is in the OSZ i.e., Kumara Junction area, Taramakau River, Gladstone, Greymouth, Taylorville, Ikamatua, Arnold Valley, Moana, Te Kinga, Jacksons, Reefton, Inangahua, Buller Gorge, Westport, Waimangaroa. Consequently, she supported a 4.5m setback for buildings and structures in the OSZ through amendment to OSZ-R1(3)(i).

(b) supported adding '*the safe and efficient operation of the rail corridor*' as an additional matter of discretion to OSZ-R13.

(c) clarified there is scope to change OSZ rules as sought by Ms Pull through Ngāi Tahu's submission (S620.015). Ms Easton supported Ms Pulls' amendments relating to Poutini Ngāi Tahu values, agreeing with her rationale.

(d) did not consider there was scope in the Ngāi Tahu submissions to change OSRZ rules as sought by Ms Pull relating to '*landscape measures*'.

(e) Agreed with QLDC's submission (S523.003) to include an amendment relating to territorial boundaries in the OSZ Overview which was not shown in the original s42A report or Appendix 1 as follows:

> **Land included within the Open Space and Recreation Zones adjoins a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. When considering activities close to territorial authority boundaries, plan users need to apply care with regard to managing any potential cross boundary resource management issue.**

91. In their October 2024 right of reply, Ms Easton and Ms Belgrave:

(a) agreed the 4.5m rail corridor setback is generally appropriate in the OSZ, being consistent with roading setbacks and recognising the zone's low development expectation and open character.

(b) recommended this setback apply to "buildings" only in the Open Space Zone and Recreation Zones, considering this would mean in a rural zone a stockwater trough could not be placed in the setback if this zone were included.

(c) suggested amending OSZ-R1 and OSZ-R13 from that notified as detailed below:

OSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

…

c. Buildings are setback:

i. 4.5m from the road **and railway corridor** boundary; and

ii. 3m from any RESZ - Residential Zone or SETZ - Settlement Zone boundary.

…

OSZ - R13 Park Facilities and Park Furniture not meeting Rule OSZ - R1

Activity Status Controlled

Matters of control are:

…

c. Vehicle access and parking design and location; ~~and~~

d. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values**; and**

e. **the safe and efficient operation of the rail corridor**.

…

Hearing Panel's Evaluation

92. The Panel acknowledge that rules OSZ–R11, OSZ–R19 and OSZ–R22 have been addressed in the MINZ recommendations. The amendments from that recommendation are shown below.

93. The Panel has considered the various changes proposed to the Overview and we agree with amendments now proposed and the reasoning provided by Ms Easton and that of Ms Pull and Ms Styles. While we acknowledge Ms Styles comments regarding Energy Activity, we note that we have recommended in the Energy Chapter retaining the definition of '*Energy Activity*' unamended. We have also included some corrections to the Overview under Clause 16(2) of the RMA.

94. The Panel accept the inclusion of a setback for buildings only from the rail designation in OSZ-R1(3) and we acknowledge the need for associated matters of discretion in the following relevant restricted discretionary rules and consider '*the safe and efficient operation of the rail corridor*' is both appropriate and sufficient as a matter of discretion to address the issue. We agree with the amendment proposed by Ms Easton and her reasoning to remove written approval from the rule and provide for it within an Advice Note. We also accept that not linking the '*maximum gross floor area*' requirement to '*per building*' is a drafting error. In response to the RNZ submission we consider the 7m height limit and notification clauses in OSZ-R13 and OSZ-R14 address their concerns (noting that OSZ-R13 becomes restricted discretionary in our recommendations).

95. The Panel agrees with Ms Easton and the Director General that OSZ-R13 should be amendment from controlled to restricted discretionary. We accept that if Park Facilities and Park Furniture, which includes vehicle, machinery and equipment depots, storage sheds and lighting structures amongst other things, were proposed at a scale and extent that was inappropriate for land and area concerned there should be an ability for that consent to be declined. As Ms Easton noted there is no upper limit on the height or scale of such facilities, and therefore we agree that a controlled activity is not appropriate for managing all potential adverse effects. We note this amendment has a consequential amendment to ORS-R1.

96. In terms of OSZ-R3, the Panel agrees that that community facilities are largely anticipated in this zone and that the majority of open space zoned areas will not have an Open Space Management Plan. We therefore accept that Standard 2 which requires community facilities to be provided for in an Open Space Management Plan or lawfully established in order to be permitted should be deleted.

97. The Panel agrees with Ms Easton that OSZ-R4 relating to Clubrooms can be deleted as they are deemed to be a Community Facility. The Panel notes that as a result of this deletion there is a change to numbering sequence of the notified Rules from OSZ-R4 onwards.

98. The Panel agrees with Ms Easton's amendment to OSZ-R9. We acknowledge that vehicle access and carparking are expected activities associated with, however their purpose needs to be linked to functions and activities associated with the open space rather than providing general carparking, or access (for example) to private land for other purposes. It is for this reason that the reference is made to the Open Space Management Plan. We accept Ms Easton to amend rather than deleting standard 1, to require that access and carparking are ancillary to a conservation activity, a recreation activity, or a camping ground.

99. The Panel has considered the submission in relation to OSZ-R12 by the Director General, to further exclude activities within the definition of Agricultural, Horticultural or Pastoral Activities and requiring standards with overlays to be met, and Forest and Bird seeking for the rule to be a discretionary activity. As we understand it the submitters are concerned about the potential of conversion of park land to farming and horticulture uses. While we consider such conversion of open space at any significant scale to be unlikely, we agree with Ms Easton that the storage, treatment and disposal of solid and liquid animal waste is not an appropriate permitted activity in the open space zone. We also accept that it's appropriate to calve out local purpose reserves where a quarry purpose is enabled and to add a clause that activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8. We consider these amendments address a number of the concerns of the submitters without the need to make the activities discretionary, particularly given some levels of Agricultural, Horticultural or Pastoral Activities may well be appropriate.

100. The Panel accepts the evidence of Ms Pull that it is not necessary to include Poutini Ngāi Tahu values in OSZ-R13, OSZ-R14, OSZ-R15, OSZ-R16, OSZ-R17 and OSRZ-R20 and we note this was supported by Ms Easton. We agree that Poutini Ngāi Tahu values should be included in OSZ-R18 and OSZ-R19 (as notified) given these relate to:

    (i) cemeteries and urupā where the location of human remains is a tikanga issue and the sites are often wāhi tapu. Therefore, consideration of Poutini Ngāi Tahu values is expected, and

    (ii) mineral extraction and mineral prospecting and exploration which are potential large and long-term scale activities, where consideration of Poutini Ngāi Tahu values is reasonable. Notwithstanding this, we note that OSZ-R19 is recommended in the Mineral Extraction recommendation to become fully discretionary.

101. The Panel acknowledge the correction of the heading to 'Education Facilities' in rule OSZ-R14.

102. The Panel agrees with Ms Easton and the Director General that residential activities not being ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground under rule ORS-R15 should default to non-complying rather than discretionary. We agree that residential activity, other than for the above purposes, is inappropriate in the OSZ, and would not be consistent with the purposes and functions of the zone.

103. We acknowledge that OSZ-R26 is a catch all rule, however we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. We note that such an amendment is proposed plan wide in relation to various submitters. In this case we rely on the submission of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

104. The Panel notes that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and 'landscape treatment' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*'. We consider this addresses the concerns expressed by Ms Pull in relation to '*landscape measures*'.

105. The Panel note that other than reference to the Rifle Range Protection Area in some rules no other amendments are recommended to rules OSZ-R2, OSZ-R5, OSZ-R6, OSZ-R7, OSZ-R8, OSZ-

R10, OSZ-R16, OSZ-R17, OSZ-R18, OSZ-R20, OSZ-R22, OSZ-R23, OSZ-R24, OSZ-R25 and OSZ-R26 as notified.

106. In relation to the remainder of the submissions on the OSZ rules the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

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

OSZ	Open Space Zone - Te Takiwā Pōaha

Overview

The purpose of the OSZ - Open Space Zone is to provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. The West Coast/Te Tai Tai o Poutini open spaces vary in size from small neighbourhood parks to large sized parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in urban neighbourhoods and others form an important part of the district's shared pathway network.

The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes. This zone includes areas that may also be used for a range of local purpose uses - for example municipal buildings, water supply, gravel reserves, quarries, campgrounds and cemeteries. In some cases**,** [143] they **are** [144]also the locations for quarrying and mineral extraction before the land is remediated for other open space uses.

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values.

Activities and uses on publicly owned land are required to obtain permission (such as a lease**,** ~~or a~~ licence **or concession**[145]) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also **need to be consistent with** ~~have regard to~~ [146]any relevant reserve management plans and legislation (Reserves Act 1977 or Conservation Act 1987).

Land included within the Open Space and Recreation Zones adjoins a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. When considering activities close to territorial authority boundaries, plan users need to apply care with regard to managing any potential cross boundary resource management issue.[147]

[143] Clause 16(2) of Schedule 1 RMA
[144] WMS (S599.102)
[145] Director General (S602.00240)
[146] Forest & Bird (S560.0590)
[147] QLDC (S523.003)

Relationship With Energy, Infrastructure and Transport provisions

The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.

Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.[148]

Other relevant Te Tai o Poutini Plan provisions

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

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - –[149]there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Sport and Recreation Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.

- **Ecosystems and Biodiversity - as areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**[150]

- **Natural Features and Landscape - many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**[151]

- **Natural Character and the Margins of Waterbodies** - in[152] some locations areas of ~~Sport and Recreation~~ **Open Space**[153] Zone may extend into the riparian margins of waterbodies. The

[148] Manawa Energy (S438.135)
[149] Clause 16(2) of Schedule 1 RMA
[150] Forest & Bird (S560.360)
[151] Consequential change from Forest & Bird (S560.351)
[152] Clause 16(2) of Schedule 1 RMA
[153] Clause 16(2) of Schedule 1 RMA

Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.

- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**[154]

- **General District Wide Matters** - provisions in relation to noise, light and signs, in particular may be relevant to activities in the ~~Sport and Recreation~~ **Open Space**[155] Zone.

OSZ - Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

OSZ - R1	**Park Facilities and Park Furniture**

Activity Status Permitted	**Activity status where compliance not achieved:** ~~Controlled~~ **Restricted Discretionary**[161]
Where: 1. The maximum building height above ground level is 7m; 2. The maximum gross floor area is 100m **per building**[156]; 3. Buildings and are setback: i. 4.5m from the road **and rail designation**[157] boundr**ies**~~ary~~; and ii. 3m from any RESZ - Residential Zone or SETZ - Settlement Zone boundary. 4. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary; 5. Fences, walls and retaining walls are a maximum 2m height above ground level; 6. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary.~~ except where the neighbouring property owner's written approval is provided to the Council~~	

[154] Consequential change from Forest & Bird (S560.351)
[155] Clause 16(2) of Schedule 1 RMA
[156] The Findlays (S605.016)
[157] KiwiRail (S442.093)
[161] Director General (S602.199 and S602.213)

~~at least 10 working days prior to the works commencing~~ [158]This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically; and **7. No Parks Facilities or Parks Furniture are established in the Rifle Range Protection Area except that which is reasonably necessary for the operation of the Rifle Range.** [159] **Advice Note:** **1. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.** [160]	
OSZ – R2	**Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities**
Activity Status Permitted Where: 1. All performance standards for Rule OSZ - R1 are complied with; **and** **2. Within the Rifle Range Protection Area, Recreation Activities are restricted to Recreational Firearms Target Shooting.** [162]	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R3	**Community Facilities**
Activity Status Permitted Where:	**Activity status where compliance not**

[158] BDC (S538.387)
[159] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)
[160] BDC (S538.387)
[162] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

1. All performance standards for Rule OSZ - R1 are complied with; 2. ~~The community facility:~~ ~~i. Is provided for within an Open Space Management Plan for the site; or~~ ~~ii. Was lawfully established at the time of notification of the Plan; and~~[163] **2.** Hours of operation are limited to: i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year; and iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes~~.~~**; and** **3. No community facilities are located within the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range.**[164]	**achieved:** Restricted Discretionary
~~**OSZ – R4**~~	~~**Clubrooms**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. All performance standards for Rule OSZ - R1 are complied with;~~ ~~2. The clubrooms:~~ ~~i. Are provided for within an Open Space Management Plan for the site; or~~ ~~ii. Were lawfully established at the time of notification of the Plan; and~~ ~~3. Hours of operation are limited to:~~ ~~i. 7am to 10pm Sunday - Thursday;~~ ~~ii. 7am to 12pm midnight Friday and Saturday; except~~ ~~iii. No restriction on hours is in place for up to 12 days per calendar year~~ ~~iv. No restriction on hours is in place where the clubrooms are in use for Civil Defence Emergency Management purposes.~~	~~**Activity status where compliance not achieved:** Restricted Discretionary~~[165]

[163] The Findlays (S605.017)
[164] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)
[165] The Findlays (S605.018) and BDC (S538.388)

OSZ – R~~5~~4	**Educational Facilities and Research Facilities Ancillary to a Recreation or Conservation Activity**
Activity Status Permitted Where: 1. All performance standards for Rule OSZ - R1 are complied with; 2. The education or research facility is provided for within an Open Space Management Plan for the site; ~~and~~ 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays**; and** **4. No educational facilities or research facilities are located within the Rifle Range Protection Area**.[166]	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R~~6~~5	**Camping Grounds and Accessory Buildings Ancillary to the Camping Ground**
Activity Status Permitted Where: 1. All performance standards for Rule OSZ - R1 are complied with**; and** 2. **No camping grounds or accessory buildings are located within the Rifle Range Protection Area**.[167]	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R~~7~~6	**Retail Activities**
Activity Status Permitted Where: 1. This is ancillary to a recreation activity, a conservation activity or a camping ground facility; 2. No more than 25% of any building is allocated to the retail activity; 3. Except where this is associated with a camping ground, hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; ~~and~~ **4.** All performance standards for Rule OSZ - R1 are complied with**; and** **5. No retail activities are located within the Rifle Range Protection Area.**[168]	**Activity status where compliance not achieved:** Restricted Discretionary

[166] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)
[167] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)
[168] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

OSZ – R~~8~~7	**Residential Activities**
Activity Status Permitted Where: 1. This is ancillary to a recreation activity, a conservation activity or a camping ground, or to provide a caretaker unit for a park facility; ~~and~~ **2.** All performance standards for Rule OSZ - R1 are complied with**; and** **3.** **No residential activities or residential units are located within the Rifle Range Protection Area**.[169]	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ - R~~9~~8	**Vehicle Access and Car Parking Areas**
Activity Status Permitted Where: 1. The vehicle access or carparking is **ancillary to a conservation activity, a recreation activity or a camping ground** ~~established at the time of notification of the Plan or provided for within an Open Space Management Plan for the site~~; [170] and 2. All relevant Transport Standards in Appendix One are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R~~10~~9	**Cemeteries and Urupā**
Activity Status Permitted Where: 1. This is a cemetery or urupā lawfully established at the date of notification of the Plan; and 2. All performance standards for Rule OSZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R10~~1~~	**Mineral Prospecting and Mineral Exploration**
Activity Status Permitted Where: 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing; 3. Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed	**Activity status where compliance not achieved:** Restricted Discretionary

[169] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)
[170] The Findlays (S605.020)

as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated as far as is practicable to its original condition; ~~and~~ 5. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat~~.~~**; and** 6. **No Parks Facilities or Parks Furniture are established in the Rifle Range Protection Area except that which is reasonably necessary for the operation of the Rifle Range.**[171] **Advice Note:** 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7. 3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.	
OSZ - R11~~2~~	**Agricultural, Horticultural or Pastoral Activities**
Activity Status Permitted Where: 1. All performance standards for Rule OSZ - R1 are complied with; and 2. The activity does not include: a. Intensive indoor primary production; ~~or~~ b. Stock sale yards**;** c. **the storage, treatment and disposal of solid and liquid animal waste; or** d. **farm quarries outside of areas specifically identified as Local Purpose (Quarry) Reserves;** [172] **3. The activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8;**[173]**and**	**Activity status where compliance not achieved:** Restricted Discretionary

[171] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)
[172] Director General (S602.199 and S602.213)
[173] Director General (S602.199 and S602.213)

4. Within the Rifle Range Protection Area only buildings that are reasonably necessary to carry out Agricultural, Pastoral or Horticultural Activities are established.[174] **Advice Note:** **1.** Refer to Rule SASM - R7 in the Sites of Significance to Māori Chapter where a farm quarry is proposed within the Aotea or Pounamu Overlays.	
~~**Controlled Activities**~~ **Restricted Discretionary Activities**[175]	
OSZ - R12~~3~~	**Park Facilities and Park Furniture not meeting Rule OSZ - R1**
Activity Status ~~Controlled~~Restricted Discretionary **~~Matters of control are~~Discretion is Restricted to:**[176] a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[177] c. Vehicle access and parking design and location; ~~and~~ d. Management of effects on natural character, landscape, historical ~~and~~ ~~cultural~~ values, ecological and biodiversity values~~.~~**; and** **e. The safe and efficient operation of the rail corridor.**[178] **Notification** **1. When making notification decisions in relation to this rule, the Council will be informed by Radio New Zealand in terms of the safety risks of electromagnetic coupling that could arise with the construction of structures greater than 18m in height within 1000m of the Cape Foulwind radio transmission site.**[179]	**Activity status where compliance not achieved:** N/A
~~**Restricted Discretionary Activities**~~[180]	
OSZ - R13~~4~~	**Recreational Activities, Conservation Activities, Educational F~~f~~acilities**[181] **and Research Activities, Community Facilities ~~and Clubrooms~~**[182]**, Poutini Ngāi Tahu Activities and Camping Grounds and Accessory Buildings not meeting Permitted Activity Standards**

[174] Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)
[175] Director General (S602.214 and S602.217), KiwiRail (S442.093)
[176] Director General (S602.214 and S602.217)
[177] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[178] KiwiRail (S442.093)
[179] RNZ (S476.033)
[180] Consequential amendment from Director General (S602.214 and S602.217), KiwiRail (S442.093)
[181] Clause 16(2) of Schedule 1 RMA
[182] Consequential change from BDC (S538.388)

Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[183] c. Hours of Operation; d. Vehicle access and parking design and location; e. Management of wastewater, stormwater and water supply; ~~and~~ f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values; **and** g. **The safe and efficient operation of the rail corridor.**[184] **Notification** **1. When making notification decisions in relation to this rule, the Council will be informed by Radio New Zealand in terms of the safety risks of electromagnetic coupling that could arise with the construction of structures greater than 18m in height within 1000m of the Cape Foulwind radio transmission site.**[185]	**Activity status where compliance not achieved:** N/A
OSZ - R1~~4~~5	**Residential Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[186] c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location; e. Management of wastewater, stormwater and water supply;	**Activity status where compliance not achieved:** ~~Discretionary~~**Non – complying**[188]

[183] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[184] KiwiRail (S442.093)
[185] RNZ (S476.033)
[186] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[188] Director General (S602.215)

f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values**; and** g. **The safe and efficient operation of the rail corridor.**[187]	
OSZ - R15~~6~~	**Retail Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: This is ancillary to a conservation or recreation activity. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[189] c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; and f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values. g. **The safe and efficient operation of the rail corridor.**[190]	**Activity status where compliance not achieved:** Non-complying
OSZ - R16~~7~~	**Vehicle Access and Carparking not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[191] b. Management of effects on conservation or recreation activities; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical values, ecological and biodiversity values.	**Activity status where compliance not achieved:** N/A
OSZ - R17~~8~~	**Cemeteries and Urupā not meeting Permitted Activity Standards**

[187] KiwiRail (S442.093)
[189] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[190] KiwiRail (S442.093)
[191] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

Activity Status Restricted Discretionary **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[192] b. Management of effects on conservation or recreation activities; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical ~~and cultural~~ values**, Poutini Ngāi Tahu values**[193] and biodiversity values.	**Activity status where compliance not achieved:** N/A
OSZ - R19~~20~~	**Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a conservation, recreation, research or education activity. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~; **Measures to mitigate landscape effects**[194] c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location; ~~and~~ e. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values**; and** f. **The safe and efficient operation of the rail corridor.**[195]	**Activity status where compliance not achieved:** Discretionary
Discretionary Activities	
~~**OSZ - R21**~~	~~**Residential Activities not meeting Restricted Discretionary Activity Standards**~~
~~**Activity Status Discretionary**~~	~~**Activity status where compliance not achieved:** N/A~~[196]

[192] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[193] Ngāi Tahu (S620.015)
[194] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[195] KiwiRail (S442.093)
[196] Director General (S602.215)

OSZ - R20~~2~~	**Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards**	
Activity Status Discretionary **Advice Note:** When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ - P20, RURZ - P22, RURZ - P23, RURZ - P24 and RURZ - P26 should also be undertaken.		**Activity status where compliance not achieved:** N/A
OSZ - R21~~3~~	**Agricultural, Horticultural or Pastoral Activities not meeting the Permitted or Restricted Discretionary Rules**	
Activity Status Discretionary		**Activity status where compliance not achieved:** N/A
OSZ - R22	**Any Other Activity not provided for within another Rule in the Zone**	
Activity Status Discretionary		**Activity status where compliance not achieved:** N/A[197]
Non-complying Activities		
OSZ - R23	**Residential Activities not meeting Restricted Discretionary Activity Standards**	
Activity Status Non-complying		**Activity status where compliance not achieved: N/A**[198]
OSZ - R24	**Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards**	
Activity Status Non-complying		**Activity status where compliance not achieved:** N/A
OSZ - R25	**Industrial Activities, Commercial Activities other than Retail**	
Activity Status Non-complying		**Activity status where compliance not achieved:** N/A
~~**OSZ - R26**~~	~~**Any Other Activity not provided for within another Rule in the Zone**~~	

[197] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[198] Director General (S602.215)

~~**Activity Status Non-complying**~~	~~**Activity status where compliance not achieved:** N/A~~[199]

9. SPORT AND ACTIVE RECREATION ZONE CHAPTER

Submissions and Further Submissions

108. Three submission points and one further submission point[200] received on the **SARZ Chapter as a whole** were summarised in a Table on pages 75 to 76 of the s42A Report. All submission points sought to amend the chapter, with the GDC submission opposed by Ngāi Tahu's further submission.

109. Four submission points[201] received on **SARZ – R1** were summarised in a Table on page 76 of the s42A Report. The rule as notified was supported by two submission points and opposed by one submission point. The fourth submission point supported in part the rule.

110. Two submission points[202] received on **SARZ – R2** were summarised in a Table on pages 76 and 77 of the s42A Report. Both submission points supported the rule as notified.

111. Two submission points[203] received on **SARZ – R3** were summarised in a Table on page 77 of the s42A Report. One submission point supported the rule as notified, but the other opposed in part the rule.

112. Two submission points[204] received on **SARZ – R4** were summarised in a Table on page 77 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other submission point.

113. Two submission points[205] received on **SARZ – R5** were summarised in a Table on page 77 of the s42A Report. Both submission points supported the rule as notified.

114. One submission point[206] received on **SARZ – R6** was summarised in a Table on page 77 of the s42A Report, which supported the rule as notified.

115. One submission point[207] received on **SARZ – R7** was summarised in a Table on page 77 of the s42A Report, which supported the rule as notified.

116. Two submission points[208] received on **SARZ – R8** were summarised in a Table on pages 77 and 78 of the s42A Report. Both submission points supported the rule as notified.

[199] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[200] GDC (S608.097), Ngāi Tahu (FS41.028), Forest & Bird (S560.365), and NZMCA (S490.010)
[201] Te Mana Ora (S190.663), Waka Kotahi (S450.200), BDC (S538.389), GDC (S608.692)
[202] Te Mana Ora (S190.664) and Ngāi Tahu (S620.417)
[203] Te Mana Ora (S190.665) and GDC (S608.693)
[204] Te Mana Ora (S190.666) and BDC (S538.390)
[205] Te Mana Ora (S190.667) and MoE (S456.028)
[206] Te Mana Ora (S190.668)
[207] Te Mana Ora (S190.669)
[208] Te Mana Ora (S190.670) and Waka Kotahi (S450.201)

117. Two submission points[209] received on **SARZ – R9** were summarised in a Table on page 78 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other submission point.

118. Two submission points[210] received on **SARZ – R10** were summarised in a Table on page 78 of the s42A Report. Both submission points supported the rule as notified.

119. Three submission points[211] received on **SARZ – R11** were summarised in a Table on page 78 of the s42A Report. All submission points supported the rule as notified.

120. Two submission points[212] received on **SARZ – R12** were summarised in a Table on page 78 of the s42A Report. Both submission points supported the rule as notified.

121. Two submission points[213] received on **SARZ – R13** were summarised in a Table on pages 78 and 79 of the s42A Report. Both submission points supported the rule as notified.

122. Two submission points[214] received on **SARZ – R14** were summarised in a Table on page 79 of the s42A Report. Both submission points supported the rule as notified.

123. Four submission points[215] received on **SARZ – R15** to **SARZ - R18** were summarised in a Table on page 79 of the s42A Report. Each rule as notified was supported by one submission point.

124. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

SARZ chapter as a whole

125. Ms Easton recommended rejecting the submissions from:

(a) GDC (S608.097), reasoning that the substantive issues around the merits of Sites and Areas of Significance to Māori are addressed in the s42A report for that topic. Consequently, she recommended accepting the further submission from Ngāi Tahu; and

(b) NZMCA (S490.010), reasoning that the SARZ is for the location of major sporting facilities which are not appropriate locations for camping.

126. Ms Easton recommended accepting the submissions from Forest & Bird (560.365), supporting the relevant chapters being listed in the overview section, and the addition of the ECO, NFL, and CE chapters as they were omitted in error. Consequently, she recommended the SARZ Overview be amended similar to the NOSZ overview as detailed below, which links to Forest and Bird's submission on the OSRZ Overview (S560.0553).

Other relevant Te Tai o Poutini Plan provisions

…

[209] Te Mana Ora (S190.671) and BDC (S538.391)
[210] Te Mana Ora (S190.672) and Waka Kotahi (S450.202)
[211] Te Mana Ora (S190.673), Waka Kotahi (S450.203), and MoE (S456.029)
[212] Te Mana Ora (S190.674) and Waka Kotahi (S450.204)
[213] Te Mana Ora (S190.675) and Waka Kotahi (S450.205)
[214] Te Mana Ora (S190.676) and Waka Kotahi (S450.206)
[215] Te Mana Ora (S190.677 to S190.680)

Ecosystems and Biodiversity –The provisions of the Ecosystems and Biodiversity chapter may be relevant to the Sports and Active Recreation Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.

Natural Features and Landscape - The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.

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

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

…

SARZ – R1

127. Ms Easton recommended rejecting the submission from Waka Kotahi (S450.200) on the basis that the zone chapters have all been developed using the same template and framework, without separate tables of performance standards and this is not a requirement of the Planning Standards.

128. Ms Easton recommended rejecting the submission from GDC (S608.692) to provide clarity.

129. Ms Easton recommended accepting BDC's submission (S538.389) to delete of the reference to neighbour's written approval in the wording of the recession plane standard in Rule SARZ – R1 and that instead have an Advice Note that refers to the Deemed Permitted process as set out in the RMA. Consequently, she recommended the following amendments to SARZ – R1.

SARZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

…

g. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:

…

Activity status where compliance not achieved: Controlled

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

SARZ – R3

130. Ms Easton recommended rejecting the submission from GDC (S608.693) to provide clarity.

SARZ – R4 and SARZ – R9

131. Ms Easton recommended accepting BDC's submission (S538.390), considering that 'Clubrooms' and 'Grandstands' are both covered by SARZ–R3 (i.e., Community Facilities) so do not require specific rules SARZ–R4 and SARZ–R9 which she considered should be deleted.

SARZ – R11

132. Ms Easton recommended accepting MoE's submission (S456.029), as she considered that referring to '*Educational Facilities*' in the rule corrects a drafting error. She recommended the following amendment to this rule.

SARZ - R11 Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities and Research Activities, Clubrooms, Grandstands and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules

…

Submitter Correspondence

133. Ms Grinlinton-Hancock indicated KiwiRail requested amendments to Ms Easton's recommended SARZ-R1 and SARZ-R10 to SARZ-13 as shown below in italics. The reason for changing the activity status for a non-compliance with SARZ-R1 (4) is to be consistent with the NOSZ and OSZ. The other amendments are to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure.

SARZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

…

4. Buildings ***or structures*** are setback:
    i. 4.5m from the road ***and rail designation*** *boundar* ~~***y***~~***ies***; and

…

Activity status where compliance not achieved: ~~*Controlled*~~ ***Restricted Discretionary***

SARZ - R10 Park Facilities and Park Furniture not meeting Permitted Activity Standards

Activity Status ~~***Controlled***~~ ***Restricted Discretionary***

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

…

e. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

f. ***The safe and efficient operation of the rail network.***

…

SARZ - R11 Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities and Research Activities~~, Clubrooms, Grandstands~~ and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules

Activity Status Restricted Discretionary

Discretion is restricted to:

…

g. ***The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and***

h. ***The safe and efficient operation of the rail network.***

…

SARZ - R12 Residential Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

…

Discretion is restricted to:

…

i. ***The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and***

j. ***The safe and efficient operation of the rail network.***

…

SARZ - R13 Retail Activities not meeting Permitted Activity Standards Activity Status Restricted Discretionary

Where:

…

Discretion is restricted to:

…

k. ***The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and***

l. ***The safe and efficient operation of the rail network.***

…

Hearing and Submitter Evidence

134. In her evidence, Ms Pull suggested the SARZ Overview be amended as shown below to improve consistency and clarity relating to the EIT chapter:

Overview

…

Other relevant Te Tai o Poutini Plan provisions

…

- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport chapters contains rules in relation to energy, infrastructure or transport activities. The objectives and policies of this zone will be considered for any energy, infrastructure or transport activity that trigger resource consent.**

135. Additionally, Ms Pull suggested amending SARZ-R10 to SARZ-R14 by replacing '*landscape measures*' in these rules with:

The effects of the proposal on the amenity, character and landscape values of the Zone.

136. Ms Pull suggested Poutini Ngāi Tahu values were an unnecessary consideration for the SARZ provisions. She reasoned this was because she was unable to conclude that a feasible activity creating a rule breach beyond the permitted baseline would have a more than minor effect on Poutini Ngāi Tahu values not already protected by the SASM overlay. Consequently, Ms Pull indicated removing 'Poutini Ngāi Tahu values' from rules:

SARZ-R10 Park Facilities and Furniture

SARZ -R11 Recreational activities et al…

SARZ -R12 Residential Activities

SARZ -R13 Retail Activities

SARZ -R14 Vehicle Access and Carparking

Reporting Officer Reply Evidence

137. Ms Easton indicated she supported the KiwiRail position to:

(a) Provide a 4.5m setback from the railway corridor for buildings and structures in the SARZ; and

(b) Provide a Restricted Discretionary Activity for a non-compliance with this railway corridor setback in the SARZ, instead of a Controlled Activity, as this is a consistent approach with the OSZ.

138. In her right of reply, Ms Easton:

(a) noted only one location where the rail corridor adjoins the SARZ at Greymouth, where a building appears built against or within the rail corridor. She supported a 4.5m setback for buildings and structures in the SARZ through amending SARZ-R1 (4)(i).

(b) supported adding '*the safe and efficient operation of the rail corridor*' as an additional matter of control to SARZ-R10.

(c) supported Ms Pulls' amendments relating to Poutini Ngāi Tahu values, agreeing with her rationale. She clarified there is scope to change OSRZ rules as sought by Ms Pull under submission (S620.015).

(d) did not consider there was scope in Ngāi Tahu's submissions to change OSRZ rules as sought by Ms Pull relating to '*landscape measures*'.

139. In their October 2024 right of reply, Ms Easton and Ms Belgrave:

(a) agreed the 4.5m rail corridor setback is generally appropriate in the SARZ, being consistent with roading setbacks and recognising the zone's low development expectation and open character.

(b) recommended this setback apply to "buildings" only, considering it unreasonable to apply to "structures" in certain circumstances. They highlighted there was no consistent approach across other District Plans nor an applicable national setback standard.

(c) suggested amending SARZ-R1 and SARZ-R10 from that notified as detailed below:

SARZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

…

d. Buildings are setback:

i. 4.5m from the road **and railway corridor** boundary; and

ii. 3m from any Residential Zone or Settlement Zone boundary.

…

SARZ - R10 Park Facilities and Park Furniture not meeting Permitted Activity Standards

Activity Status Controlled

Matters of control are:

…

c. Vehicle access and parking design and location; ~~and~~

d. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values**; and**

e. **the safe and efficient operation of the rail corridor**.

…

Hearing Panel's Evaluation

140. The Panel accept the inclusion of a setback for buildings only from the rail designation in SARZ-R1(4) and we acknowledge the need for associated matters of discretion in the following

relevant restricted discretionary rules and consider '*the safe and efficient operation of the rail corridor*' is both appropriate and sufficient as a matter of discretion to address the issue. We agree with the amendment proposed by Ms Easton and her reasoning to remove written approval from the rule and provide for it within an Advice Note. We note here that there was no submission seeking to link the '*maximum gross floor area*' requirement to '*per building*' as there was for the OSZ, however as Ms Easton considered this was a drafting error in any event, we consider clause 16(2) of the RMA is available to us to correct this situation.

141. The Panel accepts the evidence of Ms Pull that it is not necessary to include Poutini Ngāi Tahu values in SARZ – R10 to SARZ – R14 and we note this was supported by Ms Easton.

142. The Panel agrees with Ms Easton that SARZ-R4 and SARZ-R9 relating to Clubrooms and Grandstands can be deleted as they are deemed to be a Community Facility. The Panel notes that as a result of this deletion there is a change to numbering sequence of the notified Rules from OSZ-R4 onwards.

143. The Panel acknowledge the correction of the heading to 'Education Facilities' in rule SARZ-R11.

144. We acknowledge that SARZ-R18 is a catch all rule, however we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. We note that such an amendment is proposed plan wide in relation to various submitters. In this case we rely on the submission of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

145. The Panel notes that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects'*. We consider this addresses the concerns expressed by Ms Pull in relation to '*landscape measures*'.

146. The Panel note that no amendments are recommended to rules SARZ-R2, SARZ-R3, SARZ-R5, SARZ-R6, SARZ-R7, SARZ-R8, OSZ-R15, OSZ-R16 and OSZ-R17 as notified.

147. In relation to the remainder of the submissions on the SARZ rules the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

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

SARZ	**Sport and Active Recreation Zone - Te Takiwā Hākinakina**
Overview The purpose of the SARZ - Sport and Active Recreation Zone is to provide open space areas for a range of sport and recreation activities, including organised sport and recreation for local, district-wide and regional communities. This zone applies in parks, sports grounds and multi-sport facilities. Such areas will normally have associated buildings such as club rooms, changing	

sheds or toilet facilities. These spaces are areas where people can also enjoy informal exercise and leisure activities.

Sport and active recreation areas are predominantly characterised by large open space areas with associated buildings and facilities that vary in scale depending on the sport and recreation activities that take place there. It is generally accepted that the level of development in this zone is higher than other OSRZ - Open Space and Recreation Zones and that the sport and recreation activities that are anticipated to take place in this zone can generate noise, light and traffic effects in surrounding neighbourhoods.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the Council as the administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plan and legislation (Reserves Act 1977).

Other Relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the Sport and Recreation Zone including:

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

- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.

- **Ecosystems and Biodiversity –The provisions of the Ecosystems and Biodiversity chapter may be relevant to the Sports and Active Recreation Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.** [216]

- **Natural Features and Landscape - The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.** [217]

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

- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.** [218]

[216] Forest & Bird (S560.365)
[217] Consequential change from Forest & Bird (S560.365)
[218] Consequential change from Forest & Bird (S560.365)

- **General District Wide Matters** - provisions in relation to Noise, Light and Signs, in particular may be relevant to activities in the Sport and Recreation Zone.

SARZ - Sport and Active Recreation Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

SARZ - R1	**Park Facilities and Park Furniture**

Activity Status Permitted	**Activity status where compliance not achieved:**
Where: 1. The maximum building height above ground level is 10m; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. The maximum gross floor area is 200m^2 **per building**;[219] 4. Buildings are setback: i. 4.5m from the road **and rail designation** boundies~~ary~~; [220] and ii. 3m from any Residential Zone or Settlement Zone boundary. 5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary; 6. Fences, walls and retaining walls are a maximum 2m height above ground level; 7. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary~~ except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~.[221] This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary;	~~Controlled~~**Restricted Discretionary Activity**[223]

[219] Clause 16(2) of the RMA
[220] KiwiRail (S442.093)
[221] BDC (S538.389)
[223] Consequential change from KiwiRail (S442.093)

iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:** 1. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.** [222]	
SARZ - R2	**Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities**
Activity Status Permitted Where: 1. All performance standards for Rule SARZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
SARZ - R3	**Community Facilities**
Activity Status Permitted Where: 1. All performance standards for Rule SARZ - R1 are complied with; 2. The community facility is: i. Provided for within an Open Space Management Plan for the site; or ii. Was lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year.; and	**Activity status where compliance not achieved:** Restricted Discretionary

[222] Buller District Council (S538.389)

iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes.	
~~**SARZ – R4**~~	~~**Clubrooms**~~[224]
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. All performance standards for Rule SARZ - R1 are complied with; and~~ ~~2. The clubrooms:~~ ~~i. Are provided for within an Open Space Management Plan for the site; or~~ ~~ii. Were lawfully established at the time of notification of the Plan; and~~ ~~3. Hours of operation are limited to:~~ ~~i. 7am to 10pm Sunday - Thursday;~~ ~~ii. 7am to 12pm midnight Friday and Saturday; except~~ ~~iii. No restriction on hours is in place for up to 12 days per calendar year.~~	~~**Activity status where compliance not achieved:** Restricted Discretionary~~
SARZ - R~~5~~4	**Educational Facilities and Research Facilities ancillary to Conservation or Recreation Activities**
Activity Status Permitted Where: 1. All performance standards for Rule SARZ - R1 are complied with; and 2. The facility is identified in a relevant Open Space Management Plan for the site.	**Activity status where compliance not achieved:** Restricted Discretionary
SARZ - R~~6~~5	**Retail Activities**
Activity Status Permitted Where: 1. This is ancillary to a recreation activity or a conservation activity; 2. No more than 25% of any building is allocated to the retail activity; 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and	**Activity status where compliance not achieved:** Restricted Discretionary

[224] BDC (S538.390)

4. All performance standards for Rule SARZ - R1 are complied with.	
SARZ - R~~7~~6	**Residential Activities**
Activity Status Permitted Where: 1. This is ancillary to a recreation activity or a conservation activity; and 2. All performance standards for Rule SARZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
SARZ - R~~8~~7	**Vehicle Access and Carparking Areas**
Activity Status Permitted Where: 1. The vehicle access or carparking is provided for within an Open Space Management Plan for the site; and 2. All relevant Transport Standards in Appendix One are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
~~**SARZ - R9**~~	~~**Grandstands**~~[225]
~~Activity Status Permitted~~ ~~Where:~~ ~~1. The grandstand is provided for within an Open Space Management Plan for the site; and~~ ~~2. The grandstand is setback:~~ ~~i. 4.5m from the road boundary; and~~ ~~ii. 3m from any Residential Zone or Settlement Zone boundary;~~ ~~3. The grandstand shall not project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary.~~	~~**Activity status where compliance not achieved:** Restricted Discretionary~~
~~**Controlled Activities**~~ **Restricted Discretionary Activities**[226]	
SARZ - R~~10~~8	**Park Facilities and Park Furniture not meeting Permitted Activity Standards**
Activity Status Controlled **Matters of control are:** a. Design, position and location of any buildings;	**Activity status where compliance not achieved:** N/A

[225] BDC (S538.391)
[226] KiwiRail (S442.093)

b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[227] c. Vehicle access and parking design and location;~~ and~~[228] d. Management of effects on natural character, landscape, historical ~~and cultural~~ [229] values and biodiversity values~~.~~**; and** e. **The safe and efficient operation of the rail corridor.** [230]	
~~Restricted Discretionary Activities~~[231]	
SARZ - R~~11~~9	**Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities** [232]**and Research Activities~~, Clubrooms, Grandstands~~**[233] **and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~; **Measures to mitigate landscape effects**[234] c. Hours of Operation; d. Vehicle access and parking design and location; ~~and~~ e. Management of effects on natural character, landscape, historical ~~and cultural~~ [235] values, ecological and biodiversity values**; and** f. **The safe and efficient operation of the rail corridor.**[236]	**Activity status where compliance not achieved:** N/A
SARZ - R10~~2~~	**Residential Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~; **Measures to mitigate landscape effects.** [237] c. Hours of Operation;	**Activity status where compliance not achieved:** Non-complying

[227] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[228] Consequential change from KiwiRail (S442.093)
[229] Consequential change from Ngāi Tahu (S620.015)
[230] KiwiRail (S442.093)
[231] Consequential amendment from KiwiRail (S442.093)
[232] MoE (S456.029)
[233] BDC (S538.390 and S538.391)
[234] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[235] Consequential change from Ngāi Tahu (S620.015)
[236] KiwiRail (S442.093)
[237] Consequential Plan wide amendment to Manawa Energy Limited S438.100

d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; ~~and~~ f. Management of effects on natural character, landscape, historical ~~and cultural~~ [238]values, ecological and biodiversity values**; and** g. **The safe and efficient operation of the rail corridor.**[239]	
SARZ - R11~~3~~	**Retail Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a conservation or recreation activity. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; [240] c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; ~~and~~ f. Management of effects on natural character, landscape, historical ~~and cultural~~ [241]values, ecological and biodiversity values**; and** g. **The safe and efficient operation of the rail corridor.**[242]	**Activity status where compliance not achieved:** Non-complying
SARZ - R12~~3~~4	**Vehicle Access and Carparking not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to an activity being undertaken in the Sport and Active Recreation Zone. **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**; [243] b. Management of effects on conservation or recreation activities;	**Activity status where compliance not achieved:** Non-complying

[238] Consequential change from Ngāi Tahu (S620.015)
[239] KiwiRail (S442.093)
[240] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[241] Consequential change from Ngāi Tahu (S620.015)
[242] KiwiRail (S442.093)
[243] Consequential Plan wide amendment to Manawa Energy Limited S438.100

c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical ~~and cultural~~ [244]values, ecological and biodiversity values.	
Discretionary Activities	
SARZ – R13	**Any Other Activity not provided for within another Rule in the Zone**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A[245]
Non-complying Activities	
SARZ – R1~~45~~	**Residential Activities not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
SARZ – R1~~56~~	**Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
SARZ – R1~~67~~	**Vehicle Access and Carparking not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**SARZ – R18**~~	~~**Any Other Activity not provided for within another Rule in the Zone**~~
~~**Activity Status Non-complying**~~	~~**Activity status where compliance not achieved:** N/A~~[246]

10. ZONING MAPS

Submissions and Further Submissions

[244] Consequential change from Ngāi Tahu (S620.015)
[245] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[246] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

149. 17 submission points and 15 further submission points[247] received on the **Zoning of Public Conservation Land** were summarised in a Table on pages 82 to 85 of the s42A Report. The zoning of this land as notified was supported by two submission points, but opposed by four submission points, with the submissions from BCML and Whyte Gold Limited both supported in part by Ngāi Tahu's further submission. 11 submission points sought an amendment to the zoning of this land. The Director General's amendment was opposed, opposed in part, and supported in part by five, one, and one further submission respectively. Forest & Bird's amendment was opposed by five further submissions. WMS's amendment was supported in part by Ngāi Tahu's further submission.

150. 18 submission points and three further submissions[248] received on **Other Zoning Matters and Rezoning Requests** were summarised in a Table on pages 85 to 87 of the s42A Report. 10 submission points sought an amendment to the zoning or rezoning of specific land, with Mr Marshall's amendment supported by GDC's further submission and the TTPP Committee's amendment supported in part by the Dunn, Boon, Preston, and Rogers group. The zoning or rezoning of land as notified was opposed by two submission points and supported by two submission points. The zoning or rezoning of land was opposed in part by one submission point and supported in part by another submission point. Lastly, one submission point on the zoning or rezoning of land was neutral, while another submission point did 'not stated' their position but sought to recognise the importance of Greymouth rural recreation complexes which was supported in part by GDC.

151. The Panel adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

Zoning of Public Conservation Land

152. Ms Easton recommending rejecting submissions from:

(a) The Director General (S602.206, S602.192, S602.197, S602.211), seeks that all public conservation lands with mapped areas of Outstanding Natural Landscapes, Outstanding Natural Features, Significant Natural Areas, High Coastal Natural Character and Outstanding Coastal Natural Character and are outside areas of urban zoned land be rezoned to be NOSZ, as she considered this would lead to a complex layer of zoning where most legal parcels would be split zoned and would not necessarily result in improved environment outcomes. Ms Easton recommend zoning should follow existing legal title boundaries whenever practicable.

(b) Forest & Bird (S560.359, S560.013), Ms Backes (S444.013), Ms Neale (S262.004), Mr Caygill (S290.003), Mr Moore (S65.016), Ms Gilbert (S473.012), and Ms Hargreaves (S481.021) relating to rezoning all public conservation lands NOSZ, and Ms Inta (S553.2260) relating to the entire DoC estate being one zone. She did not support these

[247] Director General (S602.206, S602.192, S602.197, and S602.211), BDC (FS149.0144, FS149.054, and FS149.073), Terra Firma (FS108.005), Ngāi Tahu (FS41.138, FS41.141 to FS41.143), Westpower (FS222.0108, FS222.0109, and FS222.0326), Bathurst Group (FS89.030, FS89.031, FS89.048, and FS89.081), Forest & Bird (S560.359 and S560.013), Ms Clare Backes (S444.013), Ms Jane Neale (S262.004), Mr John Caygill (S290.003), Mr David Moore (S65.016), Ms Katherine Gilbert (S473.012), Ms Lynley Hargreaves (S481.021), Ms Frida Inta (S553.226), Mr Andrew Beaumont (S225.002), Ms Suzanne Hills (S443.035), Ms Riarnne Klempel (S67.003), WMS (S599.098), BRML (S604.067), PML (S606.053), BCML (S601.076), and Whyte Gold Limited (S607.051)

[248] Ms Frida Inta (S553.160), BCG (S552.160), Mr Grant Marshall (S311.003), GDC (FS1.298), Mr Michael Orchard (S583.006), Mr Caleb Freeman (S20.001), Mr Ronald Rodgers (S115.001), TTPP Committee (S171.021 and S171.025), Dunn, Boon, Preston, and Rodgers Group (S556.001 and FS234.001), Ms Lynda Watson (S47.001), BDC (S538.00655 and S538.494), BDL (S453.004), Ms Riarnne Klempel (S67.002), WRCI (S457.001), Mr Owen Gould (S29.001), Ms Kim Carol & Mr Robert Terry (S55.001), GDC (FS1.016)

requests for the reasons detailed in paragraphs 232-238 of her s42A report and she emphasised that these lands are not homogenous, and there are public conservation lands in urban areas, and where they do not have high natural values.

(c) WMS (S599.098), BRML (S604.067), PML (S606.053), BCML (S601.076) and Whyte Gold Limited (S607.051), reasoning it appropriate for parks and reserves to be zoned OSRZ as directed and expected by the Planning Standards, with the OSRZ having bespoke rules. Whereas she highlighted the General Rural Zone provisions are primarily used for primary production making them inappropriate for most public conservation lands.

(d) Ms Hills (S443.035), reasoning that all land in a district to be zoned with the Planning Standards setting out the available zones.

(e) Ms Klempel (S67.003), reasoning it too laborious for minimal effect, albeit she agrees more of the public conservation lands would be appropriately zoned NOSZ, rather than OSZ.

(f) In addition to the above, Ms Easton emphasised that she does not support any rezoning of public conservation lands at this time, noting that some of these lands are proposed for non-conservation uses as part of the Stewardship Land Review.

Zoning of Hydro Parcels

153. Ms Easton recommended rejecting submissions from:

(a) BCG (S552.160) and Ms Inta (S553.160) for two reasons. Firstly, she was unsupportive of rezoning hydro parcels as NOSZ for the same reasons as those discussed in the Natural Character of Waterbodies s42A report. Ms Easton highlighted that if any hydro parcels required split zone boundaries (i.e., General Rural Zone and OSZ), this would require a GIS exercise. Secondly, she considered the appropriate zoning for LINZ parcels was dependent on the purpose of the lands being administered, their location and quality, and not just their ownership.

(b) Mr Marshall (S311.003), reasoning there is no practical benefit (in terms of pTTPP implementation) to rezone Lake Poerua as it would require GIS analysis to identify the lake area from Mt Te Kinga Scenic Reserve, and split zoning.

154. Ms Easton recommended accepting Mr Orchard's submission (S583.006), reasoning all West Coast Region formal reserves have already been identified within an OSRZ.

Re-zoning requests – Private land incorrectly identified as an OSRZ

155. Ms Easton recommended accepting in part the submissions from Mr Rodgers (S115.001) and the Dunn, Boon, Preston, and Rogers Group (S556.001). She supported the rezoning of 31 Hans Bay Road, Lake Kaniere as General Rural (not Settlement Zone) as sought by the TTPP Committee (S171.025) because this land is currently zoned Rural under the Westland District Plan. Ms Easton considered a Settlement Zone would represent very substantial upzoning, and the land is larger than the entire Settlement Zone area in Hans Bay.

156. Ms Easton recommended accepting submissions from:

(a) Mr Freeman (S20.001), reasoning his property and the adjacent properties should be rezoned General Rural in line with the surrounding properties as they are incorrectly zoned OSZ;

(b) Ms Watson (S47.001), reasoning rezoning the rear of the main property to Settlement would correct an error; and

(c) The TTPP Committee's submission (S171.021) and Ms Tewi's submission (S26.001), reasoning these lands should be rezoned Settlement Zone like the adjacent privately owned lands, and the size of the properties are consistent with the Settlement zone.

Other rezoning requests

157. Ms Easton noted the support from WRCI (S457.001) on the OSZ of the Westport Rifle Club.

158. Ms Easton recommended accepting the submissions from:

(a) BDC (S538.00655), reasoning rezoning the Ngakawau Domain from OSZ to SARZ is more consistent with the purpose of the zones;

(b) BDC (S538.494), reasoning rezoning the specified parks from General Residential Zone to OSZ aligns with the zone's intent. She agreed that a comprehensive review of zoning for designated recreational reserves was needed, and that this review falls under BDC's responsibility;

(c) BDL (S453.004), supporting the OSZ extending around the wastewater ponds at Kaiata Park because areas within 150m of the ponds will be setback from the surrounding residential development.

(d) Ms Klempel (S67.002), supporting the OSZ extending to the Pakiroa Beach frontage as it is public land, and unformed legal road connecting two marginal strips.

159. Consequently, Ms Easton recommended the following sites be rezoned to:

(a) OSZ:

i. Pakiroa Beach Legal Unformed Road;
ii. Orowaiti Esplanade Reserve;
iii. Mill Street Recreation Reserve;
iv. Kilkenny Park;
v. Derby Street Playground;
vi. Waimangaroa Domain; and
vii. Land at Kaiata Park.

(b) SARZ:

i. Ngakawau Domain.

(c) Settlement Zone:

i. 7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties; and

ii. Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere.

(d) General Rural Zone:

i. LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties; and

ii. 31 Hans Bay Road, Lake Kaniere.

160. Ms Easton supported in part submissions from:

(a) Mr Gould (S29.001), reasoning the Hokitika boat ramp sits partly in OSZ and is provided for as a Permitted Activity in that zone. However, she emphasised that maintenance funding is a matter for the WDC.

(b) Ms Carol and Mr Terry (S55.001), reasoning the specified rural recreation complexes are in the SARZ under the pTTPP with a range of Permitted Activities (including the maintenance, upgrading and expansion of recreation facilities at these locations) provided for in this zone.

Hearing and Submitter Evidence

161. Ms Hunter for Bathurst Group agreed with Ms Easton's recommendations not to rezone additional significant public conservation land.

162. Mr Deavoll for the Director General acknowledged Ms Easton's reasoning for rejecting the Director General's submission due to the difficulty in rezoning all conservation.

163. Mr Kennedy generally supported Ms Easton's recommendations to accept Westpower's further submissions opposing Forest & Bird's and the Director General's rezoning requests.

164. Ms Pull for Ngāi Tahu highlighted the ASW and NC Panel queried whether an OSZ would be more appropriate for waterbody areas instead of General Rural Zone. She raised this in case it was discussed at the OSRZ Hearing.

165. Ms Pull supported OSZ applied to any NTCSA sites.

166. Ms Pull generally supported Ms Easton's recommendations on Ngāi Tahu submissions and further submissions.

167. In her statement, Ms Inta simply referred to submissions S553.226, 5536.160, 552.164, and 552.64, but did not comment on her position following Ms Easton's recommendations or associated reasoning.

Reporting Officer Reply Evidence

168. Responding to the Panel's queries about Ms Klempel's rezoning, Ms Easton advised establishing an access across the Pakiroa Beach legal road would trigger a Restricted Discretionary Activity under OSZ–R17 if the strip was rezoned OSZ, thereby creating additional regulatory requirements. However, she indicated this activity would be a Permitted Activity under the Transport Chapter subject to complying with transport standards.

Hearing Panel's Evaluation

169. The Panel do not agree with including the Pakiroa Beach Legal Unformed Road in the Open Space Zone as we consider this would create additional regulatory requirements if access had to be established as indicated by Ms Easton in response to the Panels queries.

170. The Panel agree with all other recommended rezoning amendment recommended by Ms Easton for the reasons detailed in her s42A report.

171. In relation to the remainder of the submissions on rezoning the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

172. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes in zoning on the Planning Maps to the properties detailed in the Table below:

Property	New Zone
Orowaiti Esplanade Reserve	Open Space Zone[249]
Mill Street Recreation Reserve	Open Space Zone[250]
Kilkenny Park	Open Space Zone[251]
Derby Street Playground	Open Space Zone[252]
Waimangaroa Domain	Open Space Zone[253]
Land at Kaiata Park as shown in **Appendix 2**	Open Space Zone[254]
Ngakawau Domain	Sport and Active Recreation Zone[255]
7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties as shown in the maps in **Appendix 2**	Settlement Zone[256]
Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere	Settlement Zone[257]

[249] Buller District Council (S538.494)
[250] Buller District Council (S538.494)
[251] Buller District Council (S538.494)
[252] Buller District Council (S538.494)
[253] Buller District Council (S538.494)
[254] Ball Developments Ltd (S453.004)
[255] Buller District Council (S538.00655)
[256] Te Tai o Poutini Plan Committee (S171.021), Lorraine Tewi (S26.001)
[257] Lynda Watson (S47.001)

LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties as shown in the maps in **Appendix 2**	General Rural Zone[258]
31 Hans Bay Road, Lake Kaniere	General Rural Zone[259]



Dean Chrystal

Hearings Panel – Chair



Anton Becker

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 5 September 2025

[258] Caleb Freeman (S20.001)

[259] TTPP Committee (S171.025), Ronald Rodgers (S115.001) and Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers (S556.001)

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions - Ngā Tautuhinga	
Term	**Definition**
CAMPING GROUNDS	~~has the same meaning as the Camping Grounds Regulations 1985 (as set out below)~~ means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such facilities or parties enjoy the use in common of entrances, water supplies, cookhouse, sanitary fixtures or other premises and equipment, **and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground.** **For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.**
OPEN SPACE MANAGEMENT PLAN	means a Reserve Management Plan or Conservation Management Plan **or Conservation Management Strategy** or National Park Management Plan or Iwi/Papatipu Rūnanga Management Plan or other Management Plan prepared in accordance with the Reserves Act 1977 or the Conservation Act 1987.

OSRZ - Open Space and Recreation Zones Objectives	
OSRZ – O~~1~~1	Development and activities should complement and not conflict with the functions and values of ~~the particular~~ open space **areas** and the surrounding environment **including those identified in any relevant Open Space Management Plan**. Where appropriate open space accommodates a range of functions.
OSRZ – O~~2~~2	To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones: a. The NOSZ - Natural Open Space Zone with high natural values and a low level of development and built form; b. The SARZ - Sport and Active Recreation Zone with sport and active recreation values and ~~and~~ associated buildings and facilities; and c. The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, **mineral extraction** local purposes and pastoral farming.

OSRZ - Open Space and Recreation Zones Policies	
OSRZ - P1	Open space should be developed and used in accordance with any relevant operative Reserves Act or Conservation Act Management Plan.

OSRZ - P2	Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, **including electricity transmission, distribution and renewable electricity generation,** where this fits with the purpose of the open space and its classification under any relevant Act.
OSRZ - P3	Buildings and structures should be designed and sited to be compatible with the function and predominant purpose of the open space and**, where practicable,** fit within the character and amenity of the surrounding area.
OSRZ - P4	Commercial and Residential activities may be appropriate on some open spaces where this is either identified in a Reserves Act or Conservation Act Management Plan, or where it has a link with the open space and recreation resource.
OSRZ - P5	Provide for commercial recreation activities that maintain the quality of the open space and recreation experience of people using the open space, **while also protecting natural values. Have** ~~having~~ particular regard to the scale, intensity and cumulative effects of commercial recreation activities.
OSRZ - P6	Recognise that many open spaces have sites and areas of significance to Poutini Ngāi Tahu, and ensure that these are managed in collaboration with iwi and hapū.
OSRZ - P7	~~Promote the p~~**P**rotect~~ion~~ and enhance~~ment of~~ **the** existing natural environment values having regard to the relevant OSRZ - Open Space and Recreation Zone and the opportunities for enhancement of these on the site.
OSRZ - P8	Provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, educational facilities, accessory activities and associated buildings and structures having regard to the relevant OZRZ - Open Space and Recreation Zone.
OSRZ - P9	**Provided that natural values can be protected** ~~P~~**p**rovide for ~~the~~ **a** range of purposes where compatible with the open space values including: a. The ongoing operation and appropriate management of cemeteries; b. Camping **and other visitor accommodation** opportunities at rivers, lakes and coastal areas ~~where this is compatible with the values of the open space~~; c. Gravel and shingle extraction for roading networks and other local purposes; d. Quarries for rock; e. Pastoral farming including grazing as a management tool; f. Mineral **prospecting, exploration and** extraction of resources where these **resources** are limited in their location ~~and~~ g. Water supply and drainage networks where this supports local community needs**; and** **h. Establishment and operation of renewable electricity generation**.
OSRZ - P10	Subdivision and new development should provide for the open space needs generated by the development either through direct provision of land and works, or through a financial contribution. This includes:

	a. Additional neighbourhood parks including waterfront areas, walkways**,** ~~and~~ cycleways **and accessible quality playgrounds** needed as a result of additional household and visitor accommodation growth; b. Additional recreation areas to enhance recreational opportunities and the visual amenity of the built environment; and c. Development of existing land set aside for neighbourhood parks and recreation areas.
OSRZ - P11	**When conservation stewardship land is reclassified, provide for the different functions, values and purpose of the reclassification in partnership with Poutini Ngāi Tahu and key stakeholders.**
Open Space Zone	
OSRZ - P1~~1~~2	The OSZ - Open Space Zone primarily provides for passive and active recreation activities, **natural, cultural and biodiversity values,** community facilities,~~ campgrounds~~ **camping grounds** and cemeteries**,** and limited associated facilities and structures.
OSRZ - P1~~2~~3	Enable activities and facilities within the OSZ - Open Space Zone that: a. Are consistent with the intended purpose, character and qualities of the OSZ – Open Space Zone; ~~and;~~ b. Contribute to the overall health and wellbeing of the community; and c. Minimise adverse effects on the character, **natural environment,** and amenity values of the surrounding area.
OSRZ - P1~~3~~4	Provide for activities that are ancillary to the functions of the OSZ - Open Space Zone **where the adverse effects on open space values can be appropriately managed** including: (a) Retail activities; (b) Residential activities, including for ~~for~~ caretaker purposes; and (c) Agricultural, horticultural or pastoral activities.
OSRZ - P1~~4~~5	Provide for mineral extraction activities within the OSZ - Open Space Zone where: a. Impacts on open space and recreation values of the site are minimised; b. This is provided for within any Open Space Management Plan for the area; c. Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated; d. Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.
Sport and Active Recreation Zone	
OSRZ - P1~~5~~6	The SARZ - Sport and Active Recreation Zone primarily provides for active, organised and informal recreation, sports and community activities.

OSRZ - P1~~6~~7	With the SARZ - Sport and Active Recreation Zone enable activities and facilities that: a. May generate temporary adverse effects such as increased levels of noise and traffic; and b. Maintain a sense of openness within the zone; and c. Retain existing planting and mature trees, where practicable; and d. Contribute to the health and wellbeing of the community; and e. Do not adversely affect character and qualities of the surrounding area and adjoining sites.
OSRZ - P1~~7~~8	Within the SARZ - Sport and Active Recreation Zone enable buildings and structures, where these: a. Are for the use of a recreation activity or a conservation activity or ancillary activity to these; b. Are compatible with the purpose, character and qualities of the zone; and c. Avoid or mitigate adverse effects on character and qualities of the surrounding area.
Natural Open Space Zone	
OSRZ - P1~~8~~9	**Require** ~~A~~ **a** low level of development and built form ~~is anticipated~~ within ~~this~~ **the** NOSZ – Natural Open Space Zone to retain the natural, cultural and biodiversity values within ~~the~~ natural open space areas.
OSRZ - P1~~9~~20	Within the NOSZ - Natural Open Space Zone enable activities and facilities that: a. Are consistent with the intended purpose, character and qualities of the Natural open space zone; and b. Protect, maintain and, where possible, enhance **and restore** indigenous biodiversity including taonga species, natural values and ecological linkages; and c. Contribute to the health and wellbeing of the community.
OSRZ - P2~~0~~1	Within the NOSZ - Natural Open Space Zone provide for small-scale buildings and structures that: (a) Are ancillary to a permitted activity; ~~and~~ (b) Do not adversely affect the conservation **and indigenous biodiversity** values of the site;~~ and~~ (c) Are of a scale, form, location and design that is compatible with the purpose, character and qualities of the zone; and (d) Do not adversely affect the character and qualities of the surrounding area.

OSRZ - Open Space and Recreation Zones Methods	
OSRZ – M1	**The Te Tai o Poutini Plan Committee will consider undertaking a plan change in relation to reclassification of stewardship land as part of their regular monitoring of Plan implementation. The TTPP Committee will work with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, to assess whether there is sufficient benefit of re-zoning and if so, initiate a Plan Change.**

NOSZ	**Natural Open Space Zone - Te Takiwā Pōaha Aotūroa**

Overview

The purpose of the NOZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves.

This zone also applies to large areas of public conservation land – **specifically gazetted** national parks **and** scientific reserves, **as well as areas classified within the Department of Conservation reserve classification system as** ~~wilderness areas,~~ **Wildlife Management Areas and** ~~s~~**S**pecially ~~p~~**P**rotected ~~a~~**A**reas ~~and important ecological areas~~.

Natural Open Space has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement.

These are spaces that the community value and areas where people can relax and enjoy recreation and leisure activities such as walking and cycling, fishing, picnicking, and boating. Some of these spaces are used for cultural and customary activities, such as gathering mahinga kai, and are rich in historic heritage and cultural heritage values.

A low level of development and built form is anticipated within this zone to retain the natural/ biodiversity values within the natural open space areas.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also **need to be consistent with** ~~have regard to~~ any relevant reserve management plans, national park management plans or national legislation (Reserves Act 1977 or Conservation Act 1987).

Other Relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within the Natural Open Space Zones.

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Natural Open Space Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Natural Open Space Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.**

- **Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**
- **Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Natural Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**
- **Natural Character and the Margins of Waterbodies -in some locations areas of Natural Open Space Zone may extend into the riparian margins of waterbodies. The Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.**
- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**
- **General District Wide Matters - provisions in relation to noise, light and signs in particular may be relevant to activities in the Natural Open Space Zone.**

Adjacent Local Authority Administration

Lands within the Natural Open Space Zone adjoin a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. Plan users need to apply care in regard to any potential cross boundary resource management issues and check the relevant District Plans of adjacent Territorial Authorities when considering activities on the edges of the Te Tai o Poutini Plan planning area.

NOSZ - Natural Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

NOSZ - R1	**Park Facilities and Park Furniture**
Activity Status Permitted Where: 1. The maximum building height above ground level is 5m; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. The maximum gross floor area is 100m^2; 4. Buildings are setback a minimum 4.5m from road boundaries; and No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ	**Activity status where compliance not achieved:** Restricted Discretionary

- Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:** **1. <u>Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.</u>**	
NOSZ – R2	**Educational Facilities and Research Facilities Ancillary to a Conservation Activity or a Recreation Activity**
Activity Status Permitted Where: 1. All performance standards for Rule NOSZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
NOSZ – R3	**Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities**
Activity Status Permitted **Where:** **1.** All performance standards for Rule NOSZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
~~NOSZ – R4~~	**~~Temporary Camping Grounds~~**
~~Activity Status Permitted~~ ~~Where:~~ ~~3. Written notification to the Council of the activity is provided at least 10 working days prior to the activity commencing; and~~	**~~Activity status where compliance not achieved:~~** ~~N/A~~

~~4. Camping activity is restricted to 10 days per calendar year.~~ ~~**Advice Note:**~~ ~~3. Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.~~ ~~4. Where activities are located in Overlay Chapter Areas the relevant provisions also apply.~~	
~~**NOSZ – R5**~~	~~**Residential Activities**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~4. This is ancillary to a conservation activity or recreation activity;~~ ~~5. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and~~ ~~**6.** All performance standards for Rule NOSZ - R1 are complied with.~~	~~**Activity status where compliance not achieved:** Discretionary~~
~~**NOSZ – R6**~~	~~**Retail Activities**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~3. This is ancillary to a recreation activity or a conservation activity; and~~ ~~4. Performance Standards for Rule NOSZ - R1 are complied with.~~	~~**Activity status where compliance not achieved:** Discretionary~~
Restricted Discretionary Activities	
NOSZ – R4	**Temporary Camping Grounds**
Activity Status Restricted Discretionary **Where:** **1. Camping activity is restricted to 10 days per calendar year.** **Discretion is Restricted to:** **a. Design, position and location of any buildings or structures;** **b. Measures to mitigate landscape effects;** **c. Vehicle access and parking design and location; and** **d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, and biodiversity values.** **Advice Note:** **1. Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.**	**Activity status where compliance not achieved: Discretionary**

2. Where activities are located in Overlay Chapter Areas the relevant provisions also apply. **3. This rule does not apply to nohoanga entitlements granted to Poutini Ngāi Tahu as part of the Ngāi Tahu Treaty Settlement Act. Nohoanga entitlements are regulated under Rule NOSZ – R3 as part of Poutini Ngāi Tahu Activities.**	
NOSZ - R5	**Residential Activities**
Activity Status Restricted Discretionary **Where:** **1. This is ancillary to a conservation activity or recreation activity;** **2. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and** **3. All performance standards for Rule NOSZ - R1 are complied with.** **Discretion is Restricted to:** **a. Design, position and location of any buildings or structures;** **b. Measures to mitigate landscape effects;** **c. Vehicle access and parking design and location; and** **d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, and biodiversity values.**	**Activity status where compliance not achieved: Discretionary**
NOSZ - R6	**Retail Activities**
Activity Status Restricted Discretionary **Where:** **1. This is ancillary to a conservation activity or a recreation activity; and** **2. All performance Standards for Rule NOSZ - R1 are complied with.** **Discretion is Restricted to:** **a. Design, position and location of any buildings or structures;** **b. Measures to mitigate landscape effects;** **c. Vehicle access and parking design and location; and** **d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, and biodiversity values.**	**Activity status where compliance not achieved: Discretionary**
NOSZ - R7	**Community Facilities**

Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of the building; b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical values, **Poutini Ngāi Tahu values**~~and cultural values~~ and biodiversity values.	**Activity status where compliance not achieved:** N/A
NOSZ - R8	**Vehicle Access and Carparking areas**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a Permitted Activity within the NOSZ - Natural Open Space Zone. **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**; b. Compliance with transport standards; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical values, **Poutini Ngāi Tahu values** ~~and cultural values~~ and biodiversity values.	**Activity status where compliance not achieved:** Non-complying
NOSZ - R9	**Recreational Activities, Conservation Activities, Educational Facilities and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical values, **Poutini Ngāi Tahu values**~~and cultural values~~ and biodiversity values.	**Activity status where compliance not achieved:** N/A
Discretionary Activities	
NOSZ - R10	**Retail and Residential Activities not meeting Permitted Activity Standards**
Activity Status Discretionary Where:	**Activity status where compliance not**

1. These are ancillary to a recreation activity, education activity or research activity or conservation activity.	**achieved:** Non-complying
NOSZ - R11	**New Cemeteries and Urupā**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
NOSZ - R12	**Camping Grounds and Temporary Camping Grounds not meeting Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
NOSZ - R13	**Any Other Activity not provided for within another Rule in the Zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
Non-complying Activities	
NOSZ - R~~13~~5	**Retail Activities and Residential Activities not meeting Permitted or Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
NOSZ - R14~~5~~6	**Vehicle Access and Carparking not meeting Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
NOSZ - R15~~6~~7	**Commercial Activities not provided for in another Rule in the Zone**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
NOSZ - R16~~7~~8	**Mineral Extraction Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
NOSZ - R17~~8~~9	**Industrial Activities ~~or any other Activity not provided for in another Rule~~**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A

OSZ	**Open Space Zone - Te Takiwā Pōaha**
Overview	

The purpose of the OSZ - Open Space Zone is to provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. The West Coast/Te Tai Tai o Poutini open spaces vary in size from small neighbourhood parks to large sized parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in urban neighbourhoods and others form an important part of the district's shared pathway network.

The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes. This zone includes areas that may also be used for a range of local purpose uses - for example municipal buildings, water supply, gravel reserves, quarries, campgrounds and cemeteries. In some cases**,** they **are** also the locations for quarrying and mineral extraction before the land is remediated for other open space uses.

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values.

Activities and uses on publicly owned land are required to obtain permission (such as a lease**,** ~~or a~~ licence **or concession**) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also **need to be consistent with** ~~have regard to~~ any relevant reserve management plans and legislation (Reserves Act 1977 or Conservation Act 1987).

Land included within the Open Space and Recreation Zones adjoins a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. When considering activities close to territorial authority boundaries, plan users need to apply care with regard to managing any potential cross boundary resource management issue.

Relationship With Energy, Infrastructure and Transport provisions

The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.

Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.

Other relevant Te Tai o Poutini Plan provisions

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

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - –there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Sport and Recreation Zone. Specific information on

the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.
- **Ecosystems and Biodiversity - as areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**
- **Natural Features and Landscape - many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**
- **Natural Character and the Margins of Waterbodies** - in some locations areas of ~~Sport and Recreation~~ **Open Space** Zone may extend into the riparian margins of waterbodies. The Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.
- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**
- **General District Wide Matters** - provisions in relation to noise, light and signs, in particular may be relevant to activities in the ~~Sport and Recreation~~ **Open Space** Zone.

OSZ - Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

OSZ - R1	**Park Facilities and Park Furniture**
Activity Status Permitted Where: 1. The maximum building height above ground level is 7m; 2. The maximum gross floor area is 100m **per building**; 3. Buildings and are setback: **a.** 4.5m from the road **and rail designation** boundr**ies**~~ary~~; and b. 3m from any RESZ - Residential Zone or SETZ - Settlement Zone boundary. 4. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary;	**Activity status where compliance not achieved:** ~~Controlled~~ **Restricted Discretionary**

5. Fences, walls and retaining walls are a maximum 2m height above ground level; 6. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary~~. except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~ This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically; and 7. **No Parks Facilities or Parks Furniture are established in the Rifle Range Protection Area except that which is reasonably necessary for the operation of the Rifle Range.** **Advice Note:** **1. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**	
OSZ – R2	**Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities**
Activity Status Permitted Where: 1. All performance standards for Rule OSZ - R1 are complied with; **and** **2. Within the Rifle Range Protection Area, Recreation Activities are restricted to Recreational Firearms Target Shooting.**	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R3	**Community Facilities**
Activity Status Permitted Where:	**Activity status where compliance not achieved:** Restricted Discretionary

1. All performance standards for Rule OSZ - R1 are complied with; 2. ~~The community facility:~~ a. ~~Is provided for within an Open Space Management Plan for the site; or~~ b. ~~Was lawfully established at the time of notification of the Plan; and~~ **2.** Hours of operation are limited to: i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year; and iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes.**; and** **3. No community facilities are located within the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range.**	
~~OSZ – R4~~	**~~Clubrooms~~**
~~Activity Status Permitted~~ ~~Where:~~ ~~4. All performance standards for Rule OSZ - R1 are complied with;~~ ~~5. The clubrooms:~~ ~~iii. Are provided for within an Open Space Management Plan for the site; or~~ ~~iv. Were lawfully established at the time of notification of the Plan; and~~ ~~6. Hours of operation are limited to:~~ ~~v. 7am to 10pm Sunday - Thursday;~~ ~~vi. 7am to 12pm midnight Friday and Saturday; except~~ ~~vii. No restriction on hours is in place for up to 12 days per calendar year~~ ~~viii. No restriction on hours is in place where the clubrooms are in use for Civil Defence Emergency Management purposes.~~	**~~Activity status where compliance not achieved:~~** ~~Restricted Discretionary~~
OSZ – R~~5~~4	**Educational Facilities and Research Facilities Ancillary to a Recreation or Conservation Activity**
Activity Status Permitted Where:	**Activity status where compliance not**

1. All performance standards for Rule OSZ - R1 are complied with; 2. The education or research facility is provided for within an Open Space Management Plan for the site; ~~and~~ 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays**; and** **4. No educational facilities or research facilities are located within the Rifle Range Protection Area**.	**achieved:** Restricted Discretionary
OSZ – R~~6~~5	**Camping Grounds and Accessory Buildings Ancillary to the Camping Ground**
Activity Status Permitted Where: 1. All performance standards for Rule OSZ - R1 are complied with**; and** 2. **No camping grounds or accessory buildings are located within the Rifle Range Protection Area**.	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R~~7~~6	**Retail Activities**
Activity Status Permitted Where: 1. This is ancillary to a recreation activity, a conservation activity or a camping ground facility; 2. No more than 25% of any building is allocated to the retail activity; 3. Except where this is associated with a camping ground, hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; ~~and~~ **4.** All performance standards for Rule OSZ - R1 are complied with**; and** **5. No retail activities are located within the Rifle Range Protection Area.**	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R~~8~~7	**Residential Activities**
Activity Status Permitted Where: 1. This is ancillary to a recreation activity, a conservation activity or a camping ground, or to provide a caretaker unit for a park facility; ~~and~~ **2.** All performance standards for Rule OSZ - R1 are complied with**; and** **3. No residential activities or residential units are located within the Rifle Range Protection Area**.	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ - R~~9~~8	**Vehicle Access and Car Parking Areas**

Activity Status Permitted Where: 1. The vehicle access or carparking is **ancillary to a conservation activity, a recreation activity or a camping ground** ~~established at the time of notification of the Plan or provided for within an Open Space Management Plan for the site~~; and 2. All relevant Transport Standards in Appendix One are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R~~10~~9	**Cemeteries and Urupā**
Activity Status Permitted Where: 1. This is a cemetery or urupā lawfully established at the date of notification of the Plan; and 2. All performance standards for Rule OSZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
OSZ – R10~~1~~	**Mineral Prospecting and Mineral Exploration**
Activity Status Permitted Where: 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing; 3. Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated as far as is practicable to its original condition; ~~and~~ 5. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a ~~m~~anner that it does not enter any waterbody or cause the destruction of habitat.**; and** 6. **No Parks Facilities or Parks Furniture are established in the Rifle Range Protection Area except that which is reasonably necessary for the operation of the Rifle Range.** **Advice Note:** 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 2. Mineral Prospecting and Mineral Exploration within the	**Activity status where compliance not achieved:** Restricted Discretionary

	Pounamu and Aotea Overlays is subject to Rule SASM - R7.	

1. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.	
OSZ - R11~~2~~	**Agricultural, Horticultural or Pastoral Activities**
Activity Status Permitted Where: 1. All performance standards for Rule OSZ - R1 are complied with; and 2. The activity does not include: a. Intensive indoor primary production;~~ or~~ **b.** Stock sale yards**;** **c. the storage, treatment and disposal of solid and liquid animal waste; or** **d. farm quarries outside of areas specifically identified as Local Purpose (Quarry) Reserves;** **3. The activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8; and** **4. Within the Rifle Range Protection Area only buildings that are reasonably necessary to carry out Agricultural, Pastoral or Horticultural Activities are established.** **Advice Note:** **1.** Refer to Rule SASM - R7 in the Sites of Significance to Māori Chapter where a farm quarry is proposed within the Aotea or Pounamu Overlays.	**Activity status where compliance not achieved:** Restricted Discretionary
~~**Controlled Activities**~~ **Restricted Discretionary Activities**	
OSZ - R12~~3~~	**Park Facilities and Park Furniture not meeting Rule OSZ - R1**
Activity Status ~~Controlled~~Restricted Discretionary **~~Matters of control are~~Discretion is Restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; c. Vehicle access and parking design and location; ~~and~~ d. Management of effects on natural character, landscape, historical ~~and~~ ~~cultural~~ values, ecological and biodiversity values.**; and** **e. The safe and efficient operation of the rail corridor.**	**Activity status where compliance not achieved:** N/A
Notification	

1. **When making notification decisions in relation to this rule, the Council will be informed by Radio New Zealand in terms of the safety risks of electromagnetic coupling that could arise with the construction of structures greater than 18m in height within 1000m of the Cape Foulwind radio transmission site.**	
~~Restricted Discretionary Activities~~	
OSZ - R13~~4~~	**Recreational Activities, Conservation Activities, Educational F~~f~~acilities and Research Activities, Community Facilities ~~and Clubrooms~~, Poutini Ngāi Tahu Activities and Camping Grounds and Accessory Buildings not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; c. Hours of Operation; d. Vehicle access and parking design and location; e. Management of wastewater, stormwater and water supply; ~~and~~ f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values; **and** g. **The safe and efficient operation of the rail corridor.** **Notification** 1. **When making notification decisions in relation to this rule, the Council will be informed by Radio New Zealand in terms of the safety risks of electromagnetic coupling that could arise with the construction of structures greater than 18m in height within 1000m of the Cape Foulwind radio transmission site.**	**Activity status where compliance not achieved:** N/A
OSZ - R14~~5~~	**Residential Activities not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary Where: 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location;	**Activity status where compliance not achieved:** ~~Discretionary~~**Non – complying**

e. Management of wastewater, stormwater and water supply; f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values**; and** g. **The safe and efficient operation of the rail corridor.**	
OSZ - R1~~5~~6	**Retail Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: This is ancillary to a conservation or recreation activity. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; and f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values. g. **The safe and efficient operation of the rail corridor.**	**Activity status where compliance not achieved:** Non-complying
OSZ - R1~~6~~7	**Vehicle Access and Carparking not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**; b. Management of effects on conservation or recreation activities; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values.	**Activity status where compliance not achieved:** N/A
OSZ - R1~~7~~8	**Cemeteries and Urupā not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**; b. Management of effects on conservation or recreation activities;	**Activity status where compliance not achieved:** N/A

g. Vehicle access and parking design and location; and h. Management of effects on natural character, landscape, historical ~~and cultural~~ values**, Poutini Ngāi Tahu values** and biodiversity values.	
OSZ - R19~~20~~	**Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 2. This is ancillary to a conservation, recreation, research or education activity. **Discretion is restricted to:** m. Design, position and location of any buildings; n. ~~Landscape measures~~; **Measures to mitigate landscape effects** o. Management of effects on conservation or recreation activities; p. Vehicle access and parking design and location; ~~and~~ q. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values**; and** r. **The safe and efficient operation of the rail corridor.**	**Activity status where compliance not achieved:** Discretionary
Discretionary Activities	
~~**OSZ - R21**~~	~~**Residential Activities not meeting Restricted Discretionary Activity Standards**~~
~~**Activity Status Discretionary**~~	~~**Activity status where compliance not achieved:** N/A~~
OSZ - R20~~2~~	**Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards**
Activity Status Discretionary **Advice Note:** When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ - P20, RURZ - P22, RURZ - P23, RURZ - P24 and RURZ - P26 should also be undertaken.	**Activity status where compliance not achieved:** N/A
OSZ - R21~~3~~	**Agricultural, Horticultural or Pastoral Activities not meeting the Permitted or Restricted Discretionary Rules**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
OSZ - R22	**Any Other Activity not provided for within another Rule in the Zone**

Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
Non-complying Activities	
OSZ - R23	**Residential Activities not meeting Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved: N/A**
OSZ - R24	**Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
OSZ - R25	**Industrial Activities, Commercial Activities other than Retail**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**OSZ - R26**~~	~~**Any Other Activity not provided for within another Rule in the Zone**~~
~~**Activity Status Non-complying**~~	~~**Activity status where compliance not achieved:** N/A~~

SARZ	**Sport and Active Recreation Zone - Te Takiwā Hākinakina**

Overview

The purpose of the SARZ - Sport and Active Recreation Zone is to provide open space areas for a range of sport and recreation activities, including organised sport and recreation for local, district-wide and regional communities. This zone applies in parks, sports grounds and multi-sport facilities. Such areas will normally have associated buildings such as club rooms, changing sheds or toilet facilities. These spaces are areas where people can also enjoy informal exercise and leisure activities.

Sport and active recreation areas are predominantly characterised by large open space areas with associated buildings and facilities that vary in scale depending on the sport and recreation activities that take place there. It is generally accepted that the level of development in this zone is higher than other OSRZ - Open Space and Recreation Zones and that the sport and recreation activities that are anticipated to take place in this zone can generate noise, light and traffic effects in surrounding neighbourhoods.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the Council as the administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plan and legislation (Reserves Act 1977).

Other Relevant Te Tai o Poutini Plan provisions

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

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Sport and Recreation Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.
- **Ecosystems and Biodiversity –The provisions of the Ecosystems and Biodiversity chapter may be relevant to the Sports and Active Recreation Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**
- **Natural Features and Landscape - The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**
- **Natural Character and the Margins of Waterbodies** -in some locations areas of Sport and Recreation Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies chapter contains provisions on how these areas must be managed.
- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**
- **General District Wide Matters** - provisions in relation to Noise, Light and Signs, in particular may be relevant to activities in the Sport and Recreation Zone.

SARZ - Sport and Active Recreation Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

SARZ - R1	**Park Facilities and Park Furniture**
Activity Status Permitted Where: 1. The maximum building height above ground level is 10m; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. The maximum gross floor area is 200m^2 **per building**; 4. Buildings are setback:	**Activity status where compliance not achieved:** ~~Controlled~~**Restricted Discretionary Activity**

i. 4.5m from the road **and rail designation** boundies~~ary~~; and ii. 3m from any Residential Zone or Settlement Zone boundary. 5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary; 6. Fences, walls and retaining walls are a maximum 2m height above ground level; 7. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary~~ except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:** 1. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**	
SARZ - R2	**Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities**
Activity Status Permitted Where: 1. All performance standards for Rule SARZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
SARZ - R3	**Community Facilities**
Activity Status Permitted Where:	**Activity status where compliance not**

1. All performance standards for Rule SARZ - R1 are complied with; 2. The community facility is: a. Provided for within an Open Space Management Plan for the site; or b. Was lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year.; and iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes.	**achieved:** Restricted Discretionary
~~**SARZ - R4**~~	~~**Clubrooms**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~4. All performance standards for Rule SARZ - R1 are complied with; and~~ ~~5. The clubrooms:~~ ~~iii. Are provided for within an Open Space Management Plan for the site; or~~ ~~iv. Were lawfully established at the time of notification of the Plan; and~~ ~~6. Hours of operation are limited to:~~ ~~iv. 7am to 10pm Sunday - Thursday;~~ ~~v. 7am to 12pm midnight Friday and Saturday; except~~ ~~vi. No restriction on hours is in place for up to 12 days per calendar year.~~	~~**Activity status where compliance not achieved:** Restricted Discretionary~~
SARZ - R~~5~~4	**Educational Facilities and Research Facilities ancillary to Conservation or Recreation Activities**
Activity Status Permitted Where: 1. All performance standards for Rule SARZ - R1 are complied with; and 2. The facility is identified in a relevant Open Space Management Plan for the site.	**Activity status where compliance not achieved:** Restricted Discretionary
SARZ - R~~6~~5	**Retail Activities**

Activity Status Permitted Where: 1. This is ancillary to a recreation activity or a conservation activity; 2. No more than 25% of any building is allocated to the retail activity; 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and 4. All performance standards for Rule SARZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
SARZ - R~~7~~6	**Residential Activities**
Activity Status Permitted Where: 1. This is ancillary to a recreation activity or a conservation activity; and 2. All performance standards for Rule SARZ - R1 are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
SARZ - R~~8~~7	**Vehicle Access and Carparking Areas**
Activity Status Permitted Where: 1. The vehicle access or carparking is provided for within an Open Space Management Plan for the site; and 2. All relevant Transport Standards in Appendix One are complied with.	**Activity status where compliance not achieved:** Restricted Discretionary
~~SARZ - R9~~	**~~Grandstands~~**
~~Activity Status Permitted~~ ~~Where:~~ ~~4. The grandstand is provided for within an Open Space Management Plan for the site; and~~ ~~5. The grandstand is setback:~~ ~~i. 4.5m from the road boundary; and~~ ~~ii. 3m from any Residential Zone or Settlement Zone boundary;~~ ~~6. The grandstand shall not project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary.~~	~~**Activity status where compliance not achieved:** Restricted Discretionary~~
~~**Controlled Activities**~~ **Restricted Discretionary Activities**	
SARZ - R~~10~~8	**Park Facilities and Park Furniture not meeting Permitted Activity Standards**

Activity Status Controlled **Matters of control are:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; c. Vehicle access and parking design and location;~~ and~~ d. Management of effects on natural character, landscape, historical ~~and cultural~~ values and biodiversity values.**; and** e. **The safe and efficient operation of the rail corridor.**	**Activity status where compliance not achieved:** N/A
~~**Restricted Discretionary Activities**~~	
SARZ - R~~11~~9	**Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities and Research Activities~~, Clubrooms, Grandstands~~ and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~; **Measures to mitigate landscape effects** c. Hours of Operation; d. Vehicle access and parking design and location; ~~and~~ e. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values**; and** f. **The safe and efficient operation of the rail corridor.**	**Activity status where compliance not achieved:** N/A
SARZ - R10~~2~~	**Residential Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~; **Measures to mitigate landscape effects.** c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; ~~and~~ f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values**; and**	**Activity status where compliance not achieved:** Non-complying

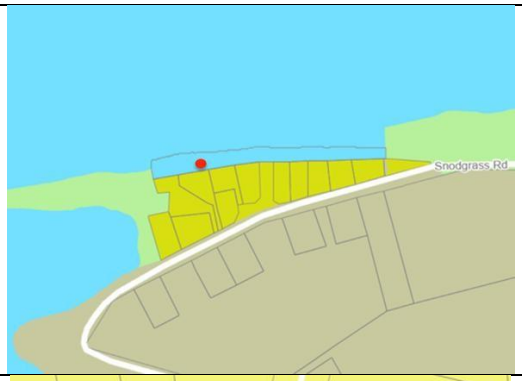
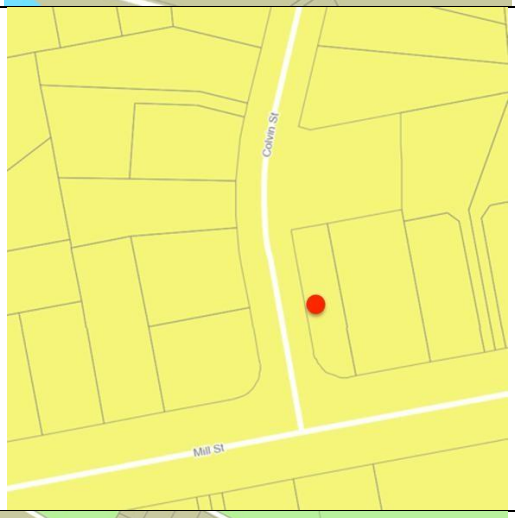
g. **The safe and efficient operation of the rail corridor.**	
SARZ - R11~~3~~	**Retail Activities not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to a conservation or recreation activity. **Discretion is restricted to:** a. Design, position and location of any buildings; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; ~~and~~ f. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values**; and** g. **The safe and efficient operation of the rail corridor.**	**Activity status where compliance not achieved:** Non-complying
SARZ - R12~~4~~	**Vehicle Access and Carparking not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Where: 1. This is ancillary to an activity being undertaken in the Sport and Active Recreation Zone. **Discretion is restricted to:** a. ~~Landscape measures~~ **Measures to mitigate landscape effects**; b. Management of effects on conservation or recreation activities; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical ~~and cultural~~ values, ecological and biodiversity values.	**Activity status where compliance not achieved:** Non-complying
Discretionary Activities	
SARZ – R13	**Any Other Activity not provided for within another Rule in the Zone**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
Non-complying Activities	

SARZ – R145	**Residential Activities not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
SARZ – R156	**Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
SARZ – R167	**Vehicle Access and Carparking not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**SARZ – R18**~~	~~**Any Other Activity not provided for within another Rule in the Zone**~~
~~**Activity Status Non-complying**~~	~~**Activity status where compliance not achieved:** N/A~~

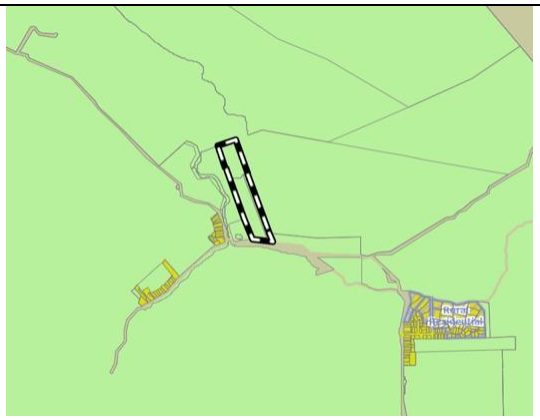
Changes to Planning Maps - Zones

Property	New Zone
Orowaiti Esplanade Reserve	Open Space Zone
Mill Street Recreation Reserve	Open Space Zone
Kilkenny Park	Open Space Zone
Derby Street Playground	Open Space Zone
Waimangaroa Domain	Open Space Zone
Land at Kaiata Park as shown in **Appendix 2**	Open Space Zone
Ngakawau Domain	Sport and Active Recreation Zone
7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties as shown in the maps in **Appendix 2**	Settlement Zone
Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere	Settlement Zone
LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties as shown in the maps in **Appendix 2**	General Rural Zone
31 Hans Bay Road, Lake Kaniere	General Rural Zone

APPENDIX 2 – REZONINGS

Orowaiti Esplande Reserve – Rezone to Open Space Zone	
Mill Street Recreation Reserve – Rezone to Open Space Zone	
Kilkenny Park – Rezone to Open Space Zone	

Derby Street Playground - – Rezone to Open Space Zone	
Waimangaroa Domain – Rezone to Open Space Zone	
Ngakawau Domain – Rezone to Sport and Active Recreation Zone	
Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere – Rezone to Settlement Zone	

31 Hans Bay Road, Lake Kaniere – Rezone to General Rural Zone	

TTPP Current Zoning (mainly General Rural, but part General Residential)	Area recommended for rezoning to Open Space Zone
	

7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties – recommended to be rezoned Settlement Zone



LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties

Recommended to be rezoned General Rural Zone



TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic 16

Residential Zones – Ngā Takiwa Noho

Hearing Dates: 16 and 17 July 2024

HEARING PANEL

Paul Rogers (Chair)

Sharon McGarry

Maria Bartlett

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Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Residential Zone - Ngā Takiwa Noho chapter from pTTPP. This chapter is contained in Part 3 – Area Specific Matters – Zones Section, of the pTTPP.

3. The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section of Part 3 of the Plan.

4. The Residential Zones Section 32 Report[1] provides evaluations of the options for the management of Residential Zones through the combined Plan, including the regulatory framework key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options.

5. The Residential Zones Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants, acting as the Reporting Officer, was circulated prior to the hearing.

6. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either be accepted, accepted in part or rejected in Appendix 2).

7. Ms Easton subsequently provided a combined s42A Report[3] right of reply covering both the Residential Zones and Special Purpose Zones, which responded to key matters raised by the Hearing Panel. Recommendations of the Panel on the Special Purpose Zones are contained in the separate report for those zones.

8. The s42A Report assessed a total of 707 submission points and 109 further submission points across the Residential Zone chapter. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).

9. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for the chapter:

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report 11 Residential - Ngā Takiwā Noho
[2] Section 42A Report on Residential Zones
[3] s42A Right of Reply on Residential and Special Purpose Zones

(a) Definitions;

(b) General/Overview;

(c) Objectives

(d) Policies;

(e) Rules; and

(f) Zoning Maps.

10. A s32AA evaluation for the changes in each chapter was provided at the end of the s42A Report.

11. This Recommendation Report follows this same structure of the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

12. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision, recording all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

13. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

14. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

(a) The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or

(b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

(c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

15. Where there is a recommended change to a notified provision of the TTPP, it is because:

(a) The Panel has recommended amendments to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

(b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

(c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

16. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

17. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

18. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

19. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Buller District Council - Alma Road – Interim Decision Request

20. The Panel received a written request from Buller District Council (**BDC**) on 11 June 2024 and again on 30 September 2024 seeking an early release of the decision (or the issue of an interim recommending report) on the rezoning of Alma Road, Westport Area, if the Panel is not able to complete their recommendation on submissions prior to December 2024.

21. This request was based on Council accessing Crown Infrastructure Acceleration Funding to underpin the proposed rezoning at Alma Road with the risk of the funding offer being withdrawn if the outcome of this decision is not known by December 2024.

22. The Panel responded to this request via Minute #46 on 5 October 2024. In brief, while the Panel recognises the difficulty BDC were facing, there were procedural and best practice constraints on the Panel's ability to respond to aspects of the request from the Council. The Panel did indicate that based on information received and heard to date, that it was able to send a strong signal that it did not identify impediments to the revised rezoning sought at the hearing but would not be in a position meet Council's critical December 2024 date.

1.3. Terminology in this Report

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

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society of NZ Inc (Forest and Bird)
GDC	Grey District Council
GRZ	General Residential Zone
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
LLRZ	Large Lot Residential Zone
MRZ	Medium Density Residential Zone
MoE	Ministry of Education Te Tāhuhu o Te Mātauranga
NCZ	Neighbourhood Centre Zone
NPSUD	National Policy Statement for Urban Development
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites or Areas of Significance to Māori
Te Mana Ora	Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora
Waka Kotahi	Waka Kotahi NZ Transport Agency
WDC	Westland District Council
WCRC	West Coast Regional Council

1.4. Hearing Arrangements

24. The hearing was held at the West Coast Regional Council Building on the 16 and 17 of July 2024. Some submitters appeared online by internet connection.

25. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report.

26. At the conclusion of the hearing, the Hearing Panel requested that Ms Easton respond to several questions that arose during the hearing. These are dealt with in Ms Easton's Right of Reply.

1.5. Appearances

27. The following submitters appeared at the hearing in relation to the residential zone chapter:

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

Ms Inger Perkins for herself (online)

Ball Developments Limited and Davis Oglivie and Partners Limited

- Ms Pauline Hadfield, Planner
- Mr Geoff Ball
- Mr Sean Fibs

Silver Fern Farms Limited

- Ms Jo Appleyard and Ms Tallulah Parker, Legal Counsel (online)
- Mr Steven Tuck, Planner (online)
- Mr Darran Humpheson**,** Acoustic Engineer (online)

Westport Pistol Club, Chris Hartigan, and Westport Rifle Club Incorporated

- Mr Chris Coll, Westport Rifle Club
- Ms Katherine McKenzie, Planner

New Zealand Heavy Haulage Association Incorporated

- Mr Jonathan Bhana-Thompson, Planner (online)
- Ms Kim and Mr Glen Scrivener – for themselves

Buller District Council

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

1.6. Overview of submitter evidence received

28. For those appearing at the hearing, legal submissions were received from Ms Appleyard and Ms Parker on behalf of Silver Fern Farms (dated 2 July 2024).

29. For those appearing at the hearing, the following evidence and/or statements were received:

    (a) Ms Inger Perkins, on behalf of herself, summary statement (dated 16 July 2024)

    (b) Ms Pauline Hadfield, planning, on behalf of Ball Developments Limited and Davis Ogilvie and Partners Limited (dated 17 June 2024) and summary statements (dated 16 July 2024 and 17 July 2024);

    (c) Mr Steven Tuck, planning, on behalf of Silver Fern Farms (dated 14 June 2024) with a summary statement (dated 2 July 2024);

    (d) Mr Darran Humpheson, acoustics, on behalf of Silver Fern Farms (dated 14 June 2024) with a summary statement (dated 2 July 2024);

    (e) Ms Katherine McKenzie, planning, on behalf of Westport Pistol Club, Chris Hartigan, and Westport Rifle Club Incorporated (17 June 2024) and summary statement (dated 17 July 2024);

    (f) Mr Jonathan Bhana-Thomson, planning, on behalf of the House Movers Section of the New Zealand Heavy Haulage Association Incorporated; and

    (g) Ms Kim and Mr Glen Scrivener, on behalf of themselves, statement (dated 17 July 2024).

    (h) Mr Craig Barr, planning, on behalf of Buller District Council (dated 17 June 2024) and summary statement (dated 17 July 2024);

30. Following receipt of the s42A Report concerning Residential Zones:

    (a) KiwiRail - advised (dated 17 June 2024) that it did not wish to be heard at the hearing and requested that their correspondence be tabled as a record of KiwiRail's position on safety setbacks from the rail corridor in the Residential Zone.

    (b) Fire and Emergency NZ – advised (dated 5 July 2024) that there was generally a high degree of support from the reporting officer for its submission points and opted not to attend the hearing. They requested that their correspondence letter be tabled at the hearing.

    (c) Ministry of Education (**MoE**) – advised (dated 15 July 2024) that they would not be attending the hearing and requested that their correspondence letter be tabled with the Hearing Panel. This correspondence confirmed that MoE requested that their original submission points and positions be retained.

31. Following the hearing, the Panel issued the following minutes of relevance to the residential chapter:

(a) Minute 34 – Following the Residential and Special Zone hearing held on 16-17 July at Greymouth, a minute (dated 22 July 2024) was issued by the Panel providing direction around the provision of further information from several submitters, some of which had already been submitted prior to this minute being issued. All further information was directed to be submitted by 16 August 2024.

(b) Minute 46 – Following the request from BDC for a recommendation on the rezoning of the Alma Road area to be released early, or the issue of an interim recommending report to satisfy a Kainga Ora condition for funding for the development. In its minute (dated 5 October 2024), the Panel recognised the difficulty BDC faced in this regard but, due to procedural and best practice constraints, confirmed that it would not be in a position to provide these recommendations until mid-2025.

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

(a) Silver Fern Farms (dated 17 July 2024) – Correspondence received from Mr Tuck concerning operational information about Silver Fern Farms Hokitika.

(b) Buller District Council (dated 15 August 2024) – Correspondence received from Mr Pickford (CEO BDC) concerning further information requested in Minute 34 of the Hearing Panel.

(c) M. Delleca (dated 25 July 2024) – Correspondence received to provide additional background and knowledge of the Alma Road area. This information was not specifically requested by the Panel but was received and acknowledged.

1.7. Right of Reply

33. Ms Easton provided a written Right of Reply (dated 23 August 2024) addressing questions that arose from the Panel during the hearing. This Right of Reply included an updated Appendix 1 showing tracked changes to the notified provisions (Attachment 1),

34. A joint Right of Reply from Ms Easton and Ms Belgrave (Reporting Officers) was received on 7 October 2024. This reply concerned setback requirements in relation to the rail corridor, which applied to several different zones, including the Residential Zone.

35. A joint Right of Reply from Ms Easton, Ms Belgrave and Ms Evans (Reporting Officers) was received on 17 October 2024. This Reply pertained to specific submission points of Silver Fern Farms (**SFF**) related to setbacks and zoning surrounding the SFF Hokitika site.

1.8. Procedural Steps and Issues

36. No procedural matters were raised at the hearing.

1.9. Site Visits

37. As part of this hearing, we undertook site visits informed by matters raised in submissions and further information in response to Minute 34. Including, but not limited to:

Westland

- Hokitika residential around the rail corridor – houses off Sewell Street and SH6

- Hokitika Revell St (between Hampden St and Spencer St) Medium Density Area
- Silver Fern Farms Hokitika site and adjacent residential development (2 visits)

Grey

- Moana/Lake Brunner area
- 11 Lake Brunner Road – Klempl Block, Moana
- Cobden
- Dobson – Taylorville – State Highway 7
- Kaiata Park
- Greymouth

Buller

- Alma Road/McPadden Road Terrace
- Westport

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

38. Residential Zones – Ngā Takiwā Noho is one of six zone-based sections located in Part 3 – Area Specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The Residential Zone (**RESZ**) section has shared objectives and policies, with separate rules that apply across the General Residential Zone – Te Takiwā Noho Whenua Nui (**GRZ**), Large Lot Residential Zone – Te Takiwā Noho Whenua Nui (**LLRZ**), and Medium Density Residential Zone – Te Takiwā Noho Āhua Mātotoru (**MRZ**).

39. The Section 32 Report outlined the relevant statutory considerations applicable to residential activities and the relationships between the sections of the RMA and higher order documents.

40. The section 42A Report highlighted the relevant matters from section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement (NZCPS), any relevant National Policy Statement including the National Policy Statement for Urban Design (NPSUD), the West Coast Regional Policy Statement (**RPS**), Regional Plans, District Plans of adjacent territorial authorities, iwi management plans and the National Planning Standards.

41. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of the requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation. References to relevant submissions are made in the footers.

42. The National Planning Standards Mandatory Directions Clause 8.1 requires that only zones listed within Table 13 of the Planning Standards are to be used, except for Special Purpose Zones, or in the case of a combined regional and district plan, a zone that is both seaward and landward of mean high-water springs. The Planning Standards lists General Residential Zones, Large Lot Residential Zones, and Medium Density Residential Zones on its mandated list. We are satisfied that the Plan structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. RESIDENTIAL

2.1. Residential Definitions

Submissions and Further Submissions

43. Six submissions and three further submissions relating to definitions relevant to the Residential Zones topic were summarised in a Table on pages 9-10 of the s42A Report. The Panel has considered the relevant submissions, which included support for notified definitions, along with requests for new definitions to be added to the Plan and has adopted the summaries in the s42A Report.

Section 42A Report

44. The support of submitters Federated Farmers (S524.013) concerning the definition of "*minor residential unit*" and Ara Poutama (S349.002) (supported by Kāinga Ora FS58.002), concerning the definitions of "*minor residential unit*", "*residential activity*", "*residential unit*", and "*supported residential accommodation*", was acknowledged by Ms Easton.

45. Ms Easton did not support Ara Poutama's (S349.004) request (opposed in a further submission by Kāinga Ora (FS58.001)) for a new definition for "*household*" and considered that it was better to leave the term undefined to avoid any unintended narrowing of the term.

46. Ms Easton did not support David Ellerm's (S581.009) request for a new definition for the term "*residential character*" because the term was not widely referenced within the objectives and policies, and was a well-understood term in the planning field.

47. Ms Easton did not recommend any changes to the definitions in the Plan in response to these submissions.

Hearing and Submitter Evidence/Statements

48. No written evidence was provided concerning residential definitions or specifically raised by any submitters at the hearing.

Reporting Officer Reply Evidence

49. In response to questions from the Panel, concerning the submission points of Frida Inta and Buller Conservation Group[4] on the residential rules generally, Ms Easton provided further consideration of whether the word "*allotment*" should replace "*site*" in the residential zone rules. Ms Easton had made an earlier recommendation in the Introduction and General Provisions s42A Report, which included the Plan definitions, to delete the definition of "*site*". This was due to unintended consequences where the term "*site*" could be used in a different context, such as, where it applied to archaeological site, heritage site, and Sites or Areas of Significance to Māori (**SASM**). Therefore, where these provisions are used, the whole term, e.g. "*archaeological site*", is recommended to be used. As a result, changes will be required

[4] S552.007, S552.008, S553.007, S553.008

to some District-Wide Matters; however, the definition of "*site*" is now recommended to remain unchanged.[5]

50. Ms Easton responded to a further definition-related matter concerning the definition of "*residential unit*"[6]. She also responded to questions from the Panel that arose concerning submissions regarding the Residential Visitor Accommodation Rules, GRZ-R6, LLRZ-R6, and MRZ-R6. These rules are discussed further below under the Residential Rules section, but it is noted here that Ms Easton said that the definition of "*Homestay*" referred to "*the use of a residential unit*" and therefore she considered that issues of interpretation within the visitor accommodation-related rules did not arise.

Hearing Panel's Evaluation

51. The Panel agrees with Ms Easton that the appropriate option is to leave the term "*Household*" undefined to avoid any unintended narrowing of the term, which could lead to unintended outcomes. We consider the context in which any questions, if any, arise as to the meaning of the word "*Household*" is likely to be highly influential if not determinative.

52. The Panel agrees with Ms Easton that the term "*residential character*" is not widely referenced within the Plan's objectives and policies and is a well-understood term in planning. Therefore, we agree that there is no need to include a definition.

53. We agree with Ms Easton, for the reasons set out in her Reply, that the definition of "*site*" should not be deleted and replaced with "*allotment*". We also agree that where the word is used for an archaeological site, heritage site, and site or area of significance to Māori, the whole term, such as "*archaeological site"* should be used to improve clarity. This requires consequential Plan-wide amendments, and in particular to provisions in the Historic Heritage (**HH**) Chapter and the SASM Chapter.

54. We agree with and accept Ms Easton's response to a further definition-related matter concerning the definition of "*residential unit*"[7]. We agree that the definition of "*Homestay*" refers to "*the use of a residential unit*" and therefore issues of interpretation within the visitor accommodation-related rules do not arise.

Hearing Panel's Recommendation

55. The Panel recommends the definition of "*Residential Unit*" is retained as notified.

RESIDENTIAL UNIT	means means a building(s) or part of a building that is used for a residential activity exclusively by one household and must include sleeping, cooking, bathing and toilet facilities.

56. The Panel recommends the definition for "*site*" within the Introduction and General Provisions Chapter of the Plan is retained as notified, as follows:

[5] Para 6 – s42A Right of Reply
[6] Paras 12-17 - s42A Right of Reply
[7] Paras 12-17 - s42A Right of Reply

SITE	means (a) an area of land comprised in a single record of title as per the Land Transfer Act 2017; or (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title as per the Land Transfer Act 2017 could be issued without further consent of the Council; or (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

57. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below[8] are accepted or accepted in part, and recommend the following provisions of the Historic Heritage and SASM Chapters within the District-Wide Matters – Historical and Cultural Values Chapter of the Plan are amended.

2.2. Residential General/Whole Chapter including the Overview

Submissions and Further Submissions

58. Nine submission points relating to general matters or the whole Residential Zones (**RESZ**) topic were summarised in a Table on pages 11-12 of the s42A Report. The Panel has considered the relevant submissions, which included a range of support for notified provisions or amendments related to general matters, and adopts the summaries in the s42A Report.

Section 42A Report

59. The support of BDC (S538.271) regarding relevant subdivision standards, was noted by Ms Easton.

60. The submissions of Inger Perkins (S462.034) and Richard Herring (S16.001) sought that the Plan introduce provisions that address air quality issues caused by the burning of rubbish and use of wood burners. Ms Easton did not support these submissions and considered air quality was a matter regulated by the WCRC and their Regional Air Plan.

61. Forest and Bird (S560.369) sought that the Residential Chapter be amended to include a reference to the provision of the Natural Environment and District-Wide Chapters to make it clear that the provisions of these chapters also apply. Ms Easton agreed with this

[8] Frida Inta S553.007 & S553.008, Buller Conservation Group S552.007 & S552.008

submission and recommended that this reference be included in the Overview section of each of the RESZ, GRZ, LLZ and MRZ chapters.

62. Scenic Hotel Group (483.007) sought to retain the approach that Airbnb be treated as a commercial activity in the Plan. Ms Easton clarified that Airbnb was not treated as a commercial activity in the Plan and was considered a residential visitor accommodation activity subject to various standards to be classified as a permitted activity, such as being ancillary to a residential activity. She did not support this submission or recommend any amendments in relation to it.

63. Davis Ogilvie and Partners Ltd (S465.036) sought amendments to the rules for outdoor living spaces in the GRZ and MRZ (as well as the NCZ) to include a minimum dimension or 'shape factor'. Ms Easton agreed with this submission and made a recommendation to include a minimum dimension (e.g. width or depth) of 3m for the GRZ and MRZ.

64. Frank and Jo Dooley (S478.003) sought to amend the RESZ rules to include provisions related to the management of sites that will be rezoned, providing for these rezonings where a complete infrastructure plan is in place. Ms Easton did not support this submission, noting that the rules for permitted new residential units and buildings require connections to community water supply and wastewater networks, while stormwater must not drain to any public road except for secondary flow purposes. She noted that there were servicing requirements for any new subdivision in the residential zone.

Hearing and Submitter Evidence/Statements

65. Ms Hadfield confirmed she agreed with the recommendation in the s42A Report for a 3m minimum dimension to apply to outdoor living spaces where required under RESZ provisions. She also suggested that this should apply to other zones where an outdoor living space was required, such as Rule SVZ–R1. This matter is addressed under the Special Purpose Zone Recommendation Report.

66. The tabled statement from KiwiRail (dated 17 June 2025) noted a 5m setback for buildings from the rail corridor boundary was sought in all zones adjacent to the rail corridor, except the Commercial Zone, Natural Open Space Zone (**NOSZ**) and the Open Space Zone (**OSZ**) where a 4.5m setback was sought. It highlighted the evidence of Ms Heppelthwaite (for Hearing Topic 1) regarding the importance of providing an adequate setback for safety and to protect the rail corridor.

67. No other written evidence was provided concerning the RESZ Chapter as a whole at the hearing.

Reporting Officer Reply Evidence

68. In response to queries raised by the Panel, Ms Easton further addressed the regulation of discharges from indoor or outdoor domestic fires in relation to the Objectives (general) section.

69. Ms Easton also addressed the Panel's query of whether there was sufficient scope to require that any residential development undertaken without connecting to reticulation should be a non-complying activity, as opposed to discretionary. She noted there were no submissions that specifically related to this request; and that the submission of Frank and Jo Dooley was

more concerned with the impacts on existing landowners where rezoning has occurred and sought that rules were only triggered where a complete infrastructure plan was not in place.

70. In relation to KiwiRail's (S442.093) submission, Ms Easton confirmed that she had met with Ms Belgrave on 9 September 2024, who was the s42A Reporting Officer for the Industrial Zone and Commercial and Mixed Use Zone Chapters. She noted they had prepared a joint Right of Reply dated 7 October 2024, with a particular view to agreeing setback requirements in the permitted activity standards for the zone rules concerning the rail corridor. Regarding the RESZ Chapter, both planners agreed that setbacks from the rail corridor designation boundary for buildings should be 1.5m for the GRZ and MRZ, and 4m for the LLRZ. Both planners considered that a 5m setback (as sought by KiwiRail) was excessive and not appropriate when considering the nature and frequency of all rail movements.

71. Ms Easton also responded to a question from the Panel regarding the submission from KiwiRail and how their request should be addressed in relation to the LLRZ. She noted that the railway line did not traverse any part of the LLRZ and therefore did not need to provide for any specific setback.

Hearing Panel's Evaluation

72. The Panel adopts the reasoning and recommendations put forward by Ms Easton that air quality is a matter regulated by the WCRC under the Regional Air Plan; and does not need to be addressed in the Plan to avoid duplication. We consider Ms Easton appropriately addressed discharges from indoor or outdoor domestic fires and the potential for nuisance issues within her Reply.

73. The Panel agree with Ms Easton's reasoning and recommendation to include a reference to the provisions in the Natural Environment and District-Wide chapters to make it clear that the provisions of these chapters also apply. We agree that this reference should be included in the Overview section of each of the RESZ chapters – GRZ, LLRZ, MRZ to provide clarity.

74. The Panel note that Airbnb accommodation is not treated as a commercial activity in the Plan, but is considered a residential visitor accommodation activity, which is subject to various standards to be classified as a permitted activity, such as being ancillary to a residential activity. We accept this is appropriate and note that no submission sought a change in status for Airbnb activities.

75. The Panel adopt Ms Easton's reasoning and recommendation to include outdoor living spaces in the Plan for GRZ, MRZ and Neighbourhood Centre Zone (**NCZ**). We consider her recommendation of including a minimum dimension of 3m to be appropriate for outdoor space and note Ms Hadfield agreed with this.

76. The Panel adopt Ms Easton's reasoning and agree that including new plan provisions that only allow rezonings where a complete infrastructure plan is in place is unnecessary because the existing rules for permitted new residential units and buildings require connections to community water supply and wastewater networks, while stormwater must not drain to any public road except for secondary flow purposes. We agree that no submissions sought that activity be a non-complying activity, as opposed to discretionary, if a subdivision or development did not connect to reticulation.

77. The Panel notes that concerns in relation to the Plan requiring new development to connect to existing reticulated water, stormwater and wastewater systems are addressed in the Infrastructure Chapter and Subdivision Chapter Recommendation Reports.

78. The Panel accept the joint evaluation of Ms Easton and Ms Belgrave in relation to setbacks for buildings from the rail corridor designation boundary of 1.5m for the GRZ and MRZ; and that a 5m setback in the LLRZ would be excessive and inappropriate when considering the nature and frequency of all rail movements. We agree that, given the railway line does not traverse any part of the LLRZ, it is not necessary to provide for any specific setback within the LLRZ provisions. We agree with the Reporting Officers that a 5m setback from the rail corridor designation boundary would capture a very large area of land in addition to the rail corridor.

79. The Panel notes that Ms Easton did not provide a comment on Brendan Te Amo's (S85.001) submission, but we note that this submission supports the general direction of all proposed new zonings in the Plan.

Hearing Panel's Recommendation

80. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend amendments are made to the **GRZ, LLRZ and MRZ Overviews** and **Rule GRZ-R1** and **Rule MRZ-R1**, as follows:

GRZ Overview **LLRZ Overview** **MRZ Overview**	Other Relevant Te Tai o Poutini Plan Provisions It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the General Residential Zone including: … • **Natural Character and Margins of Waterbodies -**in some locations areas of General Residential Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed. • **Ecosystems and Biodiversity – where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply**. [9] • **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities. …

GRZ -R1	**Residential Activities and Residential Units and Accessory Buildings Activity Status Permitted** Where: …

[9] Royal Forest and Bird Protection Society S560.369

	6. A minimum of 30m^2 of outdoor living space is provided per residential unit and 12m^2 per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m;** [10] … 10. Buildings are setback a minimum of **1.5m from the railway corridor**[11] and 1m from all other site boundaries, except that: i. Duplexes do not require a setback from the side boundary of the other duplex unit; and ii. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing. …
MRZ-R1	**Residential Activities and Residential Units and Accessory Buildings Activity Status Permitted** Where: … 5. A minimum of 30m^2 of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m.**[12] … 19. Buildings are setback a minimum of **1.5m from the railway corridor**[13] and 1m from all other site boundaries, except that: i. Duplexes do not require a setback from the side boundary of the other duplex unit; and ii. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing. …

2.3. Residential Objectives

Submissions and Further Submissions

81. Nine submission points and one further submission point relating to the Residential Objectives (as a whole) were summarised in a Table on pages 13-14 of the s42A Report. Six submission points sought to retain the three objectives as notified.

82. The submissions by the Buller Conservation Group (S552.168) and Frida Inta (S553.168) sought the introduction of a new objective regarding air pollution within residential areas.

83. The Te Tai o Poutini Plan Committee (S171.008) also sought an additional objective regarding residential development, intensification, or managed retreat. The further submission from SFF (FS101.038) opposed this submission and considered that it should be subject to

[10] Divis Ogilvie & Partners Limited S465.036
[11] KiwiRail Holdings Limited S442.093
[12] Divis Ogilvie & Partners Limited S465.036
[13] KiwiRail Holdings Limited S442.093

additional direction, particularly concerning potential reverse sensitivity effects raised by any potential rezonings.

84. Four submission points and one further submission point supported retaining Objective **RESZ-O1** as notified. One submission requested amendments. These were summarised in a Table on Pages 14-15 of the s42A Report.

85. One submission point and one further submission relating to **RESZ-O2** were summarised in a Table on page 15 of the s42A Report. This submission and a further submission supported the retention of the objective as notified.

86. Five submission points relating to **RESZ-O3** were summarised in a Table on page 15 of the s42A Report. Two submissions supported the retention of the objective as notified, and three sought amendments.

87. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

RESZ - Objectives (General)

88. Concerning the objectives (as a whole), Ms Easton acknowledged the support from the submitters[14] that sought to retain the objectives as notified.

89. Ms Easton did not support Frida Inta and the Buller Conservation Group's request a new objective to address air pollution because she considered air quality was not a matter within the jurisdiction of the district plan and was a regional council function.

90. Ms Easton did not support Te Tai o Poutini Committee's request for a new objective because she considered the three existing objectives were sufficient in addition to the urban form and development Strategic Direction in the Plan, which guided residential and other urban zones. She also acknowledged the further submission from SFF opposing this request due to concerns about reverse sensitivity effects and noted this was addressed under the zoning section of this chapter, as well as the Strategic Direction section of the Plan.

91. Ms Easton made no recommended changes to the objectives based on these submissions.

RESZ - O1

92. Ms Easton acknowledged the support from the four submission points and one further submission point[15] that sought to retain the objective as notified.

93. Ms Easton did not support Waka Kotahi NZTA's (S450.239) request the additional wording to RESZ-O1 because she considered it was unnecessary as accessibility for walking and cycling was already part of the general term "*infrastructure*" included in the objective wording.

94. Ms Easton recommended retaining RESZ-O1 as notified.

[14] S567.450, S558.396, S566.396, S538.473, S181.035
[15] S349.009, S190.832, FS58.0135, S573.021, S608.714

RESZ - O2

95. Ms Easton acknowledged the support from the one submitter and further submitter[16] that sought to retain the objective as notified.

96. Ms Easton recommended retaining RESZ-O2 as notified.

RESZ - O3

97. Ms Easton acknowledged the support from the two submitters[17] that sought to retain the objective as notified, noting that amendments were recommended in response to other submissions.

98. The s42A Report did not support the submission made by SFF (S441.063) to replace "*area"* with "*zone*" because Ms Easton considered that the term "*area"* was more appropriate for an objective that affected multiple zones.

99. Ms Easton recommended retaining RESZ-O3 as notified.

Hearing and Submitter Evidence/Statements

100. Ms Perkins, representing herself, highlighted that the Regional Air Quality Plan did not adequately regulate the burning of rubbish on residential properties. She noted that this matter was currently covered in a bylaw for BDC and GDC, which should also be adopted by WDC, and included in the requirements in the TTPP.

101. Mr Tuck, for SFF, reiterated concern that the existing effects from the Hokitika site were unlikely to be completely internalised to meet urban residential amenity expectations. He therefore continued to oppose the new residential objective sought by the TTPP Committee, which sought residential rezoning for new areas of residential development, to avoid reverse sensitivity effects. He noted he had recommended the introduction of a new objective specific to the SFF site that was focused on protecting the site from reverse sensitivity effects from activities in residential zones. He acknowledged that a site-specific caveat to zone-wide objectives was not an ideal solution. Mr Tuck highlighted the primary relief sought was changes to the zone configuration adjacent to the SFF and that he considered this was a more efficient and effective method to manage reverse sensitivity effects.

Reporting Officer Reply Evidence

102. Ms Easton responded to the regulation of discharges from indoor or outdoor domestic fires, which were not currently regulated in the WCRC Regional Air Plan and were regulated under bylaws enacted under the Health Act 1956 rather than the RMA. She noted the current Air Plan from 2001 predated the National Environmental Standard for Air Quality (2004) and its more recent 2020 amendments. She highlighted the WCRC had commenced a review of the Air Plan and considered that the matter of discharges from wood burners and outdoor fires was more appropriately addressed within the scope of this review rather than the TTPP.

103. Ms Easton further addressed the submission of SFF and the ability to manage potential reverse sensitivity effects and considered it was best addressed in the approach to adjacent

[16] S190.833, FS33.37
[17] S190.834, S456.039

zoning and setbacks. Her view was that a General Rural Zone (**GRUZ**) (as requested by SFF) would not result in a reduced likelihood of complaints compared to the proposed Rural Lifestyle Zone (**RLZ**); and that the inclusion of a setback for activities within the General Industrial Zone (**GIZ**) from rural zoned boundaries could address this issue. The Panel notes that the recommended rezoning of the land adjacent to the SFF from GRZ to RLZ is discussed further under the Residential Zoning section of this Report.

104. No further specific points were made in Ms Easton's Right of Reply regarding the remainder of the objectives and no further recommended changes were been made to the wording of the three residential objectives from the notified version.

Hearing Panel's Evaluation

105. The Panel agrees with the reasoning provided by Ms Easton, which supports her view that introducing a new objective to address air pollution within residential areas is unnecessary. We agree that air quality is a matter for the WCRC and the Regional Air Plan and should not be addressed in the TTPP.

106. The Panel agrees with the reasoning provided by Ms Easton, that introducing an additional objective in relation to residential development, intensification, or managed retreat is unnecessary. We agree that the three existing objectives are sufficient given the urban form and development Strategic Direction in the Plan guiding residential and other urban zones (e.g. CCR-O1, CCR-P4).

107. In relation to Objective **RESZ-O1,** we agree with Ms Easton's reasoning and recommendation that the additional wording requested by Waka Kotahi NZTA is unnecessary because accessibility for walking and cycling is already part of the general term "*infrastructure*" included in the objective wording. We therefore recommend that RESZ-O1 remain as notified.

108. The Panel accept Ms Easton's recommendation to retain **RESZ-02** as notified.

109. In relation to Objective **RESZ-O3,** the Panel agree with Ms Easton's reasoning and recommendation that use of the word "*area*" within this objective is more suitable than the word "*zones*" because this objective affects multiple zones. We accept Ms Easton's recommendation to retain RESZ-03 as notified.

110. The Panel consider it is not appropriate to include a new objective specific to SFF's Hokitika site. We agree with Ms Easton that adjacent land zoning and setbacks is a better approach to protect the existing site from potential reverse sensitivity effects from land use changes. We record our recommendations on this issue where we consider the appropriate zoning of the adjacent land in this Report and in the Recommendations Reports for Rural Zones, Noise and the Industrial chapters.

Hearing Panel's Recommendation

111. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the notified **Residential Objectives** as follows:

RESZ - O1	To provide for a variety of housing forms and densities in the main towns of the West Coast/Te Tai o Poutini to enable individual residential lifestyle options while ensuring developments are serviced with all required infrastructure.
RESZ - O2	To maintain or enhance the distinctive character, amenity and heritage values of residential areas, build community resilience and protect these areas from the adverse effects of inappropriate development.
RESZ - O3	To provide for a range of non-residential activities within RESZ - Residential Zones where the effects are compatible with the residential character, scale and amenities and the cultural and historic heritage values of the area.

2.4. Residential Policies

Submissions and Further Submissions

112. Eleven submission points and three further submission points relating to the RESZ policies (as a whole) were summarised in the Table on pages 16-17 of the s42A Report. Six submissions sought to retain all policies as notified. Five submissions sought to add new policies while three of these submission points were opposed by further submissions.

113. Two submission points and one further submission in support of Policy **RESZ-P1** were summarised in the Table on page 17 of the s42A Report.

114. Six submission points relating to Policy **RESZ-P2** were summarised in the Table on pages 17-18 of the s42A Report. Three submission points supported the retention of the policy as notified, and three sought amendments.

115. One submission point in support of Policy **RESZ-P3** as notified was summarised in the Table on page 18 of the s42A Report.

116. Six submission points relating to Policy **RESZ-P4** were summarised in the Table on page 18 of the s42A Report. Four of these submissions sought to retain the policy wording as notified. Two sought amendments. No further submissions were received on this policy.

117. Three submission points relating to Policy **RESZ-P5** were summarised in the Table on pages 18-19 of the s42A Report. One submission supported the retention of the policy as notified, and two sought amendments.

118. One submission point in support of Policy **RESZ-P6** as notified was summarised in the Table on page 19 of the s42A Report.

119. One submission and two further submission points supporting Policy **RESZ-P7** as notified were summarised in the Table on page 19 of the s42A Report.

120. Two submission points supporting Policy **RESZ-P8** as notified were summarised in a Table on page 19 of the s42A Report.

121. Two submission points supporting Policy **RESZ-P9** as notified were summarised in a Table on page 19 of the s42A Report.

122. Three submission points relating to Policy **RESZ-P10** were summarised in a Table on pages 19-20 of the s42A Report. Two submissions supported the retention of the policy as notified, while the third supported it in part, subject to consistency in wording with earlier policies.

123. Two submission points supporting Policy **RESZ-P11** as notified were summarised in a Table on page 20 of the s42A Report.

124. Two submission points supporting Policy **RESZ-P12** as notified were summarised in a Table on page 20 of the s42A Report.

125. Two submission points supporting Policy **RESZ-P13** as notified were summarised in a Table on page 20 of the s42A Report

126. One submission and one further submission supporting Policy **RESZ-P14** as notified were summarised in a Table on page 20 of the s42A Report.

127. Two submission points supporting Policy **RESZ-P15** as notified were summarised in a Table on page 20 of the s42A Report.

128. Four submission points relating to Policy **RESZ-P16** were summarised in a Table on pages 20-21 of the s42A Report. Three of the submissions supported the retention of the policy as notified, while one sought amendment.

129. One submission and one further submission relating to Policy **RESZ-P17** were summarised in a Table on page 21 of the s42A Report. The submission sought amendments to the policy. The further submission opposed this submission.

130. The Panel has considered the relevant submissions and adopts the summaries in the s42A Report.

Section 42A Report

RESZ - Policies (General)

131. Ms Easton acknowledged most of the submissions and further submissions received generally supported the policies as notified.

132. Ms Easton did not support the addition of a new policy to support rezoning for residential development as sought by TTPP Committee (S171.013) (opposed by Forest and Bird FS34.014) because she did not consider this was necessary. Similarly, she did not support the new policy sought by TTPP Committee (S171.009) (opposed by Forest and Bird and SFF[18]) regarding rezoning specific land in Westport, Greymouth, and Hokitika because the rezoning had already occurred and was consistent with the current policy suite for residential development in areas outlined.

133. The submission of Te Mana Ora (S190.835) seeking a new policy related to the establishment of Clean Air Zones was not supported by Ms Easton because she noted that air quality was a matter regulated by the WCRC and did not fall within the jurisdiction of the district plan.

[18] Forest and Bird FS34.013 and Silver Fern Farms FS101.039

134. Ms Easton did not support the amendments proposed by Frida Inta (S553.231) and the Buller Conservation Group (S552.231) regarding the provision of a 20m buffer around the periphery of residential zones to separate them from non-residential activities. She considered that if a buffer was to apply to adjoining residential zones, it would be impractical given many residential zones were less than 20m wide. In addition, she noted that if the buffer were to apply to adjoining non-residential zones only, these adjoining zones were already subject to specific setbacks depending on the zone; and that where non-residential activities met the required permitted activity standards of their respective zone, she considered they should be able to establish without the need for an additional buffer.

135. Ms Easton made no recommended changes to the policies based on these submissions.

RESZ - P1

136. Ms Easton acknowledged the support from the two submissions and one further submission[19] that sought to retain the policy as notified. She recommended retaining RESZ-P1 as notified.

RESZ - P2

137. Ms Easton acknowledged the support from the two submitters[20] who sought to retain the policy as notified.

138. In response to Frida Inta (S553.228) and Buller Conservation Group's (S552.228) request to amend clause (b) to refer to minimising nuisance from air pollution, Ms Easton did not support this. She reiterated that regulating air pollution was a function of WCRC.

139. Ms Easton did not support the Director General's (S602.226) to add '*maintain and enhance the natural environment and cultural and historic heritage features of the zone*' because these were already managed through the district-wide chapters.

140. Ms Easton recommended retaining RESZ-P2 as notified.

RESZ - P3

141. Ms Easton acknowledged the support from the one submitter (S190.838) who sought to retain the policy as notified. She recommended retaining RESZ-P3 as notified.

RESZ - P4

142. Ms Easton acknowledged the support from submitters[21] who sought to retain the policy as notified.

143. Ms Easton did not support the submission points of Frida Inta (S553.229) and Buller Conservation Group (S552.229) that sought amendments to refer to the adverse effects of air pollution and vibration because she considered air pollution was within the jurisdiction of the WCRC. Ms Easton considered if vibration was not regulated in the Noise Chapter, then she would support its addition. She agreed that "*do not have*" in relation to significant adverse effects should be replaced with "*avoid*" because the residential rules identify

[19] S190.836, S349.015, FS58.0136
[20] S190.837, S608.715, S608.716
[21] S190.839, S450.241, S456.040, S608.717

activities such as incompatible industrial activities as a non-complying activity and "*avoid*" is the appropriate term in this context.

144. Ms Easton recommended changes to this policy as follows:

> ***RESZ - P4***
>
> *Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they ~~do not have an~~ **avoid** significant adverse effects on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.*

RESZ - P5

145. Ms Easton acknowledged the support from the submission (S190.840) who sought to retain the policy as notified.

146. Ms Easton did not support Frida Inta (553.230) and the Buller Conservation Group's (S553.230) request to include the words "*and will require a buffer zone*". She considered that the best way to manage the types of activities referred to in this policy was to ensure that residential zones were not located immediately adjacent to the Industrial Zone. Where this was not possible, she considered the use of a Light Industrial Zone (LIZ) to be preferable to minimise incompatible uses. She further considered that this direction was set in the strategic objectives rather than in the RESZ policies, which were to manage activities within these zones rather than in other zones.

147. Ms Easton recommended retaining RESZ-P5 as notified.

RESZ - P6, RESZ-P7, RESZ-P8 and RESZ-P9

148. Ms Easton acknowledged the support from the submissions and further submissions[22] that sought to retain these policies as notified. She recommended retaining policies RESZ-P6 to RESZ-P9 as notified.

RESZ - P10

149. Ms Easton acknowledged the support from the two submitters[23] who sought to retain the policy as notified.

150. Ms Easton agreed with GDC's (S608.718) request to amend the policy to reflect that infrastructure should be vested with "*the Council*" as opposed to "*the appropriate public agency*". She noted the policy was originally drafted to reflect the potential new public entities that were to be created under the Three Waters regime. However, as this was no longer applicable, she considered that the proposed amendment would ensure greater consistency with the rest of the Plan.

151. Ms Easton recommended changes to this policy as follows:

> ***RESZ - P10***

[22] S190.841, S190.842, FS58.0137, FS58.0138, S620.234, S190.844, S450.242
[23] S190.845, S573.022

> *Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the ~~appropriate public agency~~* ***district council****.*

RESZ - P11, RESZ-P12, RESZ-P13, RESZ-P14 and RESZ-P15

152. Ms Easton acknowledged the support from the submissions and further submissions[24] who sought to retain these policies as notified. She recommended retaining the policies as notified.

RESZ - P16

153. Ms Easton acknowledged the support from three submitters who sought to retain this policy as notified[25].

154. Ms Easton did not support SFF's request[26] to refer to "*existing businesses and industrial activity*" and specifically identify "*the meat processing plant located at 140 Kumara Junction highway*". She noted that the substantive matters raised by SFF, including those addressed in the submission on this policy, had been more fully discussed in the residential zoning section of the s42A Report. She considered the amendments proposed would create an inconsistency between RESZ-P16, which specifically focused on regionally significant infrastructure, and RESZ-P17**,** which focused on relocating industrial activities out of residentially zoned areas.

155. Ms Easton recommended retaining RESZ-P16 as notified.

156.

RESZ - P17

157. Ms Easton did not support Te Mana Ora's request (S190.852) (opposed by GDC FS1.346) to refer to out-of-zone industrial activities relocating to industrial zoned areas as being "*within the next 10 years*" rather than "*over the long term*". She noted the policy and the pTTPP generally were not able to overrule the existing use rights held by industrial activities within residential zones. She considered the intent of this policy was to provide support for relocation should these activities seek to expand or redevelop.

158. Ms Easton recommended retaining RESZ-P17 as notified.

Hearing and Submitter Evidence/Statements

159. In relation to RESZ-P2, Ms Inta reiterated her view that the Plan should include protection regarding air quality and odours. In relation to RESZ-P4, she confirmed her view that if air pollution generally could not be included, then the words "*dust and odour*" should be retained, while also reiterating that the word "*vibration*" should also be included.

[24] S190.846, S620.235, S190.847, S450.243, S620.236, S190.848, S190.849, FS58.0139, S620.237, S190.850
[25] S190.851, S450.244, S608.719
[26] S441.064 – Silver Fern Farms

160. In relation to RESZ-P16, Mr Tuck (for SFF) reiterated that proposed amendments were needed to include specific references to "*any existing industrial activity*" and "*the meat processing plant located at 140 Kumara Junction Highway"* being the SFF site. He considered these amendments were necessary, in addition to the new specific objective sought if the s42A Report recommendation to rezone land adjoining the SFF's Hokitika site to the south to from GRZ to RLZ rather than GRUZ was adopted. He acknowledged that a site-specific caveat to zone-wide objectives and policies was not ideal and reiterated the primary relief sought was to the zone configuration on land adjacent to the SFF site (i.e. to include a buffer zone) remained the more efficient and effective method to manage these effects. The Panel note that this zone-related discussion is addressed later in this Report and in the Recommendations Report on Rural Zones, Noise and the Industrial chapters.

Reporting Officer Reply Evidence

161. In relation to the issue of dust, Ms Easton considered that there was scope to address the amenity issues that may arise when dust was generated (e.g. wind picking up dust from an unsealed yard). She noted that Policy RESZ-P4 already included a reference to dust and therefore retained her recommendations in the s42A Report.

162. No further recommended changes were made in Ms Easton's Right of Reply regarding the remainder of the policies.

Hearing Panel's Evaluation

163. The Panel adopts Ms Easton's reasoning and her recommendation that it is unnecessary to include a new policy relating to rezoning areas for residential development because rezoning of specified areas can occur utilising other processes under the RMA.

164. Similarly, we agree that a new policy supporting the rezoning of specific land in Westport, Greymouth, and Hokitika is not necessary because the rezoning has already occurred and is consistent with the current policy suite in terms of residential development in these areas.

165. The Panel agree with Ms Easton that a new policy relating to the establishment of Clean Air Zones is outside the jurisdiction of a district plan and is a WCRC function.

166. The Panel agree with Ms Easton that applying a 20m buffer to an adjoining residential zone would result in impractical outcomes given many residential zones are less than 20m wide. We agree with Ms Easton that other plan provisions achieve the result the submitters seek and therefore a new policy providing buffers is not required.

167. In relation to **RESZ-P1**, the Panel adopts Ms Easton's reasoning and accepts her recommendation to retain the policy as notified.

168. In relation to **RESZ-P2,** the Panel agree with Ms Easton's reasoning and accepts her recommendation to retain the policy as notified.

169. In relation to **RESZ-P3**, the Panel agree with Ms Easton that no amendments are required. No submitters sought an amendment to this policy and the Panel recommend the policy is retained as notified.

170. In relation to **RESZ-P4,** the Panel agree with Ms Easton's analysis of the air pollution and vibration issues and agree with her reasons to recommend that these submissions be

rejected. We note vibration is included in the Noise Chapter as notified under NOISE-R3(b)(iii) and (c)(iii) in the context of new dwellings being constructed within proximity of the state highway or railway lines. The Panel adopt Ms Easton's reasoning and agree with her recommended use of "*avoid*" in this context. The Panel note that the submission points referenced correctly address RESZ-P4 but the summary of submissions document does not incorporate the requested amendment to replace "*do not have a*" with "*avoid*".

171. In relation to **RESZ-P5**, the Panel agree with Ms Easton that no amendments are necessary. We agree with her response to the submitters that the best way to manage the types of activities referred to in this policy is to ensure that residential zones are not located immediately adjacent to industrial zones. Where this is not possible, the use of a LIZ is preferable to minimise incompatible uses. We also agree with her that this direction is set out in the strategic direction (e.g. UFD-P1) rather than in the residential zone policies, which are to manage activities within these zones rather than in other zones. We recommend retaining the policy as notified.

172. In relation to policies **RESZ-P6 to RESZ-P9**, the Panel agree with Ms Easton's recommendation that no changes are required given the support for the notified version of these policies.

173. In relation to **RESZ-P10**, the Panel note Ms Easton's explanation of the policy wording as notified. While the vesting of infrastructure in councils is usually achieved through consent conditions attached to developments, such as subdivisions, we see no issue with setting this out within a policy, as recommended by Ms Easton. We recommend replacing "*appropriate public agency*" with "*district council".*

174. In relation to policies **RESZ-P11 to RESZ-P15**, Ms Easton recommended no changes to these policies, citing submissions in support. The Panel recommend retaining these policies as notified.

175. In relation to **RESZ-P16** the Panel partically agree with Ms Easton's analysis of the SFF submission and Mr Tuck's evidence. We agree with Ms Easton that the substantive matters raised by SFF, including those addressed in the submission on this policy, are best addressed in our recommendation on the appropriate zoning of the adjacent land to the south of the site. We do not consider the SFF amendment to the policy would create an inconsistency between RESZ-P16 and RESZ-P17. We consider the focus's of the policies are different. We accept as notified RESZ-P16 explicidly references Reionally Significant Infrastrucuture. But in our view adding Industrial Zones to that policity, given that Industrial zones are located throughout the region does not give rise to any inconsistency. We note that the amendment proposed would give effect the revise Strategic Direction UFD-P1.

176. In relation to **RESZ-P17** the Panel agree that a district plan cannot retrospectively remove existing use rights. Therefore, a policy specifying a period when existing lawfully established activities must cease is not appropriate. In any event, we note that the intent of this policy is to provide relocation support should these activities seek to expand or redevelop. We agree with Ms Easton that this policy does not need to change for these reasons. We recommend retaining the policy as notified.

Hearing Panel's Recommendation

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

RESZ -P4	Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they ~~do not have a~~ **avoid**[27] significant adverse effect**s** on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.
RESZ-P10	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the ~~appropriate public agency~~ **district council**.[28]
RESZ - P16	Avoid reverse sensitivity effects from residential development adjacent to strategic infrastructure **and industrial zones**[29] including: a. Hokitika, Greymouth and Westport Airports; b. The rail network; c. The arterial road and State Highway network; d. The Ports of Westport and Greymouth; e. Wastewater treatment plants; f. Landfills; g. Potable water supply plants; h. Stormwater treatment facilities; i. The National Grid.

2.5. General Residential Zone – Rules and Standards

Submissions and Further Submissions

Residential - General

178. Five submission points and one further submission relating to the GRZ rules (as a whole or those that relate across multiple rules) were summarised in the Table on page 24 of the s42A Report. Three submission points sought to retain all, or selected, rules as notified. The remaining submissions all sought amendments. One further submission was received, which opposed one of the proposed amendments.

General Residential Zone

179. Nineteen submission points and eight further submission points relating to Rule **GRZ-R1** were summarised in a Table on pages 24-28 of the s42A Report. All submission points sought amendments to the rule as notified. One further submission was in opposition to a suggested

[27] Frida Inta S553.229 and Buller Conservation Group S552.229
[28] Grey District Council S608.718
[29] Silver Fern Farms (S441.064)

amendment, while the remaining seven were either in full support or partial support of various submission points.

180. Eight submission points relating to Rule **GRZ-R2** were summarised in a Table on pages 28-29 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the two further submissions supported in part the amendments sought by one submitter.

181. Seven submission points relating to Rule **GRZ-R3** were summarised in a Table on page 29 of the s42A Report. All submission points supported the retention of the rule as notified.

182. Ten submission points and two further submissions relating to Rule **GRZ-R4** were summarised in a Table on pages 29-31 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points opposed the rule as notified and sought its deletion in full. The remaining three submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.

183. Eight submission points relating to Rule **GRZ-R5** were summarised in the Table on pages 31-32 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining five submission points sought amendments.

184. Seventeen submission points relating to Rule **GRZ-R6** were summarised in a Table on pages 32-33 of the s42A Report. Three submission points supported the retention of the rule as notified. One submission point opposed the rule and sought its complete deletion. The remaining submission points sought amendments.

185. Ten submission points and two further submission points relating to Rule **GRZ-R7** were summarised in a Table on pages 33-35 of the s42A Report. Four submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the two further submissions supported in part the amendments sought by one submitter.

186. Eight submission points and one further submission point relating to Rule **GRZ-R8** were summarised in a Table on page 35 of the s42A Report. Four submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.

187. Four submission points relating to Rule **GRZ-R9** were summarised in the Table on page 35 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought an amendment.

188. Two submission points relating to Rule **GRZ-R10** were summarised in the Table on page 36 of the s42A Report. Both submission points supported the retention of the rule as notified.

189. Seven submission points relating to Rule **GRZ-R11** were summarised in the Table on page 36 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

190. Seven submission points relating to Rule **GRZ-R12** were summarised in the Table on page 36 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining five submission points all opposed the rule and sought its deletion.

191. Thirteen submission points and four further submissions relating to Rule **GRZ-R13** were summarised in the Table on pages 36-38 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments with the four further submissions all in support or partial support of suggested amendments.

192. Five submission points relating to Rule **GRZ-R14** were summarised in a Table on page 38 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

193. Four submission points and one further submission relating to Rule **GRZ-R15** were summarised in a Table on pages 38-39 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments, with one further submission opposing the suggested amendments.

194. Seven submission points and one further submission relating to Rule **GRZ-R16** were summarised in a Table on page 39 of the s42A Report. Two submission points supported the retention of the rule as notified, with one further submission in support. The remaining submission points sought amendments.

195. Four submission points relating to Rule **GRZ-R17** were summarised in a Table on page 39 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

196. Two submission points relating to Rule **GRZ-R18** were summarised in a Table on page 39 of the s42A Report. Both submission points supported the retention of the rule as notified.

197. Twelve submission points relating to **GRZ-R19** were summarised in a Table on pages 39-40 of the S42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments with a single further submission in support of one of the submitters' suggested amendments.

198. Three submission points relating to Rule **GRZ-R20** were summarised in a Table on pages 40-41 of the s2A Report. All three submission points supported the retention of the rule as notified.

199. Three submission points relating to Rule **GRZ-R21** were summarised in a Table on page 41 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

200. Six submission points and one further submission relating to Rule **GRZ-R22** were summarised in a Table on page 41 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments, with one further submission supporting one of the submitters requested amendments.

201. Seven submission points relating to Rule **GRZ-R23** were summarised in a Table on page 41 of the s42A Report. All seven submission points supported the retention of the rule as notified.

202. Seven submission points relating to Rule **GRZ-R24** were summarised in a Table on pages 41-42 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

203. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Rules (General)

204. Ms Easton acknowledged the support from the submitters who generally support all rules as notified.

205. Ms Easton did not support GDC's (S608.103) requested amendments to delete the references to "*Site of Area of Significance to Māori (SASM)".* She considered that these cross-references were important for clarity. She noted the more substantive request from GDC regarding SASM were specifically addressed in the SASM Chapter.

206. In response to Margaret Montgomery's submission point (S446.108) requesting that the standards better interact with subdivision provisions and to provide for the Council to be able to waive the residential activity/unit standard if no additional non-compliances were generated, Ms Easton did not support either approach. She noted that no examples had been provided as to how the residential standard interacts with subdivision standards; and waiving non-compliance could have unintended impacts on amenity and infrastructure.

207. Ms Easton recommended retaining the rule as notified.

GRZ-R1 Permitted Activity – Residential Activities and Residential Units

208. In relation to **GRZ-R1**, Ms Easton acknowledged the support from the four submitters who sought to retain the rule as notified. However, she acknowledged she recommended amendments in response to other submission points.

209. In response to Terry O'Regan's (S221.001) request to include height restrictions to prevent multistorey buildings or large trees blocking views, particularly in relation to Moana, Ms Easton noted that height restrictions were already included in the rule as notified. She noted that when these restrictions were coupled with recession planes there was appropriate control. However, she noted that protection of private views was not required under the RMA.

210. Ms Easton did not support the Westport Pistol Club's (S336.014) to add a requirement to the advice note for GRZ-R1 for any residential activity or unit within 250m of a rifle range protection area overlay to be subject to acoustic insulation requirements. She noted there were currently no insulation requirements concerning Rifle Range Protection Areas in Rule NOISE-R3 and she did not consider this amendment appropriate. However, she acknowledged that if this situation was to change and necessitate an amendment to NOISE-R3, then a consequential update to the advice notes for GRZ-R1 would be necessary.

211. Ms Easton did not support submitters requests to delete the advice note referring to Rule NOISE-R3[30] because she considered cross-referencing this rule was appropriate. She noted Rule NOISE-R3 would be considered under the Noise Chapter provision.

[30] S567.454, S558.400, S566.400, S574.400

212. Ms Easton did not support Te Mana Ora's (S190.854) request to include an additional standard in GRZ-R1 relating to clean air burners because this was outside of the jurisdiction of the Plan.

213. In response to the submissions[31] that sought a controlled activity status where compliance was not achieved, Ms Easton did not support this approach. She considered that defaulting to discretionary or restricted discretionary activity, depending on the standard that was not complied with, was appropriate to provide confidence in a basic level of amenity, density, infrastructure, and character would be provided for within the zone, noting that a controlled activity consent application cannot be declined.

214. In response to BDC's (S538.475) request for an exemption from the recession plane standards, and submitters seeking exemption because of the need to build higher to respond to flood hazard[32], Ms Easton did not support this approach.

215. In response to the submission points of GDC (S608.720) and Waka Kotahi NZTA (S450.245) to amend standard 8 to GRZ-R1 to specify that stormwater be managed on-site in accordance with NZS4404:2010, Ms Easton supported these submissions; and considered that NZS4404:2010 was an appropriate standard to ensure uncontrolled stormwater was not exacerbated and that secondary flow was managed appropriately. Her recommended amendments in response were as follows:

> *8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision** ~~Infrastructure used for the activity~~ **and** must not drain to any public road ~~except for secondary flow purposes;~~*

216. In response to the submission point made by Waka Kotahi NZTA (450.245), Ms Easton did not support separating performance standards from the rule and placing them in a separate table, as this would result in a substantial restructuring of the Plan, which would not improve the clarity of the rule.

217. BDC (S538.475) (supported by GDC FS1.434) sought several amendments to GRZ-R1, which are discussed under specific standard topics below.

218. BDC requested that rule GRZ-R1 also apply to accessory buildings as well as residential activities and residential units. Ms Easton supported this submission and considered that omitting accessory buildings from this rule was an error that should be corrected to avoid the need for accessory buildings to require resource consent otherwise. The amendments to include accessory buildings are outlined below, and the same amendments are recommended for Rule LLRZ-R1 and MRZ-R1.

> *Permitted Activities*
>
> *GRZ - R1 Residential Activities and Residential Units **and Accessory Buildings** - Activity Status Permitted*
>
> *Where:*

[31] S567.455, S558.401, S566.401, S574.401
[32] Rick Hayman S471.007, The Coda Trust S480.005, Warren French S494.005

…

219. BDC also sought to limit density to a maximum of two units per site and to delete the provision allowing one unit per 300m², where two or more adjoining sites were developed. BDC sought these amendments to prevent the low-density character of Westport and Reefton from being compromised, while also recognising that Westport was subject to significant natural hazards and more intensive development should be encouraged in safer locations. This submission was opposed by the further submission of GDC, who preferred the current rule framework, which reflected the operative GDP provisions. Ms Easton supported the submission of BDC and further submission of GDC, recommending that Rule GRZ-R1 be redrafted to provide a specific maximum of two residential units per site within the Buller District, as set as follows:

> *1. Residential unit density is no more than:*
> *a. 1 unit per 350m^2 net site area; ~~or~~ **but within the Buller District there is a maximum of 2 residential dwellings per allotment***
> *b. 1 unit per 300m^2 net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply**;*

220. The submission by Margaret Montgomery sought to relax residential provisions to allow three dwellings per site, aligning with the national direction of the NPSUD. Ms Easton did not support this submission and noted that the NPSUD did not apply to the West Coast in terms of directing increased densities.

221. Regarding the connection to services, the submission from BDC sought a further amendment to include the words "*where available*" in standard 8 of GRZ-R1, which requires all residential units and buildings used for residential activities to be connected to a community water supply and wastewater network. Ms Easton did not support this submission point and considered that for residential development to occur, connections to community infrastructure were a critical requirement; she noted that the permitted 350m^2 minimum section size for a residential unit would be unlikely to accommodate an on-site wastewater system as an alternative safely.

222. The submission from BDC sought amendments to remove wording related to neighbour approvals for recession plane infringements and to replace the wording in the standard with an advice note. Ms Easton supported making the standard clearer and recommended amendment as follows:

> *9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:*
>
> *…*
>
> *Advice note**s**:*
>
> ***1** …*
>
> *2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.*

223. BDC also sought an additional amendment, requesting that a setback of 150m from the designated wastewater treatment facility site boundary be applied. Ms Easton supported this addition, which was present in the operative Buller and Grey District Plans and considered it an error that it was omitted from the notified pTTPP.

224. FENZ sought a new standard requiring a developer to demonstrate how an alternative satisfactory water supply could be provided to each lot if a new development was not connected to a public reticulated supply with a sufficient level of service. Ms Easton did not support this amendment and noted that if a connection to a public reticulated supply was not possible, then a development cannot be a permitted activity. She considered the permitted standard sought by FENZ would not provide sufficient certainty. She also noted that this matter was better addressed at the subdivision stage, where it was covered by standard SUB-S3.

225. Margaret Montgomery also sought that the setback standards be consistent with the existing rules currently applicable in the different districts. Ms Easton did not support this submission and considered that a key driver of the TTPP was to develop a more standardised approach across the West Coast and reduce the complexity of provisions.

226. Ms Easton recommended setback amendments as follows:

> *Buildings are setback a minimum of 1m from all other site boundaries, except that:*
>
> *a.* ***In the Grey and Westland Districts*** ~~*D*~~*duplexes do not require a setback from the side boundary of the other duplex unit; and*
>
> *b.* ~~*Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.*~~
>
> *b.* ***A setback of 150m is required from the site boundary of any designated wastewater treatment plant***

GRZ-R2 Minor Structures

227. Ms Easton acknowledged the support from the two submitters who sought to retain the rule as notified[33].

228. In response to the submissions[34] that sought amendments to accommodate existing legal non-compliances with the GRZ-R1 performance standards, and BDC's (S538.476) request to delete the reference to GRZ-R1 performance standards and replaced with a singular setback requirement from road and internal boundaries, Ms Easton supported these submissions in part and has recommended deleting the wording "*all performance standards for Rule GRZ-R2 are complied with*" from this rule. She noted that a consequential amendment to Rule GRZ-R11 was also recommended to provide alignment between the two rules.

229. FENZ (S573.024) also sought an exemption for hose drying towers and siren towers to be up to 15m high in this zone. Ms Easton supported this submission in part, noting that hose drying towers were an essential component of a functioning fire station. Ms Easton noted that only three fire stations were zoned GRZ whereas all other stations were zoned Commercial and Mixed Use. Ms Easton did not propose a change to GRZ-R2, noting that the

[33] S190.855, S446.085
[34] William McLaughlin S567.456, C and J Coll, S558.402, Chris Coll Surveying S566.402, Laura Coll McLaughlin S574.402

existing hose drying towers all hold existing use rights and that ideally any new fire stations would not be located within the GRZ.

230. Ms Easton's recommended amendments to GRZ-R2 and GRZ-R11 are set out below:

GRZ - R2 Minor Structures
Activity Status Permitted
Where:

a. ~~*All performance standards for Rule GRZ - R1 are complied with*~~ ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
b. *Masts, poles, aerials and pou whenua must not exceed 7m in height;*
c. *Any antenna dish must be less than 1m in diameter;*
d. *Any ornamental or garden structure must not exceed 2.4 m in height; and*
e. *Any other structure must not exceed 10m^2 and 2m in height.*

Activity status where compliance not achieved: *Controlled*

GRZ - R11 Minor Structures not meeting Permitted Activity Standards Activity Status Controlled
Where:

1. *The minor structure does not exceed 10m in height; and*
2. ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;***

Matters of control are:

a. Design and location of structures; and

b. Landscape measures.

Activity status where compliance not achieved: *Discretionary*

GRZ-R3 Fence Wall and Retaining Walls

231. Ms Easton acknowledged the support from the submitters who sought to retain the rule as notified[35]. She recommends no changes to GRZ-R3.

GRZ-R4 Relocated Buildings

232. Ms Easton acknowledged the support from the submitters who sought to retain the rule as notified[36].

233. There were several submitters[37] that sought that Rules GRZ-R4 and GRZ-R12 be deleted in their entirety and that any references to relocated buildings in GRZ-R19 be deleted. Ms Easton did not support these submissions and considered that the rules were necessary to manage amenity and ensure necessary building work to meet standards is completed within a specified timeframe.

[35] S190.856, S446.086, S567.457, S558.403, S566.403, S574.403, S538.477
[36] S190.857, S446.087
[37] William McLaughlin S567.019, S567.458, C & J Coll S558.109, S558.404, Chris J Coll Surveying Limited S566.109, S566.404, Laura Coll McLaughlin S574.109, S574.404, BDC S538.478

234. Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings. We consider the submission sought the opposite to that stated in the s42A Report.

235. NZ Heavy Haulage Association Inc. (S616.005) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, including that any relocated building intended for use as a dwelling must have been previously designed, built and used as a dwelling, and additional standards around pre-inspections, foundations and reinstatement work. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

236. FENZ also sought that a new standard be added to GRZ-R4 around water supply. This was not supported by Ms Easton, who noted what the standards of GRZ-R1 apply to relocation of buildings, and these already necessitate a connection to a public reticulated water supply.

237. Ms Easton's recommended no amendments to GRZ-R12 or GRZ-R19 and recommended amendments to GRZ-R4 as follows:

> ***GRZ - R4 Relocated Buildings***
> ***Activity Status Permitted***
> *Where:*
>
> 1. *All performance standards for Rule GRZ - R1 are complied with;*
> 2. *Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ **and** used as a dwelling;*
> 3. *…*
> 4. *…*
> 5. *…*
>
> ***Activity status where compliance not achieved:*** *Controlled*

GRZ-R5 Home Business

238. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[38].

239. Frida Inta (S553.169 and S553.233) and Buller Conservation Group (S552.169) sought to have this rule amended to require approval from neighbours or the community; and to add reference to "*other air pollution*" to the standard that requires no external generation of dust, odour, or smoke. These submission points were not supported by Ms Easton who did not consider it appropriate to include a requirement for neighbour or community consent to establish a home business, noting that there is a range of permitted activity standards to ensure home businesses do not adversely affect the amenity and character of the GRZ. She

[38] S190.858, S446.088, S608.721

considered the words "*or other air pollution*" were too broad to be appropriate as a permitted standard.

240. The submission of Waka Kotahi NZTA (S450.246) sought to amend the rule to reduce the permitted level of vehicle movements to no more than 30 car movements per day. Ms Easton noted the current standard was limited to no more than four heavy vehicle movements per day, 20 light vehicle movements per day or 140 vehicle movements per week, whichever is greater. She noted this could be interpreted to allow for 140 vehicle movements per day and none for the rest of the week. She therefore, recommended amendments to provide greater clarity.

241. BDC (S538.479) sought to further regulate home business through the provision of an additional standard requiring that no more than one full-time equivalent person engaged in the home business could reside off-site. Ms Easton noted that at present, there was no limit in the pTTPP. She supported this submission and considered it would ensure that the scale of any home business did not exceed what would be reasonably expected in a residential area.

242. Ms Easton's recommended amendments to GRZ-R5, were as follows:

GRZ - R5 Home Business Activity Status Permitted
Where:

1. *This is ancillary to a residential activity;*
2. *All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;*
3. ***There is no more than one full – time -equivalent person engaged in the home business that resides off-site***
4. *Hours of operation are limited to:*
   a. *7am-7pm weekdays; and*
   b. *8am - 5pm weekends and public holidays;*
   c. *Except where:*
      i. *The entire activity is located within a building;*
      ii. *Each person engaged in the activity outside the above hours resides permanently on site; and*
      iii. *There are no visitors, customers or deliveries to the activity outside of the above hours*
5. *A maximum of 4 heavy vehicle movements per day**, ~~and whichever is the greater of~~** 20 light vehicle movements per day, **~~or~~** **and** 140 light vehicle movements per week;*
6. *…*
7. *…*

***Activity status where compliance not achieved**: Discretionary*

GRZ-R6 Residential Visitor Accommodation

243. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[39].

244. In relation to residential visitor accommodation, BDC (S538.480) supported the approach that only homestay accommodation was permitted in the Buller District, with the primary concern relating to long-term rentals being converted to short-term visitor accommodation, e.g. Airbnb.

245. In response to the submissions[40] that opposed the rule and sought that full house rentals for visitor accommodation be a permitted activity, Ms Easton did not support this approach. She considered the wider community concerns were a strong argument for restricting the conversion of residential dwellings to what is effectively a commercial use.

246. Regarding residential visitor accommodation in Westland, WDC (S181.036) sought to amend the rule to align with the approach pursued by BDC. This was supported by Ms Easton.

247. Regarding residential visitor accommodation in Greymouth, the submission of Lynda Richmond (S423.001) sought that this rule be amended to align with the approach of BDC and WDC above, noting concerns with this type of accommodation not facing the same sort of regulation as motels or hotels. This was not supported by Ms Easton, who considered that Greymouth was not impacted by residential visitor accommodation due to it not being a significant tourism destination compared to other parts of the West Coast.

248. GDC (S608.104) sought that records of letting activity be provided to the Council annually rather than on request because landowners undertaking such activity should provide the evidence rather than GDC trying to determine where the businesses have set up. Ms Easton considered this was reasonable requirement to ensure that permitted activity standards were met.

249. Margaret Montgomery (S446.089) sought additional standards for noise and a limit on the number of nights per 12-month period for use as visitor accommodation. Ms Easton did not support this submission and considered that it would make the rule unnecessarily complex. She considered that the noise standards in the Noise Chapter were appropriate.

250. Submissions[41] sought to amend this rule to accommodate existing legal non-compliance with the GRZ-R1 performance standard. This was not supported by Ms Easton because it could result in adverse environmental effects, using the example of insufficient wastewater capacity to cater to additional people.

251. Ms Easton recommends that GRZ-R6 be amended as follows:

> ***GRZ - R6 Residential Visitor Accommodation Activity Status Permitted***
> *Where:*
>
> *1. The accommodation is ancillary to a residential activity;*
>
> *2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;*
>
> *3. There is a maximum of 6 paying guests at any one time;*

[39] S190.859, S450.247, S538.480
[40] Jon Baltrop S572.004, Daniel Beetham S43.001, Lawrence Eade S346.001, Vivienne Sweeney S21.002
[41] S567.460 William McLaughlin, S558.407 C & J Coll, S566.407 Chris J Coll Surveying Limited, S574.407 Laura Coll McLaughlin

4. *Written notification to the District Council is required 10 working days prior to the activity commencing;*
5. *Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~; and*
6. *No heavy vehicle movements are generated; and*
7. *In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.*

***Advice Notes**:*
1. *Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.*
2. *In the Buller **and Westland** **Districts**, where residential visitor accommodation has been lawfully established under the Buller **or Westland** District Plan provisions, then existing use rights apply.*

***Activity status where compliance not achieved:** Restricted Discretionary*

GRZ-R7 Community Facilities and Educational Facilities

252. Ms Easton acknowledged the support from the four submissions that seek to retain the rule as notified[42].

253. Ms Easton did not support the submissions[43] that sought to amended the rule to accommodate existing legal non-compliance with GRZ-R1 performance standard because of potential adverse effects on the environment, as discussed in earlier.

254. Ms Easton did not support the Ministry of Education's (S456.041) that sought to amend the rule to allow for 140 light vehicle movements per day for educational facilities. She considered the intent of the rule was to allow very small educational and community facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

255. FENZ (S573.026) sought a new standard be added to GRZ-R7 to provide an alternative satisfactory water supply where a connection to a public reticulated water supply was not available. This was not supported by Ms Easton who noted that the standards of GRZ-R1 were required to be met for community and educational facilities, and these already required a connection to a public reticulated water supply.

256. No changes were recommended by Ms Easton to GRZ-R7.

GRZ-R8 Retirement Homes and Supported Residential Accommodation

257. Ms Easton acknowledged the support from the four submissions that sought to retain the rule as notified[44].

[42] S190.860, S446.090, S450.248, S538.481
[43] S567.461 William McLaughlin, S558.408 C & J Coll, S566.408 Chris J Coll Surveying Limited, S574.408 Laura Coll McLaughlin
[44] S349.011, S190.861, S446.091, S450.249, S608.722

258. In response to the submissions[45] that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard, Ms Easton did not support the amendments because of potential adverse effects on the environment.

259. No changes were recommended by Ms Easton to GRZ-R8.

GRZ-R9 Papakāinga Developments

260. Ms Easton acknowledged the support from the four submissions that sought to retain the rule as notified[46].

261. Ms Easton did not support Margaret Montgomery's (S446.092) request for an allowance for developers to develop in a similar manner to papakāinga. She noted Papakāinga housing was cultural housing where whānau members generally lived closely together, often with some communal facilities, and that their establishment was supported as part of honouring the Te Tiriti o Waitangi/Treaty of Waitangi. She noted that in relation to other parts of the community, the Plan introduced significant relaxation of the rules surrounding the development of minor household units as a broader measure to provide greater housing choice and availability.

262. Ms Easton recommended no changes to GRZ-R9.

GRZ-R10 Commercial Visitor Accommodation with the Hokitika Visitor Accommodation Area

263. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[47]. She recommended no changes to GRZ-R9.

GRZ-R11 Minor Structures not meeting Permitted Activity Standards

264. Ms Easton acknowledged the support from the three submissions that who sought to retain the rule as notified[48].

265. In response to the submissions[49] that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard, Ms Easton recognised existing use rights sat outside of a resource consent process but considered that otherwise existing non-compliance should not be explicitly accommodated within the rules due to potential adverse effects on the environment.

266. No changes were recommended by Ms Easton to GRZ-R11.

GRZ-R12 Relocated Buildings not meeting Permitted Activity Standards

267. Ms Easton recommended retention of this rule as notified. She advised the rule would most likely apply when someone was converting a non-residential building into a residential building and moving it onto a site. An example she gave was of a church being transformed into a dwelling and if the activity met the requirements of GRZ-R1, then matters of control

[45] S567.462 William McLaughlin, S558.409 C & J Coll, S566.409 Chris J Coll Surveying Limited, S574.409 Laura Coll McLaughlin
[46] S620.238, S190.862, S446.092, S538.482
[47] S190.863, S446.093
[48] S190.864, S446.094, S538.483
[49] S567.463 William McLaughlin, S558.410 C & J Coll, S566.410 Chris J Coll Surveying Limited, S574.410 Laura Coll McLaughlin

could address any amenity issues. However, she noted that if the rule was deleted, this would escalate to discretionary, which she considered to be unnecessarily onerous.

GRZ-R13 Buildings not meeting Rule GRZ-R1

268. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[50].

269. Ms Easton supported Margaret Montgomery's (S446.096) request to provide an allowance for party walls or where it was related to a subdivision for failing internal boundary standards because the rule related to circumstances where internal setbacks of less than 1m were proposed.

270. Ms Easton did not support the submissions[51] that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard because of the potential for adverse effects on the environment. However, she supported the same submissions that sought to amend the matters of discretion of GRZ-R13 to include consideration of whether a building project falls into the recession plan due to the application of natural hazards rules. She considered this recognised that such circumstances would become increasingly common on the West Coast as freeboard requirements were incorporated into new developments and additions to existing developments.

271. Ms Easton supported amendments in response to BDC's (S538.485) request for two additional matters of discretionary regarding "*shading and loss of sunlight to adjoining sites*" and "*loss of privacy to adjoining sites*". She considered that these were two principal adverse effects generated by the activities subject to this rule.

272. FENZ (S573.027) sought to add a further matter of discretion to GRZ-R13 regarding the provision of servicing, including a firefighting water supply. This was not supported by Ms Easton because the rule did not apply noted if a property did not have a connection and the activity would default to a discretionary activity.

273. Ms Easton recommended that GRZ-R13 be amended as follows:

> ***GRZ - R13 Buildings not meeting Rule GRZ-R1***
> ***Activity Status Restricted Discretionary***
>
> *Where:*
>
> 1. *The building projects into the recession plane as defined in Appendix Two; or*
> 2. *The building is set back less than 1m from internal boundaries; and*
> 3. *All other performance standards for Rule GRZ - R1 are complied with.*
>
> *Discretion is restricted to:*
>
> a. *Design and location of buildings;*
> b. *Design and location of parking and access; ~~and~~*
> c. *Landscape measures~~.~~;*
> d. ***Shading and loss of sunlight to adjoining sites; and***

[50] S190.866, S608.723
[51] S567.465, S567.466 William McLaughlin, S558.412, S558.413 C & J Coll, S566.412, S566.413 Chris J Coll Surveying Limited, S574.412, S574.413 Laura Coll McLaughlin

e. ***Loss of privacy to adjoining sites***

Activity status where compliance not achieved: *Discretionary*

GRZ-R14 Residential Visitor Accommodation not meeting Permitted Standards

274. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[52].

275. Ms Easton supported in part Margaret Montgomery's (S446.097) request for additional matters of discretion for access and fire standards but noted that access was already a matter of discretion. She did not support the addition of fire standards because it was addressed under the Building Act.

276. In response to BDC's (S538.486) to add noise insulation as matter of discretion and to delete the word noise from clause (e), Ms Easton did not support this submission. She considered the intent of this matter of discretion was that any insulation requirements were to attenuate noise and manage its effects.

277. Ms Easton made no recommended amendments to GRZ-R14.

GRZ-R15 Community Facilities and Educational Facilities not meeting Rule GRZ -R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages

278. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[53].

279. Ms Easton supported BDC's (S538.487) to add additional matters of discretion to cover noise management, traffic generation, loss of privacy to adjoining sites, and character and amenity of the surrounding area to manage key effects. She noted the further submission of Kainga Ora opposing the submission point of BDC concerning supported residential accommodation. However, she highlighted that Kainga Ora had stipulated in their submission that supported residential accommodation would generally be less than 10 residential units and therefore was likely to be permitted under GRZ-R8 and unlikely to be subject to GRZ-R15.

280. Ms Easton recommended that GRZ-R15 be amended as follows:

GRZ - R15 Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. Landscape measures;

d. Hours of operation;

e. Water supply, wastewater and stormwater management; and

[52] S190.867, S456.042, S608.724
[53] S190.868, S446.098

f. Acoustic and noise insulation requirements;

g. Noise management;

h. Traffic generation;

i. Loss of privacy to adjoining sites; and

j. Character and amenity of the surrounding area

Notification:
Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.
Activity status where compliance not achieved: *N/A*

GRZ-R16 Development of Medium Density Housing

281. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[54].

282. Ms Easton did not support Margaret Montgomery's (S445.099) request to waive the density standards if there are no other infringements of the rule. She considered that medium-density housing would generally be expected and preferred in the MRZ and noted that the main settlements on the West Coast were characterised by low-density housing.

283. In response to the submissions[55] that sought amendments to provide more clarity, Ms Easton noted that no further information or examples had been provided about what amendment would be appropriate and she therefore did not support the submissions

284. No changes were recommended by Ms Easton to GRZ-R16.

GRZ-R17 Papakāinga Developments not meeting Permitted Activity Standards

285. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[56].

286. Ms Easton supported in part Margaret Montgomery's (S446.100) to establish that the rule requires the same standards as medium density housing, noting that many of the same standards as those for medium density housing applied. In relation to standards that were not required, Ms Easton considered that papakāinga housing may be clustered and was less likely to involve subdivision; therefore, she considered the standards that apply to the rule supported a common ownership model rather than a traditional individual ownership developer-led model.

287. No changes were recommended by Ms Easton to GRZ-R17.

GRZ-R18 Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards

[54] S190.869, S608.726
[55] S567.467 William McLaughlin, S558.414 C & J Coll, S566.414 Chris J Coll Surveying Limited, S574.414 Laura Coll McLaughlin
[56] S620.239, S190.870

288. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[57]. She recommended no changes to this provision.

GRZ – R19 Residential Activity, Residential Units, Papakāinga developments, Fences, Walls and Minor Structures and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.

289. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[58].

290. Ms Easton did not support Poutini Ngai Tahu's (S620.240) request to amend the rule to reflect the points raised in their submission on the Nosie Chapter (Rule NOISE – R3 which was not referred to in this rule). She noted that the reference to Rule NOISE-R4 in this rule was an error because it should be Rule NOISE-R5.

291. In response to the submission of Frank and Jo Dooley and Frank O'Toole[59] which sought to remove fences, walls, and retaining structures from the rule and develop a new standalone rule for these structures, Ms Easton supported these submission points. She agreed that the rule contains matters that are not relevant to these structures and that these structures would otherwise be subject to an unreasonable degree of assessment against irrelevant matters at the resource consent stage.

292. Ms Easton recommended that GRZ-R19 be amended as follows:

> ***GRZ - R19 Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and Minor Structures~~ and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.***
>
> ***Activity Status Discretionary***
> *Where:*
> 1. *All performance standards for Rules NOISE R1-R2 and R4 and LIGHT - R3 are complied with.*
>
> ***Activity status where compliance not achieved:*** *Non-complying*

GRZ – R20 Home Business not meeting Permitted Activity Standards

293. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[60]. No changes were recommended by Ms Easton to this provision.

GRZ – R21 Residential and Commercial Visitor Accommodation not meeting the Permitted or Restricted Discretionary Activity Standards

294. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[61].

295. Ms Easton did not support Margaret Montgomery's (S446.104) request to add additional controls around residential visitor accommodation or some form of restriction upon time

[57] S190.871, S446.101
[58] S190.872, S446.102, S538.488
[59] S478.031, S478.037 Frank and Jo Dooley, S595.019, S595.025 Frank O'Toole
[60] S190.873, S446.103, S538.489
[61] S190.874, S538.490

limits for renting of dwellings. She considered that as a discretionary activity there as sufficient scope to consider the issues of the submitter.

296. No changes were recommended by Ms Easton to this provision.

GRZ – R22 Commercial Activities and Emergency Service Activities

297. Ms Easton acknowledged the support from the three submissions that who sought to retain the rule as notified[62].

298. In response to Frida Inda and Buller Conservation Group's[63] request to add "*air pollution*" and *"dust, odour and smoke"* to clause (4), Ms Easton did not support this submission. She considered that air pollution was an unquantifiable description and noted it was managed through the Regional Air Plan.

299. Ms Easton did not support FENZ's (S573.028) request to permit Emergency Service Activities in the GRZ because she considered that, although there were three fire stations located within the GRZ, the zone was generally not suitable and could create amenity issues.

300. No changes were recommended by Ms Easton to this provision.

GRZ – R23 Industrial Activities

301. Ms Easton acknowledged the support from the seven submissions who sought to retain the rule as notified[64]. No changes were recommended by Ms Easton to this provision.

GRZ – R24 Any activity not provided for by another Rule in the zone

302. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[65].

303. Ms Easton did not support the submissions[66] that sought to make this rule a discretionary rather than non-complying activity and noted no reasons had been provided to justify this change.

304. No changes were recommended by Ms Easton to GRZ-R24.

Hearing and Submitter Evidence/Statements

305. In relation to GRZ-R4 regarding relocated buildings, Ms Inta considered the amendments proposed in the s42A Report made less sense than the original wording. She recommended reinstating the wording as follows:

> ***GRZ - R4 Relocated Buildings***
> ***Activity Status Permitted***
> *Where:*
>
> 1. *All performance standards for Rule GRZ - R1 are complied with;*

[62] S190.875, S446.105, S538.491
[63] S552.170, S553.170
[64] S190.876, S446.106, S567.469, S558.416, S566.416, S574.416, S538.492
[65] S190.877, S446.107, S538.493
[66] S567.470 William McLaughlin, S558.418 C & J Coll, S566.418 Chris J Coll Surveying Limited, S574.418 Laura Coll McLaughlin

2. *Any relocated building intended for use as a dwelling must have been designed, **and** built **to be** ~~and~~ used as a dwelling;*

…

306. Mr Bhana-Thompson, on behalf of the NZ Heavy Haulage Association Inc., focused on Rule GRZ-R4. He generally agreed with the s42A Report recommendations for the residential zones, except for the amendments sought regarding the maintenance of amenity values of relocated buildings. He noted support for permitting this activity, subject to meeting performance standards and criteria, such as the use of a pre-inspection/reinstatement report. A suggested template for this pre-inspection report was provided, and it was noted that some other councils had adopted (or adapted) this for their district plans.

307. In response to questions from the panel, Mr Bhana-Thompson confirmed that the original notified wording, as opposed to the revised wording in the s42A Report, was preferred. He also confirmed that he considered a 12-month timeframe was appropriate and realistic for achieving reinstatement works.

308. In relation to GRZ-R5 regarding home businesses, Ms Inta considered the vehicle generation thresholds in clause (5) was too high and would disturb domestic animals and wildlife. She requested that any business with this level of traffic be subject to neighbours and/or community approval. She suggested that the number of permitted vehicular traffic should be reduced. She supported the inclusion of clause (7) and considered it should be applied to all parts of the Plan

Reporting Officer Reply Evidence

309. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing. Several of these queries are addressed earlier in this report, specifically in the definitions, general chapter, objectives, and policies sections. These are not repeated here.

310. In relation to the activity status for undertaking residential development without connecting to reticulation systems, Ms Easton was of the view that there was not sufficient scope within submissions to make a change from discretionary to non-complying.

311. In response to Panel questions, Ms Easton agreed that GRZ-R2 could recognise existing use rights for the fire stations to provide greater certainty and recommended the following amendments in addition to those already recommended:

GRZ - R2 Minor Structures
Activity Status Permitted
Where:

a. These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations;

b. *~~All performance standards for Rule GRZ - R1 are complied with~~ **All other s**~~S~~tructures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;*

…

***Activity status where compliance not achieved:** Controlled*

312. Regarding the minor error in Rule GRZ-R19 (and other similar rules), where Rule NOISE-R4 was referenced rather than NOISE-R5, Ms Easton considered whether this could be undertaken as an RMA Schedule 1, clause 16 amendment. Her view was that it would meet the criteria and should be recommended for updating across all rules where it was currently incorrectly applied. These are set out as follows:

> Rules GRZ – R5, GRZ – R6, GRZ – R7, GRZ – R8, GRZ – R14, GRZ – R19, GRZ – R20, GRZ – R22, LLRZ – R5, LLRZ – R6, LLRZ – R7, LLRZ – R8, LLRZ – R13, LLRZ – R14, LLRZ – R15, LLRZ – R17, LLRZ – R19, LLRZ – R20, LLRZ – R22, MRZ – R5, MRZ – R6, MRZ – R7, MRZ – R8, MRZ – R14, MRZ – R15 and MRZ – R16.
>
> 1. *All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with…..*

313. In relation to Rule GRZ-R14 for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, Ms Easton considered whether there was scope to add the number of occupants or size of building to the matters of discretion but concluded there was no scope to support such a change.

314. In response to the evidence of NZ Heavy Haulage and subsequent questions from the Panel on GRZ-R4, Ms Easton considered a pre-inspection schedule could be included in the Plan and suggested adding based on the information provided by NZ Heavy Haulage Association. She recommended a new schedule as follows:

> ***Schedule XXXX Requirements for a Relocated Building Pre-Inspection Report***
> ***This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:***
>
> - ***Proposed new site location***
> - ***Date of report***
> - ***Type of building***
> - ***Date of construction***
> - ***Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.***
> - ***Site address where the building was inspected***
> - ***Date when building inspected***
> - ***Name of inspector and qualifications***
> - ***Proposed use of the building***
> - ***Previous use of the building***
> - ***Description of areas accessed (i.e. interior/exterior)***
> - ***Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery***
> - ***Any health and safety matters that need to be considered***
> - ***Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, cleaning and painting of exterior elements.***

315. In response to the Panel question regarding existing use rights on residential accommodation in relation to Rule GRZ-R6, Ms Easton considered that an RMA Schedule 1, clause 16 amendment to the advice note for the rule, to avoid ambiguity around lawfully established activities in Grey District, would be appropriate. This was as follows:

> ***Advice Notes:***

1. *…*
2. *~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights apply.*

Hearing Panel's Evaluation

316. The Panel agrees with Ms Easton's evaluation and recommendations on the general submissions on the rules provided in her s42A Report.

317. In relation to **GRZ-R1**, the Panel agrees with Ms Easton's evaluation that height restrictions are already included in this rule as notified, and when coupled with recession planes, will provide for appropriate control. We also agree that private views are not protected under the RMA. We therefore accept her recommendation on these submission points.

318. In relation to the Westport Pistol Club's submission to add a requirement to the advice note for any residential activity or residential unit within 250m of a rifle range protection area overlay to be subject to acoustic insulation requirements, the Panel agrees with Ms Easton that there are currently no insulation requirements concerning Rifle Range Protection Areas in Rule NOISE-R3. Therefore, we reject the Westport Pistol Club's submission and do not recommend any amendment.

319. The Panel agrees with Ms Easton that the Te Mana Ora submission, which sought an additional standard in GRZ-R1, relating to clean air burners, falls outside the jurisdiction of the Plan. We recommend no change in response to this submission.

320. The Panel agrees with Ms Easton that a controlled activity status where compliance is not achieved is inappropriate. This is because defaulting to discretionary or restricted discretionary, depending on the standard that is not complied with, is appropriate to provide confidence in a basic level of amenity, density, infrastructure, and character being provided within the zone. We also note that a controlled activity cannot be declined which we consider is another reason to reject the submission.

321. The Panel generally agrees with Ms Easton's evaluation of those submissions which sought an exemption from the recession plane standards, where there is a requirement for a building to meet a freeboard under the natural hazard rules. We have considered her advice that a freeboard can reasonably be provided without infringing the recession planes and note that this will be context specific. The Panel recognise this issue as it arises in relation to GRZ-R13.

322. The Panel agrees with Ms Easton's recommended amendments detailed in Appendix 1 of the s42A Report to clause (8) of GRZ-R1, specifying that stormwater be managed onsite in accordance with NZS 4404:2010. Ms Easton confirmed that NZS 4404:2010 is an appropriate standard to ensure that uncontrolled stormwater is not exacerbated and that secondary flow is managed appropriately. We consider as a consequential amendment the same wording should apply in the MRZ zone.

323. The Panel generally agrees with both Ms Easton's reasons and recommended amendments to GRZ-R1 as sought in submissions and further submissions regarding accessory buildings, differing residential densities in the three districts, the recognition that developments secure connections to community infrastructure as a critical issue, recession plane and setback matters. However, the Panel finds no submission point to support amendment to notified

clause 10(a) and therefore makes no change to that part of the rule. Amendments relating to including accessory buildings are also recommended for Rule LLRZ-R1 and Rule MRZ-R1.

324. The Panel also agrees that this rule does not need to be amended to address the issue of connections to the public reticulated water supply, as other plan provisions provide for the same circumstance. We agree with Ms Easton that there is no need to place the standards in this rule in a separate table, as that would result in unnecessary complexity.

325. The Panel has considered the amendment to GRZ-R1(a) in light of recommendations on use of the term "*site*" in preference to "*allotment*". The Panel are not satisfied that "*allotment*" is the correct term to use in this rule, as recommended by Ms Easton.

326. In relation to **GRZ-R2**, the Panel agrees with Ms Easton's recommended amendments in response to submissions and accepts BDC's submission to delete the reference to Rule GRZ-R1 performance standards and replace it with a 4.5m setback requirement from road boundary and 1m from internal boundaries. We also agree with her recommendation to amend the rule to recognise those existing fire stations with hose drying towers to avoid any uncertainty issues for those stations relying on existing use rights.

327. In relation to **GRZ-R3**, Ms Easton recommends no changes to this rule, and the Panel agree, noting no submitters sought to amend this rule.

328. In relation to **GRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

329. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

330. The Panel considers the s42A Report's interpretation of Charles Elley's submission point (S251.003) is the opposite to the relief sought, which is to <u>not</u> require that relocatable dwellings must have been originally used as dwellings. However, we agree with Ms Easton that such buildings that need converting into dwellings should not be a permitted activity and require assessment via a resource consent process. We therefore reject submission point S251.003.

331. In relation to **GRZ-R5**, the Panel accepts Ms Easton's recommendation in relation to the BDC submission to regulate home business through the provision of an additional standard requiring that no more than one full-time equivalent person engaged in the home business can reside off-site given, at present, there is no limit in the pTTPP. We agree this will ensure that the scale of any home business does not exceed what would be reasonably expected in

a residential area. We consider a consequencial amendment to the LLRZ and MRZ Home Business rules is also appropriate as a result of the BDC submission. should We accept Ms Easton's reasons for rejecting submissions that sought other changes to this rule. However, we note that the Panel's recommendations on the Transport Chapter is to delete notified clause (4) in this rule relating to vehicle movements to avoid the potential for uncertainty between provisions.

332. In relation to **GRZ-R6**, the Panel agrees with Ms Easton's recommended amendments to require annual reporting and to align WDC with BDC but not GDC. We also accept her recommendation to utilise clause 16 to make an amendment to the advice note for this rule, clarifying existing use rights related to this rule. For the same reasons Ms Easton provides, we consider LLRZ-R6 and MRZ-R6, which cover similar matters to GRZ-R6, also need the recommended advice note as consequential amendments. Further, we agree with her recommendation that full-house leasing for visitor accommodation should not have a permitted activity status under the Plan, as that activity can have adverse effects that require assessment. We have made minor amendments to clarify that existing use right only apply if the activity is not discontinued for more than 12 months and that these "may" apply depending on any assessment under section 10 of the RMA.

333. The Panel agree that providing records of letting activity to the GDC is a helpful way for the GDC to gather data and monitor for potential effects. We also agree with Ms Easton's recommendation not to alter the rule concerning noise, as the Noise chapter provisions apply. Additionally, we agree that a limit on the number of nights of stay is unnecessary; and that it is not appropriate make amendments to address existing non-compliances.

334. Regarding **GRZ-R7**, the Panel generally agree with Ms Easton, as detailed in her s42A, that no changes are required for this rule. We agree with her assessment and the reasons for recommending rejection of the Ministry of Education and FENZ submissions seeking amendments to the rule, as well as the rejection of the submission seeking to amend the rule to accommodate existing non-compliances. The Panel notes however that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Home Businesses in the Residential Zones where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities and Educational Facilities, we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

335. In relation to **GRZ-R8 to GRZ-R12**, the Panel accepts Ms Easton's recommendation to retain the rules as notified for the reasons outlined. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

336. In relation to **GRZ-R13,** the Panel agrees with Ms Easton that it will become increasingly common on the West Coast for a building project to breach the recession plan due to the application of natural hazards rules, as freeboard requirements are included in new developments and additions to existing developments. We recommend this rule be amended to provide for that circumstance.

337. The Panel agrees with Ms Easton's recommendation to include two additional matters of discretion regarding "*shading and loss of sunlight to adjoining sites" and "loss of privacy to adjoining sites"* given the potential for adverse effects to be generated by the activities subject to this rule.

338. The Panel note this rule activates Appendix Two, which details where the relevant measurements are to be taken for determining recession planes. Appendix Two requires this to be taken from filled ground levels, except where an existing building is at a lower level on the other side of a common boundary, where the lower level is to be adopted. We consider this provision in combination with the recommended amendment to this rule will appropriately provide for circumstances where a breach of a recession plane arises due to the application of natural hazard rules and/or new freeboard requirements.

339. In relation to **GRZ-R14**, the Panel accepts Ms Easton's recommendation to retain the rule as notified. We agree that access is already a matter of discretion, so no amendment is needed. We also agree that clause (e) insulation requirements are to attenuate noise and manage its effects and therefore deletion of the word '*noise*' is inappropriate.

340. Regarding **Rule GRZ-R14** for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, we agree with Ms Easton that there is no scope to add the number of occupants or size of building to the matters of discretion.

341. In relation to **GRZ-R15,** the Panel accepts Ms Easton's recommended amendments to include new matters of discretion because those matters are the key effects that should be managed.

342. In relation to **GRZ-R16, GRZ-R17 and GRZ-R18**, the Panel accepts Ms Easton's recommendation to retain the rules as notified for the reasons outlined. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

343. In relation to new **GRZ-R18A**, the Panel accepts Ms Easton's recommendation to add this new rule and agree the matters of discretion are appropriate.

344. In relation to **GRZ-R19**, the Panel accepts Ms Easton's recommendation to delete '*fences, walls, and retaining structures'* from the heading because they are not relevant to the other structures identified in the rule and new GRZ-R18A addresses these.

345. In relation to **GRZ-R20** to **GRZ-R23**, apart from minor integration issues, the Panel accepts Ms Easton's recommendation to retain the rules as notified for the reasons outlined.

346. The Panel acknowledges that **GRZ-R24** is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

Hearing Panel's Recommendation

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

GRZ – R1	**Residential Activities and Residential Units and Accessory Buildings**[67] **Activity Status Permitted** Where: 1. Residential unit density is no more than: a. **one**~~1~~[68] unit per 350m^2 net site area~~; or~~ **but within the Buller District there is a maximum of two residential dwellings per allotment**;[69] b. **one**~~1~~[70] unit per 300m^2 net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply**;[71] 2. There is no more than **one**~~1~~[72] minor residential unit per site with a maximum size of 65m^2; 3. Maximum building height above ground level is: a. 10m; except that b. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine; 4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback distance; 5. Maximum site coverage is 40%; 6. A minimum of 30m^2 of outdoor living space is provided per residential unit and 12m^2 per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**;[73] 7. No more than one heavy vehicle is stored on site; 8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **and are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ **and** must not drain to any public road ~~except for secondary flow purposes~~;[74] 9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~ ~~a. Road boundaries;~~ ~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

[67] Buller District Council S538.475
[68] RMA Schedule 1, clause 16 correction
[69] Buller District Council S538.475
[70] RMA Schedule 1, clause 16 correction
[71] Buller District Council S538.475
[72] RMA Schedule 1, clause 16 correction
[73] Davis Ogilvie & Partners Limited S465.036
[74] Waka Kotahi NZTA S450.245, Grey District Council S608.720

	~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~ [75] ~~d. B~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone; ~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~ ~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ and[76] 10. Buildings are setback a minimum of **1.5m from the railway corridor** 1m from all other site boundaries, except that: a. Duplexes do not require a setback from the side boundary of the other duplex unit; and ~~b. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.~~ b. **A setback of 150m is required from the site boundary of any designated wastewater treatment plant.** [77] **Advice Notes:** 1. Where a residential building or noise sensitive activity is located within: a. 80m of a State Highway with a speed limit of 70kph or greater; or b. 40m of a State Highway with a speed limit of less than 70kph; or c. 40m of a Railway Line; or d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome. Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply. 2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council**.[78] **Activity status where compliance not achieved**: Discretionary where standards 1 to 8 are not complied with. Restricted Discretionary where standards 9 and 10 are not complied with.
GRZ – R2	**Minor Structures** **Activity Status Permitted** Where: 1. **These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations**; [79] 2. ~~All performance standards for Rule GRZ - R1 are complied with~~ **All other** ~~S~~structures **are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;[80]

[75] Buller District Council S538.635
[76] Buller District Council S538.635
[77] Buller District Council S538.475
[78] Buller District Council S538.475
[79] Fire and Emergency New Zealand S573.024
[80] Buller District Council S538.476

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;
4. Any antenna dish must be less than 1m in diameter;
5. Any ornamental or garden structure must not exceed 2.4 m in height; and

F6 Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

GRZ – R3 No Change

GRZ – R4 **Relocated Buildings**

Activity Status Permitted

Where:

1. All performance standards for Rule GRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built, ~~to be~~ **and** used as a dwelling; [81]
3. A building pre-inspection report **completed in accordance with Appendix Eleven**[82] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;[83]
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[84]

Activity status where compliance not achieved: Controlled

GRZ – R5 **Home Business**

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with;

3. There is no more than one full–time equivalent person engaged in the home business that resides off-site; [85]

4. Hours of operation are limited to:

a. 7am-7pm weekdays; and

[81] New Zealand Heavy Haulage Association Inc. S616.004

[82] New Zealand Heavy Haulage Association Inc. S616.004

[83] William McLaughlin (S567.019, S567.458, S567.020, S567.464, S567.021), Chris & Jan Coll (S558.120, S558.411, S558.131), Chris J Coll Surveying Limited (S566.109 S566.404, S566.120, S566.411, S566.131), Laura Coll McLaughlin (S574.109, S574.404, S574.120, S574.411, S574.131), Buller District Council (S538.478, S538.484)

[84] William McLaughlin (S567.019, S567.458, S567.020, S567.464, S567.021), Chris & Jan Coll (S558.120, S558.411, S558.131), Chris J Coll Surveying Limited (S566.109 S566.404, S566.120, S566.411, S566.131), Laura Coll McLaughlin (S574.109, S574.404, S574.120, S574.411, S574.131), Buller District Council (S538.478, S538.484)

[85] Buller District Council S538.479

	b. 8am - 5pm weekends and public holidays; c. Except where: i. The entire activity is located within a building; ii. Each person engaged in the activity outside the above hours resides permanently on site; and iii. There are no visitors, customers or deliveries to the activity outside of the above hours ~~5. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~[86] 5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and 6. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved**: Discretionary
GRZ – R6	**Residential Visitor Accommodation** **Activity Status Permitted** Where: 1. The accommodation is ancillary to a residential activity; 2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~[87] paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~;[88] and 6. No heavy vehicle movements are generated; and 7. In the Buller **and Westland**[89] District**s** the accommodation is homestay accommodation with a permanent resident living on site. **Advice Notes**: 1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. 2. ~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller, **Grey** or Westland District Plan provisions **and not discontinued for more than 12 months**, ~~then~~ existing use rights **may** apply. [90] **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where:

[86] Consequential amendment from Transport Chapter, Buller District Council S538.083
[87] RMA Schedule 1, clause 16 correction
[88] Grey District Council S608.104
[89] Westland District Council S181.036
[90] Consequential Westland District Council S181.036

	1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4<u>5</u>, LIGHT - R3 and SIGN - R10 are complied with; **<u>and</u>**[91] 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week and **<u>compliance is achieved with TRN – R6</u>**; and[92] 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4<u>5</u>, LIGHT - R3 and SIGN - R10 are complied with; 2. There is a maximum of 10 residents; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R9	As notified
GRZ – R10	As notified
GRZ – R11	**Minor Structures not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. **<u>Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.</u>** [93] **Matters of control are:** a. Design and location of structures; and b. ~~Landscape measures.~~**<u>Measures to mitigate landscape effects;</u>**[94] **Activity status where compliance not achieved:** Discretionary
GRZ – R12	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: All performance standards for Rule GRZ - R1 are complied with. **Matters of control are:** a. Design and location of structures; b. ~~Landscape measures~~ **<u>Measures to mitigate landscape effects</u>**;[95] and

[91] RMA Schedule 1, clause 16 correction
[92] Consequential amendment from the Transport Chapter, Buller District Council S538.083
[93] Consequential amendment Buller District Council S538.476
[94] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[95] Consequential Plan-wide amendment Manawa Energy Limited S438.100

	c. Appearance of buildings. **Activity status where compliance not achieved: Discretionary**
GRZ – R13	**Buildings not meeting Rule GRZ-R1** **Activity Status Restricted Discretionary** Where: 1. The building projects into the recession plane as defined in Appendix Two; or 2. The building is set back less than 1m from internal boundaries; and 3. All other performance standards for Rule GRZ - R1 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; ~~and~~ c. ~~Landscape measures.~~**Measures to mitigate landscape effects;**[96] **d. Shading and loss of sunlight to adjoining sites; and**[97] **e. Loss of privacy to adjoining sites.** [98] **Activity status where compliance not achieved:** Discretionary
GRZ – R14	**Residential Visitor Accommodation not meeting Rule GRZ - R6 Activity Status Restricted Discretionary** Where: 1. This is ancillary to a residential activity; 2. No heavy vehicle movements are generated; and 3. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** [99] d. Hours of operation; and e. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
GRZ – R15	**Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; [100] d. Hours of operation; e. Water supply, wastewater and stormwater management; ~~and~~ f. Acoustic and noise insulation requirements;

[96] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[97] Buller District Council S538.485
[98] Buller District Council S538.485
[99] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[100] Consequential Plan-wide amendment Manawa Energy Limited S438.100

g. Noise management; [101]
h. Traffic generation; [102]
i. Loss of privacy to adjoining sites; and[103]
j. Character and amenity of the surrounding area. [104]

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

Activity status where compliance not achieved: N/A

GRZ – R16 **Development of Medium Density Housing**
Activity Status Restricted Discretionary

Where:
1. These do not meet the GRZ - 1 Permitted Activity Standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. All other performance standards for Rules GRZ - R1 are complied with;
3. The minimum density is 150m2 net site area;
4. The maximum height is 12.5m;
5. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
6. Maximum building coverage is 50%.

Discretion is restricted to:

a. Number of units;
b. Provision of infrastructure to service the development;
c. Design and location of parking and access;
d. Design and location of buildings;
e. Compliance with the Medium Density Housing Design guidelines in Appendix Three;
f. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[105] and
g. Acoustic and noise insulation requirements

GRZ – R17 Papakāinga Developments not meeting Permitted Activity Standards
Activity Status Restricted Discretionary

Where:
1. The minimum residential unit density is 150m2 net site area;
2. The maximum height is 12.5m;
3. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
4. Maximum building coverage is 50%.

Discretion is restricted to:
a. Number of units;

[101] Consequential amendment Buller District Council S538.487
[102] Consequential amendment Buller District Council S538.487
[103] Consequential amendment Buller District Council S538.487
[104] Consequential amendment Buller District Council S538.487
[105] Consequential Plan-wide amendment Manawa Energy Limited S438.100

	b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; f. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[106] and g. Acoustic and noise insulation requirements
GRZ – R18	**Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards** Activity Status Restricted Discretionary 1. The maximum height is 12.5m; 2. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 3. Maximum building coverage is 50%. Discretion is restricted to: a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[107] and f. Acoustic and noise insulation requirements
GRZ – R18A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.** [108]
GRZ – R19	**Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and~~ Minor Structures[109] and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[110] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R20	**Home Business not meeting Permitted Activity Standards Activity Status Discretionary** Where:

[106] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[107] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[108] Consequential amendment Frank and Jo Dooley S478.031 and S478.037, Frank O'Toole S595.019 and S595.025
[109] Frank and Jo Dooley S478.031 and S478.037, Frank O'Toole S595.019 and S595.025
[110] RMA Schedule 1, clause 16 correction

	1. All performance standards for Rules NOISE R1-R2 and R4**5**[111] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R21	As notified
GRZ – R22	**Commercial Activities and Emergency Service Activities Activity Status Discretionary** Where: 1. This is not a Home Business or Visitor Accommodation; 2. All performance standards for Rules NOISE R1-R2 and R4**5**[112] and LIGHT - R3 are complied with; 3. Commercial Activities Hours of Operation are limited to 7am to 7pm weekdays and 8am to 5pm weekends and public holidays; and 4. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved:** Non-complying Refer Home Business and Visitor Accommodation Rules for these activities
GRZ – R23	As notified
GRZ – R24	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretioanry** **Activity status where compliance not achieved**: N/A[113]
Appendix Eleven	**Requirements for a Relocated Building Pre-Inspection Report[114]** **This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:** • **Proposed new site location** • **Date of report** • **Type of building** • **Date of construction** • **Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.** • **Site address where the building was inspected** • **Date when building inspected** • **Name of inspector and qualifications** • **Proposed use of the building** • **Previous use of the building** • **Description of areas accessed (ie interior/exterior)** • **Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery** • **Any health and safety matters that need to be considered**

[111] RMA Schedule 1, clause 16 correction
[112] RMA Schedule 1, clause 16 correction
[113] William McLaughlin (S567.470), Chris & Jan Coll (S558.418), Chris J Coll Surveying Limited (S566.418), Laura Coll McLaughlin (S574.418)
[114] New Zealand Heavy Haulage Association (S616.006)

- **Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, clearning and painting of exterior elements.**

2.6. Large Lot Residential Zone – Rules and Standards

Submissions and Further Submissions

Large Lot Residential Zone - General

348. Three submission points relating to the LLRZ rules (as a whole) were summarised in the Table on page 59 of the s42A Report. Two submission points sought to retain all, or select, rules as notified. The remaining submission sought amendments.

Large Lot Residential Zone

349. Eleven submission points and one further submission point relating to Rule **LLRZ-R1** were summarised in a Table on pages 59-60 of the s42A Report. Two submission points sought amendments to the rule as notified. The remaining submissions all sought amendments, with one further submission in partial support of a suggested amendment.

350. Six submission points and one further submission point relating to Rule **LLRZ-R2** were summarised in a Table on pages 60-61 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission supported in part the amendments sought by one submitter.

351. Five submission points in support of Rule **LLRZ-R3** as notified were summarised in a Table on page 61 of the s42A Report.

352. Eight submission points and two further submissions relating to Rule **LLRZ-R4** were summarised in a Table on pages 61-62 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points opposed the rule as notified and sought its deletion in full. The remaining two submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.

353. Six submission points relating to Rule **LLRZ-R5** were summarised in the Table on pages 62-63 of the S42A Report. One submission point supported the retention of the rule as notified. The remaining five submission points sought amendments.

354. Nine submission points relating to Rule **LLRZ-R6** were summarised in a Table on page 63 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

355. Seven submission points and one further submission point relating to Rule **LLRZ-R7** were summarised in a Table on pages 63-64 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission opposed in part the amendments sought by one submitter.

356. Six submission points and one further submission point relating to Rule **LLRZ-R8** were summarised in a Table on page 64 of the s42A Report. Two submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.

357. One submission point supported Rule **LLRZ-R9** as notified and was summarised in the Table on page 64 of the s42A Report.

358. Five submission points relating to Rule **LLRZ-R10** were summarised in the Table on page 65 of the s42A Report. One submission point supported the retention of the rule as notified, while the remaining submissions sought amendments.

359. Five submission points relating to Rule **LLRZ-R11** were summarised in the Table on page 65 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points opposed the rule and sought its deletion.

360. Eight submission points and two further submissions relating to Rule **LLRZ-R12** were summarised in the Table on pages 65-66 of the s42A Report. Seven submission points supported the retention of the rule as notified, with one further submitter in support. The remaining submission sought amendments, which were supported in part by one further submitter.

361. Six submission points relating to Rule **LLRZ-R13** were summarised in the Table on page 66 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

362. Four submission points relating to Rule **LLRZ-R14** were summarised in a Table on pages 66-67 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

363. Thirteen submission points relating to Rule **LLRZ-R15** were summarised in a Table on page 67 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

364. Nine submission points relating to Rule **LLRZ-R16** were summarised in a Table on pages 67-68 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

365. Nine submission points relating to Rule **LLRZ-R17** were summarised in a Table on page 68 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

366. Two submission points relating to Rule **LLRZ-R18** were summarised in a Table on page 68 of the s42A Report. One submission supported the retention of the rule as notified. One submission opposed the rule and sought amendments.

367. Five submission points relating to Rule **LLRZ-R19** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

368. Five submission points relating to Rule **LLRZ-R20** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

369. Five submission points relating to Rule **LLRZ-R21** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

370. Five submission points relating to Rule **LLRZ-R22** were summarised in a Table on pages 69-70 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points opposed the rule and sought its deletion.

371. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Standards (General)

372. Ms Easton acknowledged the support from the submissions that support the rules, or selected rules, as notified.

373. In response to the submission of the New Zealand Motor Caravan Association (S490.014) that sought to provide campgrounds and camping as a permitted activity within this zone, Ms Easton did not support that submission. She considered that this zone primarily provides for residential activities, and that the visitor accommodation provisions in the zone rules address campgrounds and other visitor accommodations.

374. Ms Easton made no recommendations to amend the LLRZ rules in response to these submissions.

LLRZ-R1 Residential Activities and Residential Units

375. In relation to Rule **LLRZ-R1**, Ms Easton acknowledged the two submissions that sought to retain the standard as notified[115].

376. In response to the submission points of Buller Conservation Group and Frida Inta[116] that sought to amend clause (7) only to require connection to a community water supply and wastewater if these services are provided, Ms Easton did not support these submissions. She noted the expectation of residential zones, including large lot residential zones, was that buildings are connected to three waters services. She also noted that many large-lot residential areas are known to have stormwater management issues, and therefore, on-site wastewater systems have a higher chance of causing cumulative adverse effects on water quality.

377. Ms Easton did not support the submissions[117] requesting to delete the advice note on the basis that an advice note is not a rule and because it cross-references to the requirements under NOISE-R3, which remain in place regardless of this advice note. She noted that Rule

[115] S349.011, S190.879, S450.250
[116] S552.171, S553.171
[117] S567.471 William McLaughlin, S558.419-420 Chris and Jan Coll, S566.419-420 Chris J Coll Surveying Limited, S574.419-420 Laura Coll Mclaughlin

NOISE-R3 would be considered under the Noise Chapter, and provided it remained in the Plan, Ms Easton considered that this advice note should remain.

378. In response to William McLaughlin's (S567.472) requested for a controlled activity status when compliance with permitted standards is not achieved, Ms Easton did not support this this submission. She considered that landowners and residents should be able to have confidence in a basic level of amenity, density, infrastructure capacity and character within the zone and given a controlled activity must always be granted, she did not consider this status was appropriate.

379. Ms Easton did not support FENZ's (S573.029) to add a new standard to require a developer to demonstrate how an alternative and satisfactory water supply could be provided to each lot where a development would not be connected to an adequate public reticulated water supply. She noted that a development was not a permitted activity where it could not connect to a public reticulated water supply; and therefore, she did not consider such a standard necessary.

380. Ms Easton supported GDC's (S608.728) request to remove the reference to "*secondary flow purposes*" in clause (6) because the exemption for secondary flow purposes was not consistent with NZS4404:2010.

381. Ms Easton considered a consequential amendment necessary following on from her recommendation on the BDC submission S538.475 on GRZ-R1 regarding accessory buildings.

382. Ms Easton recommended that LLRZ-R1 be amended as follows:

> ***LLRZ-R1 Residential Activities and Residential Units <u>and Accessory Buildings</u>***
> ***Activity Status: Permitted***
>
> *1. …*
>
> *6. Stormwater is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road ~~except for secondary flow purposes~~;*
>
> *7. …*

LLRZ-R2 Minor Structures

383. Ms Easton acknowledged the submission that sought to retain the rule as notified[118].

384. In response to the submissions[119] that sought amendments to accommodate existing, legal non-compliances with the LLRZ-R1 performance standards, Ms Easton supported these submissions in part. She considered that the reference to the LLRZ-R1 performance standards was inappropriate as this rule related to very minor structures such as flagpoles, water tanks, garden ornaments and sheds. She therefore recommended that only the setback requirement be included, similar to the standard for the equivalent Rule GRZ-R2.

385. Ms Easton did not support FENZ's (S573.030) request for an exemption for hose drying towers and siren towers to be up to 15m high in this zone. She noted that there were no fire

[118] S190.880
[119] S567.473 William McLaughlin, S558.421 C and C Coll, S566.421 Chris Coll Surveying, S574.421 Laura Coll McLaughlin

stations within the LLRZ and considered that the merits of such a proposal should be assessed through a resource consent process.

386. Ms Easton's recommended amendments to LLRZ-R2 were as follows:

> ***LLRZ - R2 Minor Structures***
> ***Activity Status Permitted***
> *Where:*
>
> *a. ~~All performance standards for Rule LLRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
>
> *b. Masts, poles, aerials and pou whenua must not exceed 7m in height;*
>
> *c. Any antenna dish must be less than 1m in diameter;*
>
> *d. Any ornamental or garden structure must not exceed 2.4 m in height; and*
>
> *e. Any other structure must not exceed 10m^2 and 2m in height.*
>
> ***Activity status where compliance not achieved:*** *Controlled*

LLRZ-R3 Fence Wall and Retaining Walls

387. Ms Easton acknowledged the support from submitters that sought to retain the rule as notified[120]. She recommended no changes to this provision.

LLRZ-R4 Relocated Buildings, LLRZ-R11 Relocated Buildings not meeting Permitted Activity Standards

388. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[121].

389. There are several submissions[122] that sought that Rules LLRZ-R4 and LLRZ-R11 be deleted in their entirety. Ms Easton did not support these submissions and considered that the rules were necessary to manage amenity and ensure necessary building work to meet standards was completed within a specified timeframe.

390. As outlined above in relation to GRZ-R4, Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings.

391. NZ Heavy Haulage Association Inc. (S616.005) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, as outlined above in relation to GRZ-R4. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

392. Ms Easton's recommended retaining LLRZ-R11 as notified and amending LLRZ-R4, as follows:

> ***LLRZ - R4 Relocated Buildings***

[120] S190.881, S567.474, S558.422, S566.422, S574.422
[121] S190.882, S608.729
[122] S567.014, S567.475, S567.015, S567.481William McLaughlin, S558.054, S558.423, S558.065, S558.430 C & J Coll, S566.054, S566.423, S566.065, S566.430 Chris J Coll Surveying Limited, S574.054, S574.423, S574.065, S574.430 Laura Coll McLaughlin

Activity Status Permitted
Where:

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

Activity status where compliance not achieved: *Controlled*

LLRZ-R5 Home Business

393. Ms Easton acknowledged the one submitter that sought to retain the rule as notified[123].

394. In response to the submissions[124] that sought amendments to accommodate existing, legal non-compliances with the LLRZ-R1 performance standards, Ms Easton did not support these submissions. She considered that where there may be a non-compliance, for example with noise or light emissions, that could lead to cumulative effects on neighbouring amenity.

395. Ms Easton recommended amendments to provide greater clarity in response to Waka Kotahi NZTA's (S450.251) request to amend the rule to reduce the permitted level of vehicle movements to no more than 30 car movements per day. She noted the current standard was limited to no more than four heavy vehicle movements per day, 20 light vehicle movements per day or 210 vehicle movements per week, whichever is greater. She considered this could be interpreted to allow for 210 vehicle movements per day and none for the rest of the week.

396. Ms Easton recommended amendments to LLRZ-R5 as follows:

LLRZ - R5 Home Business
Activity Status Permitted
Where:
1. This is ancillary to a residential activity;
2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;
3. Hours of operation are limited to:
a. 7am-7pm weekdays; and
b. 8am - 5pm weekends and public holidays;
c. Except where:
i. The entire activity is located within a building;
ii. Each person engaged in the activity outside the above hours resides permanently on site; and

[123] S190.883
[124] S567.476 William McLaughlin, S558.424 Chris and Jan Coll, S566.424 Chris J Coll Surveying Limited, S574.424 Laura McLaughlin

iii. There are no visitors, customers or deliveries to the activity outside of the above hours
*4. A maximum of 4 heavy vehicle movements per day**, ~~and whichever is the greater of~~** 30 light vehicle movements per day, **~~or~~** **and** 210 light vehicle movements per week;*
…

***Activity status where compliance not achieved**: Discretionary*

LLRZ-R6 Residential Visitor Accommodation

397. Ms Easton acknowledged the three submissions that sought to retain the rule as notified[125].

398. The submission of GDC (S608.105) sought that records of letting activity be provided to the Council on an annual basis rather than on request so that landowners undertaking this activity should provide the evidence rather than GDC trying to determine where the businesses have set up. Ms Easton considered this was a reasonable requirement to ensure that permitted activity standards were met.

399. Ms Easton did not support Lynda Richmond's (S423.002) request that only homestay accommodation in Greymouth be a permitted activity. She considered that Greymouth was not impacted by residential visitor accommodation and was not a major tourism destination compared to other parts of the West Coast.

400. Ms Easton did not support submissions[126] that sought amendments to accommodate existing legal non-compliance with LLRZ-R1 performance standard due to the potential for adverse effects on the environment, using the example of where wastewater capacity was insufficient to cater for additional people.

401. Ms Easton recommended that LLRZ-R6 be amended as follows:

LLRZ - R6 Residential Visitor Accommodation Activity Status Permitted
Where:
…
*5. Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~; and*
…

LLRZ-R7 Community Facilities and Educational Facilities

402. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[127].

403. Similar to LLRZ-R6, Ms Easton did not support the amendments sought in submissions[128] to accommodate existing legal non-compliance because of potential adverse environmental effects.

404. In response to the Ministry of Education's (S456.043) request to allow for 210 light vehicle movements per day for educational facilities, Ms Easton did not support that amendment and considered that this rule intended to allow very small educational and community

[125] S190.884, S450.252
[126] S567.477 William McLaughlin, S558.425 C & J Coll, S566.425 Chris J Coll Surveying Limited, S574.425 Laura Coll McLaughlin
[127] S190.885, S450.253
[128] S567.478 William McLaughlin, S558.426 C & J Coll, S566.426 Chris J Coll Surveying Limited, S574.426 Laura Coll McLaughlin

facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

405. No changes were recommended by Ms Easton to this provision.

LLRZ-R8 Retirement Homes and Supported Residential Accommodation

406. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[129].

407. Similar to LLRZ-R6 and LLRZ-R7, Ms Easton did not support the amendments sought in submissions[130] to accommodate existing legal non-compliance because of potential adverse environmental effects.

408. No changes are recommended by Ms Easton to this provision.

LLRZ-R9 Papakāinga Developments

409. Ms Easton acknowledged the submission that sought to retain the rule as notified[131]. She recommended no changes to this provision.

LLRZ-R10 Minor Structures not meeting Permitted Activity Standards

410. Ms Easton acknowledged the submission that sought to retain the rule as notified[132].

411. In response to the submissions[133] that sought that this rule be amended to accommodate existing legal non-compliance with LLRZ-R1 performance standard, Ms Easton supported that outcome insofar as recognising existing use rights sit outside of a resource consent process, but otherwise she considered existing non-compliance should not be explicitly accommodated within the rules given the potential for adverse effects on the environment.

412. Ms Easton noted that due to earlier changes recommended to LLRZ-R2, to focus on setbacks only, consequential amendments were required to this rule. She recommended amendments as follows:

> ***LLRZ - R10 Minor Structures not meeting Permitted Activity Standards***
> ***Activity Status Controlled***
> *Where:*
> *1. The minor structure does not exceed 10m in height; and*
> *2. ~~All other performance standards for Rule LLRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries***
>
> ***Matters of control are:***
>
> *a. Design and location of structures; and*
>
> *b. Landscape measures.*
>
> ***Activity status where compliance not achieved:*** *Discretionary*

[129] S349.011, S190.886, S450.254
[130] S567.479 William McLaughlin, S558.427 C & J Coll, S566.427 Chris J Coll Surveying Limited, S574.427 Laura Coll McLaughlin
[131] S190.887
[132] S190.888
[133] S567.480 William McLaughlin, S558.429 C & J Coll, S566.429 Chris J Coll Surveying Limited, S574.429 Laura Coll McLaughlin

LLRZ-R11 Relocated Buildings not meeting Permitted Activity Standards

413. Ms Easton recommended retaining LLRZ-R11 as notified, which was supported by one submitter[134], and therefore rejected submissions seeking deletion of the rule[135].

LLRZ-R12 Community Facilities and Educational Facilities not meeting Rule LLRZ-R7, Retirement Homes and Supported Residential Accommodation not meeting Rule LLRZ-R8 and Retirement Villages

414. Ms Easton acknowledged the seven submissions that sought to retain the rule as notified[136].

415. Ms Easton did not support FENZ's (S573.032) request to add a matter of discretion to LLRZ-R12 regarding the provision of servicing, including a firefighting water supply. She noted that if a property did not have a connection, this rule would not apply and the activity escalated to a discretionary activity.

416. No changes were recommended by Ms Easton to this provision.

LLRZ-R13 Residential Visitor Accommodation not meeting Permitted Standards

417. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[137].

418. Ms Easton did not support the amendments sought in submissions[138] for the reasons outlined in relation to other rules. She recommended LLRZ-R13 be retained as notified.

LLRZ-R14 Papakainga Developments not meeting Permitted Activity Standards

419. Ms Easton acknowledged the three submissions that sought to retain the rule as notified[139].

420. In response to Poutini Ngāi Tahu's (S620.402) to delete the reference to "*hours of operation*" as a matter of discretion, Ms Easton supported this amendment and considered it corrected an error in the Plan.

421. Ms Easton recommends that LLRZ-R14 be amended as follows:

> ***LLRZ - R14 Papakaianga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary***
>
> *Where:*
>
> *1. The minimum residential unit density is 200m^2 net site area;*
>
> *...*
>
> ***Discretion is restricted to:***
>
> *a. Design and location of buildings;*
>
> *…*
>
> *~~f. Hours of operation;~~ and*

[134] S190.889
[135] S567.015, S567.481 William McLaughlin, S558.065, S558.430 C & J Coll, S566.065, S566.430 Chris J Coll Surveying Limited, S574.065, S574.430 Laura Coll McLaughlin
[136] S190.890, S567.482, S558.431, S566.431, S574.431, S456.044, S608.730
[137] S190.891, S608.731
[138] S567.483 William McLaughlin, S558.432 C & J Coll, S566.432 Chris J Coll Surveying Limited, S574.432 Laura Coll McLaughlin
[139] S620.241, S190.892, S608.732

...

Activity status where compliance not achieved: Discretionary

LLRZ-R15 Residential Activities, Residential Units, Papakāinga Developments, Fences, Walls and Retaining Walls and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards

422. Ms Easton acknowledged the submission that sought to retain the rule as notified[140].

423. In response to the submissions[141] that sought clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met, be deleted; and where compliance was not achieved, the activity status becomes N/A, Ms Easton did not support these submissions. She considered that these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

424. In response to the submissions of Frank and Jo Dooley[142] and Frank O'Toole[143] that sought that "*fences, walls and retaining structures*" were removed from the rule and subject to a separate restricted discretionary rule, Ms Easton supported these submissions and agreed that Rule LLRZ-R15 contained matters that were not relevant to these structures.

425. Ms Easton recommended change to the heading of LLRZ-R15 and recommended the inclusion of the following new rule into the Plan:

LLRZ – RXX Fences, Walls and Retaining Structures not meeting Permitted Activity Standards
Activity Status Restricted Discretionary
Discretion is restricted to:
a. Design and location of structures
b. Height of structures
c. Shading and dominance effects on adjoining sites

LLRZ-R16 Home Business not meeting Permitted Activity Standards

426. Ms Easton acknowledged the submission that sought to retain the rule as notified[144].

427. In response to the submissions[145] that sought that clause (1), which required the relevant NOISE and LIGHT permitted activity rules to be met, be deleted; and where compliance is not achieved, the activity status becomes N/A, Ms Easton did not support those submissions. She considered that these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

428. Ms Easton recommended retaining this rule as notified.

[140] S190.893
[141] S567.484, S567.485William McLaughlin, S558.433, S558.434 C & J Coll, S566.433, S566.434 Chris J Coll Surveying Limited, S574.433, S574.434 Laura Coll McLaughlin
[142] S478.032 Frank and Jo Dooley
[143] S595.020 Frank O'Toole
[144] S190.894
[145] S567.486, S567.487 William McLaughlin, S558.435, S558.436 C & J Coll, S566.435, S566.436 Chris J Coll Surveying Limited, S574.435, S574.435 Laura Coll McLaughlin

LLRZ-R17 Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation and LLRZ-R19 Visitor Accommodation not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards

429. Ms Easton acknowledged the submission that sought to retain the rule as notified[146].

430. Ms Easton did not support the submissions[147] that sought changes to clause (1) nor changing the default activity status for the reasons outlined previously in relation to LLRZ-R15 and LLZ-R16. She also did not support deleting Rule LLRZ-R19 be deleted. She noted that these rules applied to activities within a residential area and that home businesses should provide for a reasonable expectation in terms of minimum standards around noise and light.

431. Ms Easton recommended retaining this rule as notified.

LLRZ – R18 Emergency Service Activities

432. Ms Easton acknowledged the submission that sought to retain the rule as notified[148].

433. Ms Easton did not support FENZ's (S573.033) request for emergency service activities to be permitted in the LLRZ because she considered the predominant use of this zone should be residential with a reasonable expectation for residential activities and amenity. She noted that while there may be circumstances where an emergency service facility could locate in this zone, careful assessment needed to be undertaken via a consent process.

434. Ms Easton recommended retaining this rule as notified.

LLRZ – R20 Commercial Activities including Home Business not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards

435. Ms Easton acknowledged the submission that sought to retain the rule as notified[149].

436. Ms Easton did not support submissions[150] that sought to change the activity status from non-complying to discretionary. She considered that this zone was primarily for the purpose of residential use. Where the rules designed to provide for some commercial activities were not met, Ms Easton considered that there would be a high risk of adverse effects. She therefore considered it was appropriate that these be classified as a non complying activity in this zone.

437. Ms Easton recommended retaining this rule as notified.

LLRZ – R21 Industrial Activities

438. Ms Easton acknowledged the submission that sought to retain the rule as notified[151].

[146] S190.895
[147] S567.488, S567.489 William McLaughlin, S558.437, S558.438 C & J Coll, S566.437, S566.438 Chris J Coll Surveying Limited, S574.437, S74.438 Laura Coll McLaughlin
[148] S190.896
[149] S190.898
[150] S567.491 William McLaughlin, S558.441 C & J Coll, S566.441 Chris J Coll Surveying Limited, S574.441 Laura Coll McLaughlin
[151] S190.899

439. Ms Easton did not support submissions[152] that sought to change the activity status from non-complying to discretionary. For the same reasons as outlined for Rule LLZR-R20 above, she considered it was appropriate that these be classified as a non-complying activity in this zone.

440. Ms Easton recommended retaining this rule as notified.

LLRZ – R22 Any Activity not provided for by another Rule in the zone

441. Ms Easton acknowledged one submitter that sought to retain the rule as notified[153].

442. In response to the submission[154] that sought to delete this rule, Ms Easton noted that no reasons had provided to justify this and she therefore did not support these submissions.

443. Ms Easton recommended retaining this rule as notified.

Hearing and Submitter Evidence/Statements

444. Ms Inta requested two amendments to Rule LLRZ-R1. The first was to correct poor grammar; and the second related to the requirement to connect to reticulated services if these services were provided, using the example of a composting toilet, which does not require a connection. The amendments she sought was as follows:

> ***LLRZ – R1 Permitted Activities***
> ***Activity Status Permitted***
> *Where:*
> *1.*
> *…*
> *6. Stormwater is managed on site with any off-site discharge ~~is~~ managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road except for secondary flow purposes;*
> *7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks **if these services are provided**;*
> *…*

445. As outline above, Mr Bhana-Thompson generally agreed with the s42A Report recommendations for the residential zones and sought use of a pre-inspection/reinstatement reports. He provided a template that some other Councils had adopted (or adapted) for district plans. He considered a 12-month timeframe was appropriate and realistic for achieving reinstatement works in Rule LLRZ-R4.

Reporting Officer Reply Evidence

446. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing. Several of these queries have been addressed earlier in this report under the definitions, general chapter, objectives, policies, and GRZ rule sections. These are not repeated here unless directly relevant.

[152] S567.492 William McLaughlin, S558.442 C & J Coll, S566.442 Chris J Coll Surveying Limited, S574.442 Laura Coll McLaughlin
[153] S190.900
[154] S567.493 William McLaughlin, S558.443 C & J Coll, S566.443 Chris J Coll Surveying Limited, S574.443 Laura Coll McLaughlin

447. Ms Easton considered the minor error where Rule NOISE-R4 was referenced rather than NOISE-R5 in some rules could be undertaken as a clause 16 amendment and should be used to update all rules across the Plan where there were errors or consequential numbering changes.

448. In relation to Rule LLRZ-R13 (and also Rule GRZ-R14 and MRZ-R14), Ms Easton considered was insufficient scope in submissions to add the number of occupants or size of building to the matters of discretion.

449. In response to the evidence of NZ Heavy Haulage Association, Ms Easton recommended including reference to a pre-inspection schedule in Rule LLRZ-R4, as set out above in relation to the GRZ-R4 above.

Hearing Panel's Evaluation

450. The Panel agrees with Ms Easton that there is no need to make any amendments arising from the submissions on the rules generally.

451. The Panel recommends consequential amendments to ensure consistency between equivalent rules in the GRZ and MRZ, where appropriate. We also recommend amendments under RMA Schedule 1, clause 16 to fix errors and consequential renumbering of the rules cross reference to reflect Panel recommendations on other chapters. We identify these consequential amendments and corrections in the footnotes included in our recommendation box below.

452. In relation to Rule **LLRZ-R1**, the Panel generally accepts Ms Easton's recommendation to amend the rule to match recommended amendments to GRZ-R1, with the exception that only the first advice note is considered relevant to the zone.

453. In relation to Rule **LLRZ-R2**, the Panel accepts Ms Easton's recommendation and reasons to retain the rule as notified, except for deleting the reference to the LLRZ-R1 performance standard.

454. In relation to Rule **LLRZ-R3**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

455. In relation to **LLRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

456. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

457. In relation to Rule **LLRZ-R5**, the Panel acknowledges Ms Easton's recommendation to retain the rule as notified, except for amendments to clause(4) to clarify traffic movements. However, we note that we have included a consequential amenmdnt stemming from BDC submission (538.479) to include a limit on employee numbers. Further, we note however that as a result of recommendations in the Transport Chapter in relation to trip generation that clause (4) relating to traffic movement is to be deleted so as to avoid the potential for uncertainty between provisions.

458. In relation to Rule **LLRZ-R6**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for amendments to clause (5) for the reasons outlined, including minor clause 16 amendments.

459. In relation to Rule **LLRZ-R7**, the Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Home Businesses in the Residential Zones where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities and Educational Facilities, we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

460. In relation to Rule **LLRZ-R8**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

461. In relation to Rule **LLRZ-R9**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

462. In relation to Rule **LLRZ-R10**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except that due to earlier changes recommended to LLRZ-R2 to focus on setbacks only, consequential amendments are also required to this rule. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

463. In relation to rules **LLRZ-R11 to LLRZ-R13,** the Panel accepts Ms Easton's recommendation to retain the rules as notified. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

464. In relation to Rule **LLRZ-R14**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for deleting clause (f) to correct an error in the plan as notified. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

465. In relation to Rule **LLRZ-R15**, the Panel accepts Ms Easton's recommendation to remove "*fences, walls and retaining structures*" and add a new **Rule LLRZ-RX** (new Rule LLRZ-R14A

below) for these because Rule LLRZ-R15 includes matters that are not relevant to these structures.

466. In relation to rules **LLRZ -R16** to **LLRZ-R21**, apart from minor integration issues, the Panel accepts Ms Easton's recommendation to retain the rules as notified.

467. The Panel acknowledges that **LLRZ-R22** is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

Hearing Panel's Recommendation

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

LLRZ – R1	**Residential Activities and Residential Units and Accessory Buildings**[155] **Activity Status Permitted** Where: 1. There is no more than **one**~~1~~[156] unit per 1000m^2 net site area; 2. The maximum height of a building above ground level is 10m; 3. There is no more than **one**~~1~~[157] minor residential unit per 1000m^2 net site area with a maximum size of 65m^2; 4. Buildings are setback a minimum 10m from road boundaries, except that a roof overhang may encroach 750mm; 5. Maximum site coverage is 40% or 500m^2 whichever is the lesser; 6. Stormwater is managed on site with any off-site discharge ~~is~~ [158]managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road ~~except for secondary flow purposes~~; [159] 7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks; 8. No more than two heavy vehicles are stored on site; 9. Buildings are setback a minimum of 4m from all other site boundaries except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing; 10. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ [160] This standard does not apply to~~:~~ ~~a. Road boundaries;~~ ~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

[155] Consequential amendment Buller District Council S538.475
[156] RMA Schedule 1, clause 16 correction
[157] RMA Schedule 1, clause 16 correction
[158] Clause 16(2) of the RMA
[159] Grey District Council S608.728
[160] Consequential amendment Buller District Council S538.475

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~

~~d.~~ Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone~~;~~**.**[161]

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.~~ [162]

Advice Note:

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

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

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

Activity status where compliance not achieved: Discretionary

LLRZ – R2 **Minor Structures**

Activity Status Permitted

Where:

1. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;[163]
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

LLRZ – R3 No Change

LLRZ – R4 **Relocated Buildings**

Activity Status Permitted

Where:

1. All performance standards for Rule LLRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and** used as a dwelling; [164]

[161] Buller District Council S538.635
[162] Buller District Council S538.476
[163] Consequential amendment Buller District Council S538.476
[164] New Zealand Heavy Haulage Association Inc. S616.005

	3. A building pre-inspection report **completed in accordance with Appendix Eleven**[165] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;[166] 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[167] **Activity status where compliance not achieved**: Controlled
LLRZ – R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45 and LIGHT - R3 are complied with; 3. Hours of operation are limited to: a. 7am-10pm weekdays; and b. 8am - 8pm weekends and public holidays; c. Except where: i. The entire activity is located within a building; ii. Each person engaged in the activity outside the above hours resides permanently on site; and iii. There are no visitors, customers or deliveries to the activity outside of the above hours. 4. **There is no more than one full–time equivalent person engaged in the home business that resides off-site.**[168] ~~4. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or and 210 light vehicle movements per week;~~[169] 5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and 6. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved**: Discretionary

[165] New Zealand Heavy Haulage Association Inc. S616.005
[166] William McLaughlin (S567.014, S567.475, S574.065 S574.430), Chris & Jan Coll (S558.054, S558.423, S558.065 S558.430), Chris J Coll Surveying Limited (S566.054, S566.423, S566.065 S566.430), Laura Coll McLaughlin (S574.054, S574.423, S574.065, S574.430)
[167] William McLaughlin (S567.014, S567.475, S574.065 S574.430), Chris & Jan Coll (S558.054, S558.423, S558.065 S558.430), Chris J Coll Surveying Limited (S566.054, S566.423, S566.065 S566.430), Laura Coll McLaughlin (S574.054, S574.423, S574.065, S574.430)
[168] Consequential Amendment stemming from Buller Disrict Council (538.479)
[169] Consequential amendment to recommendations on the Transport Chapter, Buller District Council S538.083

LLRZ – R6	**Residential Visitor Accommodation** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4~~5~~**5**[170] and LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~[171] paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the Council **annually** ~~on request~~; [172] and 6. No heavy vehicle movements are generated. **Advice Notes**: **1.** Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. **2. Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and has not been discontinued for more than 12 months, then existing use rights may apply.** [173] **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5**[174] and LIGHT - R3 and SIGN - R10 are complied with; **and**[175] 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 30 light vehicle movements per day or 210 vehicle movements per week **and compliance is achieved with TRN – R6**; and[176] 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5**[177] and LIGHT - R3 and SIGN - R10 are complied with; 2. The maximum number of residents is 10; and

[170] RMA Schedule 1, clause 16 correction
[171] RMA Schedule 1, clause 16 correction
[172] Grey District Council S608.105
[173] Consequential amendment Westland District Council S181.036
[174] RMA Schedule 1, clause 16 correction
[175] RMA Schedule 1, clause 16 correction
[176] Consequential amendment stemming from recommended amendments to the Transport Chapter, Buller District Council S538.083
[177] RMA Schedule 1, clause 16 correction

	3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R9	As notified
LLRZ – R10	**Minor Structures not meeting Permitted Activity Standards Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**[178] **Matters of control are:** a. Design and location of structures; and b. ~~Landscape measures.~~**Measures to mitigate landscape effects**.[179] **Activity status where compliance not achieved:** Discretionary
LLRZ – R11	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. All performance standards for Rule LLRZ - R1 are complied with. **Matters of control are**: a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[180] and c. Appearance of buildings.
LLRZ – R12	**Community Facilities and Educational Facilities not meeting Rule LLRZ -R7, Supported Residential Accommodation and Retirement Homes not meeting Rule LLRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** Discretion is restricted to: a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape treatment~~ **Measures to mitigate landscape effects**;[181] d. Water supply, wastewater and stormwater requirements; e. Hours of operation; and f. Acoustic and noise insulation requirements. **Notification:** Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.

[178] Consequential amendment Buller District Council S538.476
[179] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[180] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[181] Consequential Plan-wide amendment Manawa Energy Limited S438.100

LLRZ – R13	**Residential Visitor Accommodation not meeting Permitted Activity Standards Activity Status Restricted Discretionary** Where: 1. This is ancillary to a residential activity; 2. No heavy vehicle movements are generated; and 3. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R~~4~~**5**[182] and LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** [183] d. Water supply, wastewater and stormwater requirements; e. Hours of operation; and f. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
LLRZ – R14	**Papakainga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary** Where: 1. The minimum residential unit density is 200m^2 net site area; 2. The maximum height is 12.5m; 3. Within 10 metres of a site boundary that is zoned Large Lot Residential the maximum height shall be 10m; 4. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[184] and LIGHT - R3 are complied with; and 5. Maximum building coverage is 50%. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;**[185] d. Water supply, wastewater and stormwater requirements; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; ~~f. Hours of operation;~~ [186] and g. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
LLRZ - R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:**

[182] RMA Schedule 1, clause 16 correction
[183] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[184] RMA Schedule 1, clause 16 correction
[185] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[186] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.402

	a. Design and location of structures; **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**[187]
LLRZ – R15	**Residential Activities, Residential Units, Papakāinga Developments~~, Fences, Walls and Retaining Walls~~**[188] **and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[189] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
LLRZ – R16	As notified
LLRZ – R17	**Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[190] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
LLRZ – R18	As notified
LLRZ – R19	As notified
LLRZ – R20	As notified
LLRZ – R21	As notified
LLRZ – R22	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved:** N/A[191]

2.7. Medium Density Residential Zone – Rules and Standards

Submissions and Further Submissions

Residential - General

469. Three submission points and three further submissions relating to the MRZ Rules (as a whole) were summarised in the Table on pages 78-79 of the s42A Report. Two submission

[187] Frank and Jo Dooley S478.038, Frank O'Toole S595.026
[188] Frank and Jo Dooley S478.032, Frank O'Toole S595.020
[189] RMA Schedule 1, clause 16 correction
[190] RMA Schedule 1, clause 16 correction
[191] William McLaughlin (S567.493), Chris & Jan Coll (S558.443), Chris J Coll Surveying Limited (S566.443), Laura Coll McLaughlin (S574.443)

points sought to retain all, or select, rules as notified. One of the further submissions supported these points, while two opposed. The remaining submission sought amendments.

Medium Density Residential Zone

470. Twelve submission points and two further submission points relating to Rule **MRZ-R1** were summarised in a Table on pages 79-80 of the s42A Report. All submission points sought amendments to the rule as notified. Both further submissions were in support of a suggested amendment.

471. Six submission points and one further submission relating to Rule **MRZ-R2** were summarised in a Table on pages 80-81 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission supported in part the amendments sought by one submitter.

472. Five submission points supporting Rule **MRZ-R3** as notified were summarised in a Table on page 81 of the s42A Report.

473. Eight submission points and two further submissions relating to Rule **MRZ-R4** were summarised in a Table on pages 81-82 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points opposed the rule as notified and sought its deletion in full. The remaining two submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.

474. Six submission points relating to Rule **MRZ-R5** were summarised in the Table on pages 82-83 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining five submission points sought amendments.

475. Seven submission points relating to Rule **MRZ-R6** were summarised in a Table on page 83 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

476. Eight submission points and one further submission point relating to Rule **MRZ-R7** were summarised in a Table on pages 83-84 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission opposed the amendments sought by one submitter.

477. Six submission points and relating to Rule **MRZ-R8** were summarised in a Table on pages 84-85 of the s42A Report. Two submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.

478. Five submission points relating to Rule **MRZ-R9** were summarised in the Table on page 85 of the S42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

479. Six submission points relating to Rule **MRZ-R10** were summarised in the Table on page 85 of the s42A Report. Two submission points supported the retention of the rule as notified, while the remaining four submissions opposed the rule and sought its deletion.

480. Six submission points and one further submission supporting Rule **MRZ-R11** as notified were summarised in the Table on pages 85-86 of the s42A Report.

481. Eight submission points and one further submission relating to Rule **MRZ-R12** were summarised in the Table on page 86 of the s42A Report. Six submission points supported the retention of the rule as notified, with one further submitter in support. The remaining submissions sought amendments.

482. Six submission points and one further submission supporting Rule **MRZ-R13** as notified were summarised in the Table on page 86 of the s42A Report.

483. Six submission points relating to Rule **MRZ-R14** were summarised in a Table on pages 86-87 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

484. Seventeen submission points relating to Rule **MRZ-R15** were summarised in a Table on pages 87-88 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

485. Nine submission points relating to Rule **MRZ-R16** were summarised in a Table on page 88 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

486. Nine submission points relating to Rule **MRZ-R17** were summarised in a Table on pages 88-89 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

487. Five submission points relating to Rule **MRZ-R18** were summarised in a Table on page 89 of the s42A Report. One submission supported the retention of the rule as notified. The remaining submission points sought amendments.

488. Five submission points relating to Rule **MRZ-R19** were summarised in a Table on pages 89 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

489. One submission point supporting Rule **MRZ-R20** as notified was summarised in a Table on page 89 of the s42A Report.

490. Five submission points relating to Rule **MRZ-R21** were summarised in a Table on pages 89-90 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

491. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Standards (General)

492. Ms Easton acknowledged the submissions that supported the rules, or selected rules, as notified.

493. Ms Easton made no recommendations to amend the MRZ rules in response to submissions.

MRZ-R1 Residential Activities and Residential Units

494.

495. In response to the submissions[192] that sought that the advice note in MRZ-R1 regarding NOISE-R3 be deleted, Ms Easton did not support these submissions for the reasons outlined previously. She recommended that this advice note should remain.

496. In response to the submission point made by the submitters[193] that sought a controlled activity status when compliance with permitted standards is not achieved, Ms Easton did not support this submission. She considered that the standards have been designed to allow for a range of housing types, including medium density, to develop over time. Additionally, she considered that as this transition to more intensive residential occurs, a good degree of residential amenity and infrastructure capacity needs to be provided.

497. Ms Easton supported Waka Kotahi NZTA's (S450.255) request to include reference to NZS4404:2010, to manage stormwater on-site and GDC's (S608.728) request to remove the reference to "*secondary flow purposes*" in clause (6), for the reasons previously outlined.

498. Ms Easton did not support FENZ's (S573.034) request for a new standard for the reason previously outlined.

499. Ms Easton recommended that MRZ-R1 be amended as follows:

> ***MRZ-R1 Residential Activities and Residential Units <u>and Accessory Buildings</u>***
> ***Activity Status: Permitted***
>
> *1. …*
>
> *7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;*
>
> *8 . ~~and s~~<u>S</u>tormwater ~~from the~~ <u>is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and</u> ~~used for the activity~~ must not drain to any public road ~~except for secondary flow purposes~~.*
>
> *…*

MRZ-R2 Minor Structures

500. Ms Easton acknowledged the submission that sought to retain the rule as notified[194].

501. Ms Easton supported in part the submissions[195] that sought amendments to accommodate existing, legal non-compliances with the MRZ-R1 performance standards, in that she considered the reference to the MRZ-R1 performance standards was inappropriate (as this rule relates to very minor structures such as flagpoles, water tanks, garden ornaments and sheds). Ms Easton therefore recommended that only the setback requirement be included,

[192] S567.494 William McLaughlin, S558.444 Chris and Jan Coll, S566.444 Chris J Coll Surveying Limited, S574.444 Laura Coll Mclaughlin
[193] S567.495 Wiliam McLaughlin, S558.445 Chris and Jan Coll, S566.445 Chris J Coll Surveying Limited, S574.445 Laura Coll Mclaughlin
[194] S190.903
[195] S567.496 William McLaughlin, S558.446 C and C Coll, S566.446 Chris Coll Surveying, S574.446 Laura Coll McLaughlin

similar to the standard for the equivalent Rule GRZ-R2. She noted consequential amendments would also be required to Rule MRZ-R9.

502. FENZ (S573.035) sought an exemption for hose drying towers and siren towers to be up to 15m high in this zone. Ms Easton did not support this submission, noting that there were no fire stations within the MRZ and she considered that the merits of such a proposal should be assessed through a resource consent process.

503. Ms Easton recommended amendments to MRZ-R2 as follows:

> ***MRZ - R2 Minor Structures***
> ***Activity Status Permitted***
> *Where:*
>
> *a. ~~All performance standards for Rule MRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
>
> *…*
>
> ***Activity status where compliance not achieved:*** *Controlled*

MRZ-R3 Fence Wall and Retaining Walls

504. Ms Easton acknowledged the five submissions that sought to retain the rule as notified[196]. She did not recommend any changes to this provision.

MRZ-R4 Relocated Buildings, MRZ-R10 Relocated Buildings not meeting Rule MRZ-R4

505. Ms Easton acknowledged the submission that sought to retain the rule as notified[197].

506. Ms Easton did not support the submissions[198] that sought to delete rules MRZ-R4 and MRZ-R11 because she considered the rules were necessary to manage amenity and ensure necessary building work to meet standards is completed within a specified timeframe.

507. As outlined above, Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings.

508. NZ Heavy Haulage Association Inc. (S616.006) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, as outlined above in relation to GRZ-R4. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

509. Ms Easton recommended no changes to MRZ-R10 and amendments to MRZ-R4 as follows:

> ***MRZ - R4 Relocated Buildings***

[196] S190.904, S558.447, S566.447, S567.497, S574.447
[197] S190.905
[198] S567.016, S567.498, S567.017, S567.504 William McLaughlin, S558.076, S558.448, S558.087, S558.455 C & J Coll, S566.076, S566.448, S566.087, S566.455 Chris J Coll Surveying Limited, S574.076, S574.448, S574.087, S574.455 Laura Coll McLaughlin

Activity Status Permitted
Where:

1. *All performance standards for Rule MRZ - R1 are complied with;*
2. *Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ **and** used as a dwelling;*

…

Activity status where compliance not achieved: *Controlled*

MRZ-R5 Home Business

510. Ms Easton acknowledged the submission that sought to retain the rule as notified[199].

511. Ms Easton did not support the submissions[200] that sought amendments to accommodate existing, legal non-compliances with the MRZ-R1 performance standards, for the reasons previously outlined.

512. Ms Easton recommended amendments to provide greater clarity in response to Waka Kotahi NZTA's (S450.246) request to amend the rule to reduce the permitted level of vehicle movements.

513. Ms Easton recommended amendments to MRZ-R5 as follows:

MRZ - R5 Home Business
Activity Status Permitted
Where:

1. *This is ancillary to a residential activity;*
2. *All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R~~4~~**5**, LIGHT - R3 and SIGN - R10 are complied with;*

…

4. *A maximum of 4 heavy vehicle movements per day**,** and whichever is the greater of 20 light vehicle movements per day, ~~or~~ **and** 140 light vehicle movements per week;*

…

Activity status where compliance not achieved*: Discretionary*

MRZ-R6 Residential Visitor Accommodation

514. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[201].

515. Ms Easton supported WDC's (S181.039) request to only provide for homestay accommodation as a permitted activity Westland District, being the same as Buller District, but different from Grey District. She considered that this reflected the primary concern relating to dwellings being converted to short-term visitor accommodation (e.g. Airbnb).

[199] S190.906
[200] S567.499 William McLaughlin, S558.449 Chris and Jan Coll, S566.449 Chris J Coll Surveying Limited, S574.449 Laura McLaughlin
[201] S190.907, S450.257

516. Ms Easton did not support the submissions[202] that sought to amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

517. Ms Easton recommended amendments to MRZ-R6 as follows:

> ***MRZ - R6 Residential Visitor Accommodation Activity Status Permitted***
> *Where:*
> 1. *This is ancillary to a residential activity;*
> *…*
>
> 5. *Records of letting activity must be kept and provided to the District Council* ***annually*** ~~*on request;*~~ *and*
> 6. *No heavy vehicle movements are generated.*
> 7. *In the Buller* ***and Westland*** *District*s *the accommodation is homestay accommodation with a permanent resident living on site.*
> *…*

MRZ-R7 Community Facilities and Educational Facilities

518. Ms Easton acknowledged the three submissions that sought to retain the rule as notified[203].

519. Ms Easton did not support the submissions[204] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

520. In response to the Ministry of Education's (S456.045) request to allow for 140 light vehicle movements per day for educational facilities, Ms Easton did not support this amendment. She considered that the intent of this rule is to allow very small educational and community facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

521. Ms Easton did not support FENZ's (S573.036) for similar reasons as her recommendations for other residential zones.

522. No changes were recommended by Ms Easton to this provision.

MRZ-R8 Retirement Homes and Supported Residential Accommodation

523. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[205].

524. Ms Easton did not support the submissions[206] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

525. No changes were recommended by Ms Easton to this provision.

[202] S567.500 William McLaughlin, S558.451 C & J Coll, S566.451 Chris J Coll Surveying Limited, S574.451 Laura Coll McLaughlin
[203] S190.908, S450.258
[204] S567.501 William McLaughlin, S558.452 C & J Coll, S566.452 Chris J Coll Surveying Limited, S574.452 Laura Coll McLaughlin
[205] S190.909, S349.011, S450.259
[206] S567.502 William McLaughlin, S558.453 C & J Coll, S566.453 Chris J Coll Surveying Limited, S574.453 Laura Coll McLaughlin

MRZ-R9 Minor Structures not meeting Permitted Activity Standards

526. Ms Easton acknowledged the submission that sought to retain the rule as notified[207].

527. Ms Easton did not support the submissions[208] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

528. Ms Easton noted that due to earlier changes recommended to MRZ-R2, to focus on setbacks only, consequential amendments were recommended as follows:

> ***MRZ - R9 Minor Structures not meeting Rule MRZ - R2***
> ***Activity Status Controlled***
> *Where:*
>
> *1. The minor structure does not exceed 10m in height; and*
>
> *2. ~~All performance standards for Rule GRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
>
> ***Matters of control are:***
>
> *1. Design and location of structures; and*
>
> *2. Landscape measures.*
>
> ***Activity status where compliance not achieved:*** *Discretionary*

MRZ-R11 Development of Medium Density Developments

529. Ms Easton acknowledged the six submissions that sought to retain the rule as notified[209]. No changes were recommended by Ms Easton to this provision.

MRZ-R12 Community Facilities and Educational Facilities not meeting Rule MRZ-R7, Retirement Homes and Supported Residential Accommodation not meeting Rule MRZ-R8 and Retirement Villages

530. Ms Easton acknowledged the six submissions that sought to retain the rule as notified[210].

531. FENZ (S573.037) supported the rule subject to a new standard being provided in MRZ-R1 to require servicing, including a firefighting water supply. This was supported in part by Ms Easton, who noted that MRZ-R1 already required connection to a reticulated water supply system.

532. Ms Easton supported GDC's (S608.737) request to include "*the provision of infrastructure to service the development*" as an additional matter of discretion. She noted the significant additional demand on servicing that these facilities could generate.

533. The following changes were recommended by Ms Easton:

> ***MRZ - R12 Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages***

[207] S190.910
[208] S567.503 William McLaughlin, S558.454 C & J Coll, S566.454 Chris J Coll Surveying Limited, S574.454 Laura Coll McLaughlin
[209] S190.912, S558.456, S566.456, S567.505, S574.456, S608.736
[210] S190.913, S456.046, S558.457, S556.457, S567.506, S574.457

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. Landscape measures;

d. Hours of operation; ~~and~~

*e. Acoustic and noise insulation requirements; **and***

f. Provision of infrastructure to service the development

Notification:

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

***Activity status where compliance not achieved:** N/A*

MRZ-R13 Medium Density Housing not meeting Rule MRZ-R11

534. Ms Easton acknowledged the six submissions that sought to retain the rule as notified[211]. She made no recommended amendments to MRZ-R13.

MRZ-R14 Residential Visitor Accommodation not meeting Permitted Standards

535. Ms Easton acknowledged the submission that sought to retain the rule as notified[212].

536. Ms Easton did not support the submissions[213] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

537. Ms Easton recommended no changes to this rule.

MRZ-R15 Residential Activities, Residential Units, Relocated Buildings, Fences, Walls and Retaining Walls and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards

538. Ms Easton acknowledged the submission that sought to retain the rule as notified[214].

539. Ms Easton did not support submissions[215] that sought to delete clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met; or the request to change activity status to 'N/A' where compliance was not achieved. She considered these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

[211] S190.914, S558.458, S566.458, S567.507, S574.458, S608.738
[212] S190.915
[213] S567.508 William McLaughlin, S558.459 C & J Coll, S566.459 Chris J Coll Surveying Limited, S574.459 Laura Coll McLaughlin
[214] S190.916
[215] S567.509, S567.510 William McLaughlin, S558.460, S558.462 C & J Coll, S566.460, S566.462 Chris J Coll Surveying Limited, S574.460, S574.462 Laura Coll McLaughlin

540. In response to the submissions[216] that sought deletion of the reference to relocated buildings, Ms Easton did not support those submissions. She noted that the management and residential character were important considerations, including for relocated buildings.

541. In response to the submissions of Frank and Jo Dooley[217] and Frank O'Toole[218] that sought that fences, walls and retaining structures be removed from the rule and subject to a separate restricted discretionary rule, Ms Easton supported these submissions and agreed that Rule MRZ-R15 contained matters that were not relevant to these structures.

542. Ms Easton recommended no changes to MRZ-R15, but recommended the addition of the following new rule into the Plan:

> ***MRZ – RXX Fences, Walls and Retaining Structures not meeting Permitted Activity Standards***
> ***Activity Status Restricted Discretionary***
> ***Discretion is restricted to:***
> ***a. Design and location of structures***
> ***b. Height of structures***
> ***c. Shading and dominance effects on adjoining sites***

MRZ-R16 Home Business not meeting Rule MRZ-R6

543. Ms Easton acknowledged the submission that sought to retain the rule as notified[219].

544. In response to the submitters[220] seeking that standard 1, which requires the relevant NOISE and LIGHT permitted activity rules to be met, be deleted, and where compliance is not achieved, the activity status becomes N/A, Ms Easton did not support these submissions. Ms Easton considered that these rules apply to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

545. No changes were recommended by Ms Easton to this provision.

MRZ-R17 Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards

546. Ms Easton acknowledged the submission that sought to retain the rule as notified[221].

547. Ms Easton did not support submissions[222] that sought to delete clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met; or the request to change activity status to 'N/A' where compliance was not achieved and that Rule MRZ-R19 be deleted. She considered these rules applied to activities within a residential area and that home businesses should provide for a reasonable expectation in terms of minimum standards around noise and light.

548. No changes were recommended by Ms Easton to this provision.

[216] S567.018 William McLaughlin, S558.098 C & J Coll, S566.098 Chris J Coll Surveying Limited, S574.098 Laura Coll McLaughlin
[217] S478.033, S478.039 Frank and Jo Dooley
[218] S595.021, S595.027 Frank O'Toole
[219] S190.917
[220] S567.511, S567.512 William McLaughlin, S558.463, S558.464 C & J Coll, S566.463, S566.464 Chris J Coll Surveying Limited, S574.463, S574.464 Laura Coll McLaughlin
[221] S190.918
[222] S567.513, S567.514 William McLaughlin, S558.465, S558.466 C & J Coll, S566.465, S566.466 Chris J Coll Surveying Limited, S574.465, S574.466 Laura Coll McLaughlin

MRZ – R18 Visitor Accommodation not meeting Permitted, Restricted Discretionary or Discretionary Standards

549. Ms Easton acknowledged the submission that sought to retain the rule as notified[223].

550. In response to the submissions[224] that sought that the activity status be amended from non-complying to discretionary, Ms Easton did not support these submissions. She considered that the medium density residential zone was one where the primary purpose was around residential activities, and that while the framework was designed to allow for some commercial activities subject to meeting set standards, any failure to meet these standards would result in a high risk of adverse effects, and therefore that a non-complying status was appropriate.

551. No changes were recommended by Ms Easton to this rule.

MRZ – R19 Any Commercial Activity not meeting another Rule in the Zone

552. Ms Easton acknowledged the submission that sought to retain the rule as notified[225].

553. In response to the submissions[226] that sought that these activities be classified as a discretionary rather than non-complying activity, Ms Easton did not support these submissions. She considered that this zone was primarily for the purpose of residential use. Where the rules designed to provide for some commercial activities are not met, Ms Easton considered that there was a high risk of adverse effects and considered it appropriate that these were classified as non-complying.

554. No changes were recommended by Ms Easton to this rule.

MRZ – R20 Industrial Activities

555. Ms Easton acknowledged the submission that sought to retain the rule as notified[227]. No changes were recommended by Ms Easton.

MRZ – R21 Any Activity not provided for by another Rule in the zone

556. Ms Easton acknowledged the submission that sought to retain the rule as notified[228].

557. In response to the submissions[229] that sought that this rule be a discretionary rather than non-complying activity, Ms Easton did not support these submissions without further justification.

558. No changes were recommended by Ms Easton.

Hearing and Submitter Evidence/Statements

[223] S190.919
[224] S567.515 William McLaughlin, S558.467 C & J Coll, S566.467 Chris J Coll Surveying Limited, S574.467 Laura Coll McLaughlin
[225] S190.920
[226] S567.516 William McLaughlin, S558.468 C & J Coll, S566.468 Chris J Coll Surveying Limited, S574.468 Laura Coll McLaughlin
[227] S190.921
[228] S190.922
[229] S567.517 William McLaughlin, S558.469 C & J Coll, S566.469 Chris J Coll Surveying Limited, S574.469 Laura Coll McLaughlin

559. Ms Inta noted the differences between the structure and wording of similar rules between the GRZ and MRZ.

560. In response to Panel questions, Mr Bhana Thomson noted his evidence also of relevance to Rule MRZ-R4.

Reporting Officer Reply Evidence

561. The Right of Reply acknowledged that the recommended amendments to MRZ-R1 in response to the submissions of GDC and Waka Kotahi NZTA were not shown in Appendix 1 of the s42A Report and therefore included these in the Right of Reply as follows:

> ***MRZ-R1 Residential Activities and Residential Units and Accessory Buildings***
> ***Activity Status: Permitted***
>
> *1. …*
>
> *7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;*
>
> *8. ~~and s~~Stormwater ~~from the~~ is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and ~~used for the activity~~ must not drain to any public road ~~except for secondary flow purposes.~~*

562. In response to the evidence of NZ Heavy Haulage Association and subsequent questions from the Panel regarding GRZ-R4, Ms Easton considered that a pre-inspection schedule (new Appendix Eleven) should also be included in MRZ-R4.

563. In response to a question on GRZ-R5 on whether there was scope to apply the same restriction sought by BDC concerning the number of people engaged in a home business that reside off-site to equivalent rules MRZ – R5 or LLRZ – R5, Ms Easton did not consider there was scope to address this matter within these rules.

564. In response to the question regarding existing use rights on residential accommodation rule GRZ-R6, Ms Easton considered that a clause 16 amendment to the advice note for the rule, to avoid ambiguity, around lawfully established activities in Grey District, would be appropriate as follows:

> ***Advice Notes:***
> *1. …*
> *2. ~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights apply.*

565. With regard to Rule GRZ-R14 for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, Ms Easton considered whether there was scope to add the number of occupants or size of building to the matters of discretion. She concluded there was scope no scope to make this change to Rule MRZ-R14.

Hearing Panel's Evaluation

566. The Panel agrees with Ms Easton that there is no need to make any amendments arising from the submissions on the rules generally.

567. The Panel recommends consequential amendments to ensure consistency between equivalent rules in the GRZ and LLRZ, where appropriate. We also recommend amendments under RMA Schedule 1, clause 16 to fix errors, provide forconsequential renumbering of the rules and cross reference to reflect Panel recommendations on other chapters. We identify these consequential amendments and corrections in the footnotes included in our recommendation box below.

568. In relation to **MRZ-R1**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for a clause to be included, reference NZS4404:2010, to manage stormwater on-site, as well as the removal of the reference to "*secondary flow purposes*" in clause (6). We note that MRZ-R7 includes, in clause 2, simlar wording to clause 1. in this rule that we recommend amending as a consequential amendment so as to ensure consisentcey. We also recommend consequential amendments to be consistent with our recommendations on GRZ-R1 and LLRZ-R1, to include a reference to accessory buildings.

569. In relation to **MRZ-R2**, the Panel agrees with Ms Easton that the reference to the MRZ-R1 performance standards is inappropriate, as this rule relates to very minor structures, such as flagpoles, water tanks, garden ornaments, and sheds. Ms Easton therefore recommends that only the setback requirement be included, similar to the standard for the equivalent rule in GRZ-R2. Consequential amendments will also apply to MRZ-R9. We agree with that approach and amendment to those rules.

570. In relation to **MRZ-R3**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

571. In relation to **MRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

572. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

573. In relation to **MRZ-R5**, the Panel acknowledges Ms Easton's recommendation to retain the rule as notified, except for an amendment to provide greater clarity. However, we note that we have included a consequential amenmdnt stemming from BDC submission (538.479) to include a limit on employee numbers. Further, we also note that as a result of recommendations on the Transport Chapter in relation to trip generation that clause (4)

relating to traffic movement is to be deleted so as to avoid the potential for uncertainty between provisions.

574. In relation to **MRZ-R6**, the Panel notes WDC's request that the Westland District only provide for homestay accommodation as a permitted activity, being the same as the Buller District, but different from Grey District. Ms Easton supported this submission and considered that this reflects the primary concern relating to dwellings being converted to short-term visitor accommodation (e.g. Airbnb). We recommend changes for consistency with GRZ-R6 and LLRZ-R6 consistency.

575. In relation to **MRZ-R7**, the Panel notes Ms Easton's recommendation was to retain the rule as notified. However, as we record above, when discussing MRZ-R1, we recommend a consequential amendment to performance standard 2 in this rule to ensure consistency with MRZ-R1 regarding the inclusion of NZS4404:2010. We also note that, as a result of recommendations in the Transport Chapter in relation to trip generation, clause (2) relating to traffic movement is recommended to be deleted to avoid the potential for uncertainty between provisions.

576. In relation to **MRZ-R8**, **MRZ-R10 and MRZ-R11** the Panel accepts Ms Easton's recommendation to retain the rules as notified. However, we note that we recommend minor corrections to MRZ-R8. We also note in relation to MRZ-R10 and MRZ-R11 that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

577. In relation to **MRZ-R9,** Ms Easton noted that, due to earlier changes recommended to MRZ-R2 to focus on setbacks only, consequential amendments were required to this rule. The Panel accept Ms Easton's recommendation to make those consequential amendments. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

578. In relation to **MRZ-R12** the Panel agrees with Ms Easton's response to the submission of GDC that sought additional requirements to ensure that infrastructure is provided to service the development and that a further matter of discretion, "*the provision of infrastructure to service the development*" be added. Ms Easton supported that submission and noted the significant additional demand on servicing that these facilities could generate. We agree and support the rule amendment to include a new clause (f). We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

579. In relation to **MRZ-R13,** the Panel accepts in part the submission of GDC (S608.738) and recommends the addition of a clause to match the recommendation on MRZ-R12. We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

580. In relation to **MRZ-R14**, the Panel notes that Ms Easton did not specifically address GDC's (S608.739) to add "*the provision of infrastructure to service the development*" as a new matter of discretion to MRZ-R14. We recommend this new matter of discretion is appropriate and is consistent with Ms Easton's reasons and recommendation on MRZ-R12. We accept GDC's submission point (S608.739). We agree with Ms Easton that there is no scope to include number of occupants or size of building as new matters of discretion. We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

581. In relation to **MRZ-R15**, Ms Easton recommended no changes to MRZ-R15, but she did recommend the inclusion of a new restricted discretionary rule in the Plan providing for *Fences, Walls and Retaining Structures,* which we agree with**.** However, we also recommend that "*Fences, Walls and Retaining Structures*" is deleted from Rule MRZ-R15, as requested, in recognition of the new rule.

582. In relation to **MRZ-R16** to **MRZ-R20,** apart from minor integration issues, the Panel accepts Ms Easton's recommendation to retain the rules as notified.

583. The Panel acknowledges that **MRZ-R21** is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

Hearing Panel's Recommendation

584. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part and recommends the following amendments are made to the **Medium Density Residential Zone Rules**:

MRZ-R1	**Residential Activities and Residential Units and Accessory Buildings**[230] **Activity Status Permitted** Where: 1. Residential unit density is no more than **one**~~1~~[231] unit per 300m^2 net site area; 2. The maximum building height above ground level is 10m; 3. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm; 4. Maximum site coverage is 40%; 5. A minimum of 30m^2 of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**[232]; 6. No heavy vehicles are stored on site; 7. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and

[230] Consequential amendment Buller District Council S538.475
[231] RMA Schedule 1, clause 16 correction
[232] Davis Ogilvie & Partners Ltd S465.036

stormwater from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure**[233] ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; [234]

~~8~~**9**. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~

~~a. Road boundaries;~~

~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~[235]

~~d.~~ ~~**B**~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ [236] and

10. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that:

a. Duplexes do not require a setback from the side boundary of the other duplex unit; and

~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ [237]

Advice Notes:

1. Where a residential building or noise sensitive activity is located within:
i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or
iii. 40m of a Railway Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.
Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**[238]

Activity status where compliance not achieved:
Controlled where this is for Medium Density Housing and standards 1 - 4 are not complied with. Otherwise: Discretionary

[233] Waka Kotahi NZTA S450.255
[234] Grey District Council S608.733
[235] Buller District Council S538.475 [presume consequential amendment]
[236] Buller District Council S538.635
[237] [presume consequential amendment from S538.475]
[238] ~~Waka Kotahi NZTA S450.245~~[presume consequential amendment from S538.475]

MRZ-R2	**Minor Structures** **Activity Status Permitted** Where: 1. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**[239] 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m^2 and 2m in height. **Activity status where compliance not achieved**: Controlled
MRZ-R3	As notified
MRZ-R4	**Relocated Buildings** **Activity Status Permitted** Where: 1. All performance standards for Rule MRZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**,** ~~to be~~ and **used** as a dwelling; [240] 3. A building pre-inspection report **completed in accordance with Appendix Eleven**[241] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;[242] 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[243] **Activity status where compliance not achieved**: Controlled
MRZ-R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity;

[239] Consequential amendment Buller District Council S538.476
[240] New Zealand Heavy Haulage Association Inc. S616.006
[241] New Zealand Heavy Haulage Association Inc. S616.006
[242] William McLaughlin (S567.016, S567.498, S567.017 S567.504), Chris & Jan Coll (S558.076, S558.448, S558.087 S558.455), Chris J Coll Surveying Limited (S566.076, S566.448, S566.087 S566.455), Laura Coll McLaughlin (S574.076, S574.448, S574.087, S574.455)
[243] William McLaughlin (S567.016, S567.498, S567.017 S567.504), Chris & Jan Coll (S558.076, S558.448, S558.087 S558.455), Chris J Coll Surveying Limited (S566.076, S566.448, S566.087 S566.455), Laura Coll McLaughlin (S574.076, S574.448, S574.087, S574.455)

	2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**,[244] LIGHT - R3 and SIGN - R10 are complied with; 3. Hours of operation are limited to: a. 7am-7pm weekdays; and b. 8am - 5pm weekends and public holidays; c. Except where: i. The entire activity is located within a building; ii. Each person engaged in the activity outside the above hours resides permanently on site; and iii. There are no visitors, customers or deliveries to the activity outside of the above hours; 4. **There is no more than one full–time equivalent person engaged in the home business that resides off-site**.[245] ~~4. A maximum of 4 heavy vehicle movements per day and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~[246] 4. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and 5. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved**: Discretionary
MRZ-R6	**Residential Visitor Accommodation** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**,[247] LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~[248] paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the Council on request; 6. No heavy vehicle movements are generated; and 7. In the Buller **and Westland**[249] District**s** the accommodation is homestay accommodation with a permanent resident living on site. **Advice Notes**: 1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. 2. **Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and not discontinued for more than 12 months, then existing use rights may apply**.[250]

[244] RMA Schedule 1, clause 16 correction
[245] Consequential amendment stemming from Buller District Council (S538.479)
[246] Consequential amendment to the Transport Chapter, Buller District Council (S538.083)
[247] RMA Schedule 1, clause 16 correction
[248] RMA Schedule 1, clause 16 correction
[249] Westland District Council S181.039
[250] Consequential Westland District Council S181.039

	Activity status where compliance not achieved: Restricted Discretionary
MRZ-R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**,[251] LIGHT - R3 and SIGN - R10 are complied with; 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week **and compliance is achieved with TRN – R6**;and [252] 3. Any buildings must be connected to the community water supply and wastewater networks and stormwater from the site used for the activity from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** [253] ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; [254]; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**,[255] LIGHT - R3 and SIGN - R10 are complied with; 2. There are a maximum of **six**~~6~~[256] residents living on site; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R9	**Minor Structures not meeting Rule MRZ - R2** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**. [257] **Matters of control are:** 1. Design and location of structures; and 2. ~~Landscape measures.~~**Measures to mitigate landscape effects**. [258]

[251] RMA Schedule 1, clause 16 correction
[252] Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083
[253] Consequential amendment to Waka Kotahi NZTA S450.255
[254] Consequential amendment to Grey District Council S608.733
[255] RMA Schedule 1, clause 16 correction
[256] RMA Schedule 1, clause 16 correction
[257] Consequential amendment Buller District Council S538.476
[258] Consequential Plan-wide amendment Manawa Energy Limited S438.100

Activity status where compliance not achieved: Discretionary

MRZ-R10 **Relocated Buildings not meeting Rule MRZ - R4**
Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;
b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[259]
c. Connections to water supply, wastewater and stormwater; and
d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

MRZ-R11 **Development of Medium Density Developments**
Activity Status Controlled

Where:

1. These do not meet the MRZ - 1 performance standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. The maximum height is 12.5m;
3. Residential unit density is no more than 1 unit per 200m^2 net site area;
4. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
5. Maximum building coverage is 50%.

Matters of control are:

a. Provision of infrastructure to service the development;
b. Design and location of parking and access;
c. Design and location of buildings and compliance with the Medium Density Housing Design guidelines in Appendix Three; and
d. ~~Landscape measures~~ **Measures to mitigate landscape effects**.[260]

Activity status where compliance not achieved: Restricted Discretionary

MRZ-R12 **Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages**
Activity Status Restricted Discretionary
Discretion is restricted to:
a. Design and location of buildings;
b. Design and location of parking and access;
c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; [261]
d. Hours of operation; ~~and~~[262]

[259] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[260] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[261] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[262] RMA Schedule 1, clause 16 correction

	e. Acoustic and noise insulation requirements; **and** **f. Provision of infrastructure to service the development.**[263] **Notification**: Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified. **Activity status where compliance not achieved:** N/A
MRZ-R13	**Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** **Discretion is restricted to:** Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**;[264] d. Hours of operation; ~~and~~[265] e. Acoustic and noise insulation requirements; **and** **f. Provision of infrastructure to service the development.**
MRZ-R14	**Residential Visitor Accommodation not meeting Rule MRZ - R6** **Activity Status Restricted Discretionary** Where: a. This is ancillary to a residential activity; b. No heavy vehicle movements are generated; and c. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**,[266] LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** 1. Design and location of buildings; 2. Design and location of parking and access; 3. ~~Landscape measures.~~**Measures to mitigate landscape effects;**[267] 4. Hours of operation; and 5. Acoustic and noise insulation requirements; **and** **6. Provision of infrastructure to service the development.**[268] **Activity status where compliance not achieved:** Discretionary
MRZ-R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;**

[263] Grey District Council S608.737
[264] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[265] RMA Schedule 1, clause 16 correction
[266] RMA Schedule 1, clause 16 correction
[267] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[268] Grey District Council S608.739

	b. Height of structures; and **c. Shading and dominance effects on adjoining sites.** [269]
MRZ-R15	**Residential Activities, Residential Units~~, Fences, Walls and Retaining Walls, Relocated Buildings~~**[270] **and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards.** **Activity Status Discretionary** Where: a. All performance standards for Rules NOISE R1-R2 and R4**5**[271] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R16	**Home Business not meeting Rule MRZ - R5** **Activity Status Discretionary** Where: a. This is ancillary to a Residential Activity; and b. All performance standards for Rules NOISE R1-R2 and R4**5**[272] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R17	As notified
MRZ-R18	As notified
MRZ-R19	As notified
MRZ-R20	As notified
MRZ-R21	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved**: N/A[273]

2.8. Zoning Maps

Submissions and Further Submissions

Zoning Maps – Buller District – Alma Road Zoning

585. Sixty-five submission points and 48 further submission relating to the Zoning Maps for the Alma Road zoning were summarised in the Table on pages 98-105 of the s42A Report.

586. Seven submitters sought specific zone changes for residential purposes. The remainder of the submissions sought to have that particular land zoned or retained as general rural. The

[269] Frank and Jo Dooley S478.039, Frank O'Toole S595.027
[270] Frank and Jo Dooley S478.033, Frank O'Toole S595.021
[271] RMA Schedule 1, clause 16 correction
[272] RMA Schedule 1, clause 16 correction
[273] William McLaughlin (S567.517), Chris & Jan Coll (S558.469), Chris J Coll Surveying Limited (S566.469), Laura Coll McLaughlin (S574.469)

further submissions included a mix of support and opposition to submissions on the proposed zoning as notified.

Zoning Maps – Buller District – Wider Westport Zoning

587. Fifteen submission points relating to the Zoning Maps for the Wider Westport Area were summarised in the Table on pages 105-107 of the s42A Report. Twelve submission points were in support of specific zonings as notified. Three submissions sought amendments.

Zoning Maps – Buller District – Reefton Zoning

588. Two submission points relating to the Zoning Maps for Reefton area were summarised in the Table on page 107 of the s42A Report. One submission point was in opposition, while the other sought amendments.

Zoning Maps – Grey District – Greymouth Area

589. Three submission points and two further submissions relating to the Zoning Maps for the Greymouth area were summarised in the Table on pages 107 of the s42A Report. All three submission points sought amendments, with one further submission in support and the other in opposition.

Zoning Maps – Grey District – Kaiata Park

590. Three submission points relating to the Zoning Maps for the Kaiata Park area were summarised in the Table on page 107 of the s42A Report. All three submission points sought amendments.

Zoning Maps – Westland District – Hokitika Area

591. Thirteen submission points relating to the Zoning Maps for the Hokitika Area were summarised in the Table on pages 107-108 of the s42A Report. Four submissions were in opposition to specific zonings, three were in support of specific zonings, while the remainder sought amendments.

Zoning Maps – Other Zoning Requests

592. Two submission points and one further submission relating to the Zoning Maps for other areas were summarised in the Table on page 108 of the s42A Report. The two submission points seek amendments, with one further submitter supporting one of the submissions.

593. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions

Section 42A Report

Zoning Maps – Buller District – Alma Road Zoning

594. The 65 submission points in related to the Alma Road Terrace zoning sought a range of outcomes.

595. Ms Easton set out the context for rezoning of this area, noting that BDC had long considered this site for residential development and long-term growth direction for Westport given that the terrace was largely free from natural hazard risk. Ms Easton noted that because Westport was subject to significant flooding in 2019, planning for infrastructure servicing on the terrace had been undertaken.

596. Due to master planning and infrastructure work not being complete prior to the TTPP notification, Ms Easton noted that the zone boundaries for Alma Road were not finalised and that more information was expected to come forward from BDC during the submission period. She highlighted that BDC's submission sought alterations to the proposed zoning. She noted that in addition to the submission of BDC, many other submissions sought various zoning changes. These are outlined in more detail in a Table located in the s42A Report on pages 111-113.

597. Ms Easton identified three main groups of submitters: 'The Avery Group', 'The Rifle Range Group', 'The BDC, TTPP Committee' and other landowners in favour of urban development on the Alma Road Terrace Group.

598. Ms Easton noted The Avery Group represented the owners of the quarry at Alma Road, who had cited concerns that the quarry's operation could be impacted by reverse sensitivity effects as the reason for not supporting any rezoning of the Alma Road Terrace for urban uses.

599. Ms Easton noted The Rifle Range Group represented gun clubs and users of the range who were concerned about reverse sensitivity effects on the rifle range if urban uses were to occur in the area but do not oppose urban development *per se* if this could be addressed.

600. Ms Easton noted The BDC, TTPP Committee, and other landowner groups generally acknowledge the existing uses in the area but considered that providing a safe, low-hazard location for residential development and progressive managed retreat was now the highest priority for this land.

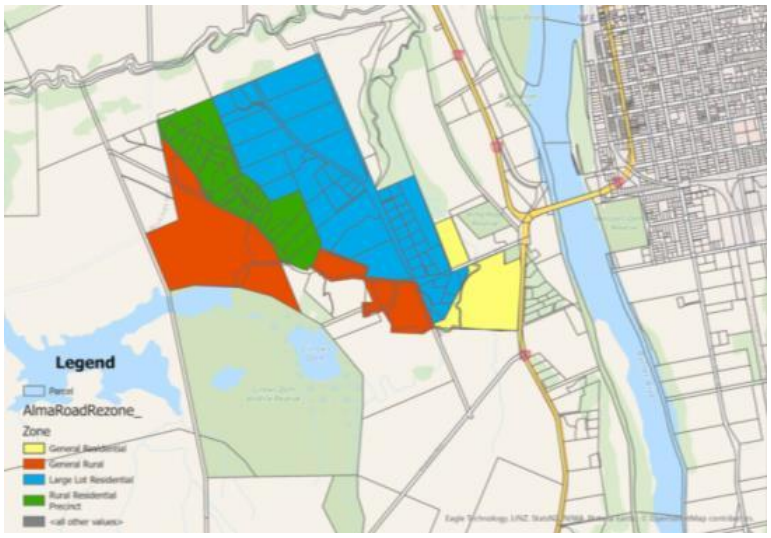
601. Following a pre-hearing meeting on 21 May 2024, for any submitters who wished to attend, BDC proposed additional amendments to address the range of submission points, while still enabling the development of part of the Alma Road terrace. Reverse sensitivity effects to noise were identified as the principal concern of the Rifle Range Group, and a technical noise assessment was considered necessary to understand the impact of any rezoning. BDC provided an agreement stating that the land between the rifle range and Gillows Dam should remain rural at this time.

602. The amended zoning sought by BDC following this pre-hearing meeting was set out by Ms Easton in her s42A Report as follows:

Notified Zoning Map



Proposed Rezoning Map (Proposed by BDC)



603. Ms Easton supported BDC's amended proposal and considered it had taken a pragmatic approach to addressing landowner concerns while also addressing the critical housing needs of Westport.

604. As a result, Ms Easton recommended to accept, accept in part, reject and reject in part, the various submissions as they related to the amended zoning map provided above. A table of these recommendations, which can also be found on pages 114-117 of the s42A Report of Ms Easton is provided below:

Submission	How the Buller District Council amended zoning Proposal Addresses This	Recommendation And Scope Comment
Retain General Rural Zone at 107 Alma Road S507.074 S558.495 S567.540 S574.495 S510.074 S512.074 S511.074 S513.074 S609.066 S508.074 S509.074	Retains General Rural Zone at 107 Alma Road	Accept In Scope
Retain General Rural Zone at Lot 1 DP 17523 (103 Alma Road_ S558.496 S566.496 S567.541 S574.496	Retains General Rural Zone at 103 Alma Road	Accept In Scope

S507.075 S510.075 S513.075 S512.075 S509.067 S511.075 S508.075 S509.075		
Retain General Rural Zone at the land between the quarry and Pakiihi Road (Lot 2 DP 404550, Lot 2 DP 418652 and Pt Section 24 Blk VII Kawatiri SD) S507.076 S512.076 S511.076 S508.076 S510.076 S509.076 S513.076 S574.497 S567.542 S566.497 S558.497 S336.005 S457.002 S330.001 S457.006 S263.001 S336.006 S336.007	Retains General Rural Zone on these three properties	Accept In scope
Ensure that there is sufficient buffer around the Westport rifle range to allow the existing use of the rifle range to continue without bring new developments in the area into dispute with current operations, particularly with regard to noise. S338.001	Uncertain without noise report	Accept in part. I consider the General Rural Zoning around the rifle range provides sufficient buffer.
Rezone Lot 2 DP 418652 Lot 2 DP 404550 Part Section 24 Block VII Kawatiri	Retains these sites as General Rural Zone	Reject In scope

residential or rural lifestyle		
Address the issues raised in the submission around drainage and land covenants if rezoning of Alma Road area is to go ahead. S87.001	Infrastructure servicing has informed the revised zoning approach from Buller District Council. Land covenants are a civil matter that sit outside of the RMA.	Accept in part In scope
Amend General Residential Zoning in the Alma Road area to a lower density zone such as General Rural Zone or Rural Lifestyle Zone. 510.072 S511.072 S512.072 S513.072 S567.453 S609.064 S507.072 S508.072 S509.072 S558.399 S566.399	The Buller District Council proposal identifies that: • the area around the quarry is rezoned General Rural, • the area around Alma Road that has already been subdivided to lifestyle properties is rezoned Settlement Zone: Rural Residential Precinct, and • the McPadden Road area is rezoned Large Lot Residential Zone. This is a significant reduction in density from the notified plan provisions, though is not to the degree sought by these submitters.	Accept in part In scope

SD General Residential Zone S171.002 S538.528		
Retain General Residential Zone at 5/153 Alma Road 193.001	Proposes this site as General Rural Zone	Reject In scope due to other submissions seeking a return to General Rural Zone
Rezone 103 Alma Road from Commercial to Residential 165.001	Proposes this site as General Rural Zone	Reject. In scope due to other submissions seeking a return to General Rural Zone
Rezone the proposed commercial zone designated at Alma Road, Westport to General Rural Zone 358.005	Proposes this site as General Rural Zone	Accept In scope
Remove the commercial zone from the property at 20 Gillows Dam Rd. 475.001	Proposes this site as General Rural Zone	Accept In scope
Change the zoning over 103 Alma Road and 20 Gillows Dam Road from Commercial to General Residential Zone 538.407	Proposes this site as General Rural Zone	Reject In scope due to other submissions seeking a return to General Rural Zone
Rezone the land to the west of Buller Road between Alma Road and the Crossroads to General Residential Zone 358.002	Proposes this site as General Rural Zone	Reject In scope
To keep buildings at least 300 meters from Pakihi Road and to note ALL land titles that there is an active existing rifle range on Pakihi Road which is an approved activity.	N/A – not a zoning matter – is existing rifle range protection area	Reject In scope
Zone 141 Alma Road(Lot 2 DP362094 Blk IV Steeples SD) either	Retains this site as General Rural Zone	Reject In scope

Zoning Maps – Buller District – Wider Westport Zoning

605. Ms Eason acknowledged the submissions[274] that supported the zoning of specific properties within Westport as notified.

606. In response to the submission of The O'Connor Institute Trust Board (S466.002) and Frank and Jo Dooley (S478.045) that sought that Stafford Street beside the O'Connor Home was rezoned from General Rural Zone to GRZ, Ms Easton supported these submissions and noted that the general principle in the Plan was that the zone is the same as the adjacent land. She noted that where the zone differs on one side of the road from the other, the zone would change at the road centreline. In this circumstance, she confirmed the adjacent zoning was GRZ on one side and Special Purpose Hospital Zone on the other. Ms Easton considered that the rezoning to GRZ was a practical and pragmatic zoning in this situation.

607. In response to the submission of Paul Finlay (408.006) that sought that the zoning provided for cadastral and subdivision planning, including servicing, Ms Easton supported the submission. She noted that a 30-year Infrastructure Strategy and Master Planning exercise was currently underway for Westport, which would address this strategic planning issue outside the Plan.

608. Ms Easton made the following recommendations in response to these submissions.

Rezone the identified area of Stafford Street from General Rural to General Residential Zone.



Zoning Maps – Buller District – Reefton Zoning

609. Paul Finlay (S408.005) also sought a non-specific area of growth in Reefton be provided generally in the Butts and Crampton Road area. Ms Easton did not support this submission and considered that there was sufficient infill and rezoned development land provided for Reefton within the Plan, as well as a greenfield development area around Wicken Place/Conlon Street and Buller Road. She considered this zoning sufficient to meet the additional residential growth needs of Reefton beyond the life of the Plan.

610. In response to the submission by BDC that sought the rezoning of four Neighbourhood Centre Zones (NCZ) to GRZ, Ms Easton supported this submission. She noted that, prior to the TTPP, these sites were all zoned for residential use. She considered spot zoning was not appropriate

[274] S507.071 Leonie Avery, S509.071 Kyle Avery, S508.071 Jared Avery, S510.071 Avery Bros, S511.071 Bradshaw Farms, S512.071 Paul Avery, S513.071 Brett Avery, S609.063 Avery Brothers, S558.398 Chris and Jan Coll, S566.398 Chris J Coll Surveying Limited, S574.398 Laura Coll McLaughlin.

in these locations, where limited demand has been identified for small commercial premises outside the town centre of Reefton.

611. Ms Easton made the following recommendations in response to these submissions:

Rezone the land with red dots from Neighbourhood Centre Zone to General Residential Zone



Zoning Maps – Grey District – Greymouth Area

612. Kim Scrivener (S5.001) requested the property at 2 Sturge Street, Cobden, be rezoned back to General Rural Zone from the proposed GRZ. Ms Easton noted that this land was proposed to be rezoned to GRZ to provide for the growth of Cobden because it was contiguous with the surrounding residential community. She noted that there was no obligation on the current landowners to develop the land but that its rezoning was advantageous in that it was a large land block on a terrace outside the coastal and flood hazard overlay areas. For this reason, Ms Easton did not support this submission.

613. Paul Finlay (S408.003) sought the rezoning of a section of Rural Lifestyle Zone to provide for increased subdivision potential. Ms Easton did not support that submission because the land was not contiguous with Cobden or other more developed areas.

614. Scoped Planning and Design Limited (S617.001) sought to rezone five parcels of land from Future Urban Zone (**FUZ**) to Large Lot Residential Zone (**LLRZ**) on Glen Road, Greymouth. Ms Easton did not support this submission and noted that this land was zoned FUZ because there was not sufficient infrastructure capacity for this area at present. She noted that the site was also subject to an instability overlay and, therefore, would require further consideration of this factor to determine what a suitable alternative zone would be.

615. Ms Easton did not recommend any changes as a result of these submissions.

Zoning Maps – Grey District – Kaiata Park

616. Ball Developments Ltd (S453.002, S453.003, S453.006) requested a range of amendments to the zoning of land at Kaiata Park to reflect their proposed subdivision plan for the area. Ms Easton supported this submission in part concerning changes to Open Space Zone (OSZ) within the Park. However, she noted those changes had been more specifically addressed under the OSZ Chapter. Ms Easton did not support changes that sought a reduction in the Commercial Mixed Use Zone or the conversion from Commercial and Light Industrial Zones to GRZ. She considered these zones were intended to mitigate the potential for reverse sensitivity effects by providing a buffer between the GRZ and the General Industrial Zone (GIZ).

617. Ms Easton did not make any recommended changes beyond those addressed under the Open Space Zone as referenced above.

Zoning Maps – Westland District – Hokitika Area

618. Westland Milk Products (S63.001) supported the General Industrial Zone for their manufacturing plant and the GRZ for 14, 41, 43, 51, and 59 Livingstone Street.

619. Ms Easton supported Paul Finlay's (S408.004) request to provide for the former racecourse and Seaview mental institution sites to be rezoned for residential purposes. She noted that both areas had been rezoned in the Plan for residential development.

620. Silver Fern Farms (S441.071, S441.062) sought the GRZ be removed from land adjacent to the Hokitika Silver Fern Farms site to avoid reverse sensitivity effects. Ms Easton shared this concern but noted that the consents for subdivision of this adjoining land for residential properties had already occurred, with roads built and houses under construction. She considered changing the proposed GRZ to General Rural Zone, as requested by the submitter, would be inappropriate given it was now subdivided and sold for residential development at urban densities. However, for the lots that had not been consented to full residential densities, she recommended changing the proposed zoning from GRZ to Rural Lifestyle Zone to reduce the risk of further potential reverse sensitivity effects.

621. Ms Easton did not support submissions[275] that sought land along Revell Street be changed from MRZ to GRZ due to concerns about coastal erosion in this area. She referred to the coastal natural hazard overlays mapped in the area. She noted that the modelling work undertaken by NIWA concerning these hazards did not indicate that the properties zoned MRZ would be affected by these hazards. However, she did acknowledge that some of the properties proposed to be MRZ had existing building encroachments beyond their legal title boundaries and within the coastal esplanade reserve, which may contribute to the impression that the properties were subject to a higher degree of risk than indicated in the hazard overlays. In response to Panel questions, she did not know why this part of Revell St and only one side had been rezoned MRZ. She said there was no information to support why Westland District Council had identified this area.

622. Clare Backes (S444.018) requested that the Plan acknowledge the flooding potential in Hokitika, stop further building along the coastal strip, and encourage managed retreat. Ms Easton did not support this submission. She noted that the Plan included several different

[275] S617.010 Scoped Planning and Design Ltd, S462.007 Inger Perkins, S473.017 Katherine Gilbert, S462.032 Inger Perkins, S195.001 Lois Meldrum, S267.001 Karyn Davis, S268.001 Michael Anderson, S424.001 Noeline Pullan

hazard overlays across various parts of Hokitika, which significantly restrict development in these areas. She also referred to policies in the Plan that supported managed retreat and noted that existing use rights could not be extinguished through the Plan.

623. Ms Easton made the following recommendations in response to these submissions.

Rezone the land with red dots from General Residential to Rural Lifestyle Zone.



Zoning Maps – Other Zoning Requests

624. Ms Easton supported in part WCRC's (S488.023 and S488.024) request for the Regional Council be party to the refinement of greenfield areas of the TTPP to ensure sites were efficient, effective and useable, and were appropriately serviced. She noted that the primary concern of this submitter related to the impact of earthworks and stormwater management. She highlighted several amendments recommended to provisions concerning stormwater management, including the requirement that this management be in accordance with NZS 4404:2010 and that stormwater be controlled within a site as part of any earthwork activities, in accordance with Rule EW-R1.

625. Lynley Hargreaves (S481.023) requested that there be no rezoning of any areas unless the rezoning approach had been subject to public consultation. Ms Easton supported this submission and outlined the consultation that was undertaken for proposed areas to be rezoned, including through the draft plan consultation process.

626. Ms Easton made no recommendations to amend the zoning maps rules in response to these submissions.

Hearing and Submitter Evidence/Statements

627. Concerning Zoning Maps – Buller District – Alma Road Zoning, the Panel heard from Ms McKenzie, planner, on behalf of the Westport Pistol Club, Westport Rifle Club Inc., and Mr Chris Hartigan. Ms McKenize provided details on the location and nature of activities at the

Westport Rifle Club and Pistol Club. She outlined the relevant regulatory framework currently applicable to the activity, including a Rifle Range Protection Area. Ms McKenzie considered that there was potential for reverse sensitivity effects in the rezoning proposed in the notified TTPP, as well as additional rezoning sought by submitters, including both BDC and WCRC. Ms McKenize was concerned with a lack of information and evidence to support the rezoning, in particular a noise evaluation to determine the extent of the noise profile and the effect on future residents.

628. Ms McKenzie also discussed the pre-hearing meeting held on 21 May 2024, whereby BDC tabled a revised zoning proposal. She noted that the revised proposal showed that BDC were no longer pursuing residential zoning directly adjacent to the Westport Rifle Range, but that the most intensive residential zoning proposed was still within 250m of the Rifle Range. Ms McKenzie was of the view that the additional areas sought to be rezoned through submissions (i.e. those adjacent to the rifle range) should remain General Rural Zone. Regarding the proposed residential zoning at Alma Road, Ms McKenzie considered that further noise analysis was required to ensure suitable provisions were included, which she considered should be incorporated into the Noise Chapter of the TTPP and essentially provided a buffer around the rifle range.

629. The Panel heard from the BDC, which was represented by Mr Barr, planner, and Ms Inwood, also a planner. Ms Inwood produced a written preliminary noise assessment (dated 14 June, 2024) and a supplementary written statement (dated 31 July 2024), both prepared at her request by Mr Farren, an acoustic expert, with Marshall Day Acoustic Consultants.

630. The preliminary noise assessment considered the shooting noise from the existing Rifle Range in relation to the proposed rezoned residential boundaries at Alma Road and provided three noise contours based on preliminary shooting noise, which were set at 50 dB LAFMax, 55 dB LAFMax, and 60 dB LAFMax. As a guide, Ms Inwood considered that gunshot noise levels in the range of 50-55db LAFMax were appropriate for residential amenity. However, she noted an advisory note may be appropriate to inform new residents that shooting noise will be audible. Between 55-60 dBLAFMax, Ms Inwood noted that some consideration of noise mitigation for new dwellings and their outdoor areas was deemed appropriate, while new residential development should be discouraged where noise levels will exceed 60 dBLAFMax. Ms Inwood also noted that if the noise contours were to be adopted by the Council, then actual measurements on site would be required to refine the contour extents.

631. The supplementary assessment, prepared by Mr Farren provided revised noise modelling with detailed terrain data. As a result of the updated assessment, an adjustment had been made to the 55 dB LAFMax contour that crossed the Alma Road land compared to the preliminary assessment. Mr Barr outlined the proposed rezoning that BDC now sought following consideration of submissions and noise information provided by Marshall Day. He noted that this rezoning would provide for a mix of GRZ, LLRZ, and Settlement Zone – Precinct 4 zoning. He stated that this could provide for approximately 605 residential units in an area that was not vulnerable to severe flooding, and one that BDC plans to service with water and wastewater infrastructure. Mr Barr also considered that the proposed rezoning would alleviate at least some of the concerns of submitters regarding Alma Road.

632. Mr Barr referred to the noise assessment prepared by Mr Farren, which identified the noise characteristics and nature, as well as the scale of activities from the Rifle Range. The assessment modelled the estimated noise and identified three sound level areas as noise contours. Mr Barr considered that the estimated sound levels modelled by Mr Farren could

be managed through rules in the TTPP so that new sensitive activities within the proposed GRZ and LLRZ could be appropriately managed. Mr Barr considered that the most efficient way to achieve this was through amendments to the rules in the Noise Chapter, with an additional matter of discretion added to the Subdivision Chapter, which could serve to provide further opportunities for site-specific mitigation as necessary. With this considered, Mr Barr concluded the proposed rezoning was appropriate and would not lead to any incompatibility issues between the Rifle Range and future residential activity within the proposed GRZ and LLRZ.

633. Mr Barr also addressed the existing Avery Brothers Quarry located at 107 Alma Road. He noted that the proposed rezoning, which sought to retain all properties located between the quarry as General Rural Zone as opposed to GRZ, had alleviated the concerns of those submitters.

634. Overall, Mr Barr considered the change in amenity and character as a result of the proposed rezoning would not be inappropriate and that the provision of acoustic attenuation rules for new housing within the influence of the Rifle Range would address compatibility effects. He also confirmed that the retention of the GRUZ land adjacent to the Avery quarry would provide an appropriate buffer.

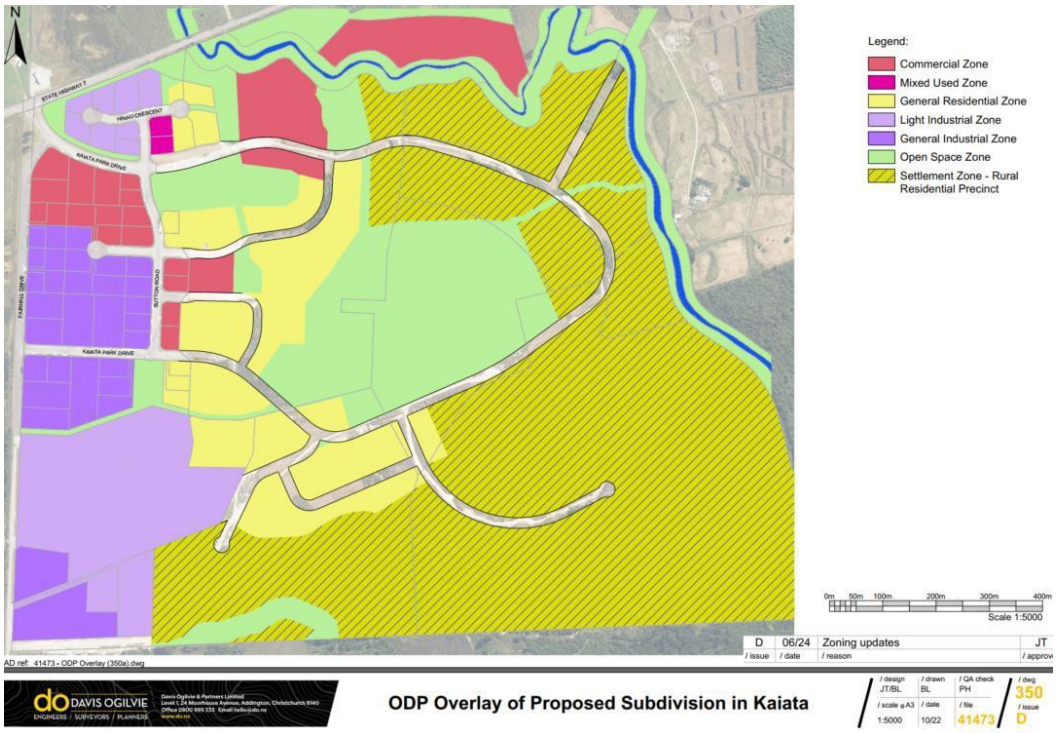
635. The Panel issued direction via Minute #34 on 22 July 2024 following the Residential and Special Purpose Zones hearing. This minute acknowledged that several parties sought to provide further information to the Panel following the hearing. Further information was received from BDC on 16 August 2024, regarding the proposed rezoning at the Alma Road site. This information included details on flood risk, consideration of alternative sites, any further discussions or agreements between the submitters and the Council, and whether the Council wished to withdraw the part of their submission that sought to rezone land beyond the updated and refined proposed rezoning map presented at the hearing.

636. Regarding Zoning Maps – Grey District – Greymouth Area, the Panel heard from Mr Glen and Ms Kim Scrivener, who outlined the success of their property for use as an Airbnb farm stay accommodation and reiterated their opposition to the proposed rezoning of their land from General Rural Zone to GRZ in the Plan. Ms Scrivener considered that their land would be tricky to subdivide or undertake urban development on due to limited access and natural hazards (land instability). She considered that Rural Lifestyle Zone would be more appropriate, taking into account the circumstances. Ms Scrivener also raised concerns around the potential for rates to increase on the property due to the rezoning. They provided photographs of the site to support their submission.

637. Regarding the Zoning Maps – Grey District – Kaiata Park, a statement of evidence was provided by Ms Hadfield, which included an updated Outline Development Plan (ODP) zoning overlay for Kaiata Park. The updated plan included amendments to the roading layout, as well as to the Open Space, General Industrial, Light Industrial, Commercial, Mixed Use, General Residential, and Small Settlement Zoning – Rural Residential Precinct. In particular, the GRZ area had been amended to a smaller area to reduce the area within Kaiata Park where reticulated services were required and to provide a larger area of Open Space Zone, as well as increases in the Settlement Zone – Rural Residential Precinct where onsite servicing had been indicated.

638. In response to the matters raised in the s42A Report, Ms Hadfield also noted that she considered that adequate buffers between residential and industrial land uses had now been

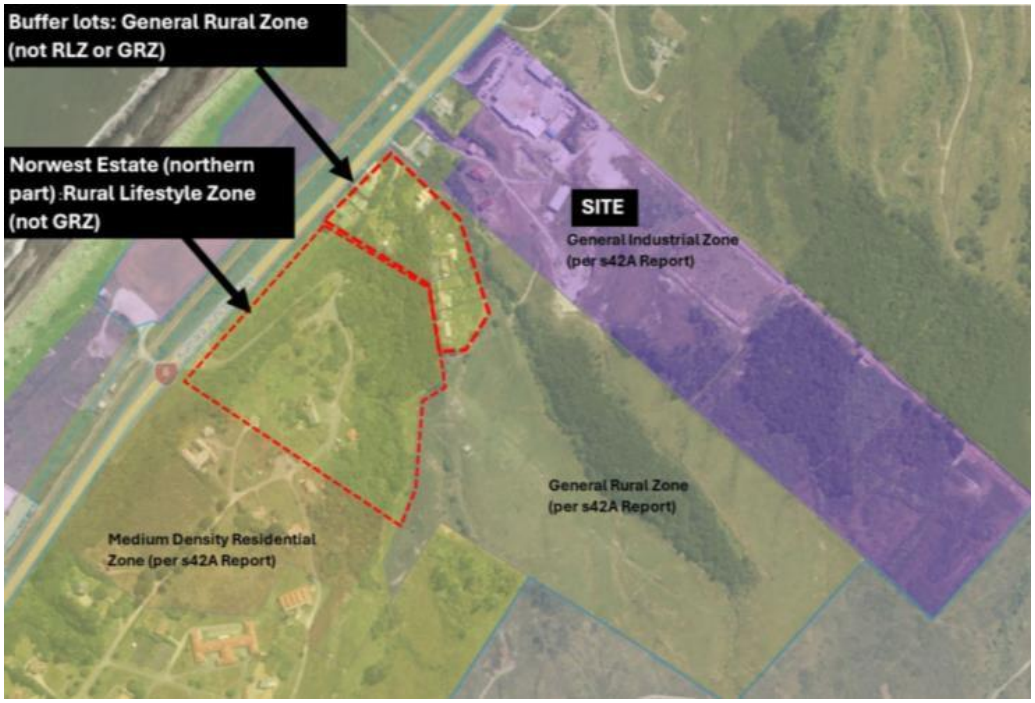
provided in the updated ODP. The updated Kaiata Park ODP presented by Ms Hadfield is provided below:



639. In relation to Zoning Maps – Westland District – Hokitika Area, statements of evidence were provided by Mr Humpheson, acoustics, and Mr Tuck, planning, on behalf of Silver Fern Farms.

640. From a planning perspective, Mr Tuck did not support the recommendation in the s42A Report to rezone land adjacent to the Silver Fern Farms Hokitika site, known as the Norwest Estate site, to a mix of GRZ and RLZ. He considered these rezonings presented a risk of reverse sensitivity effects that would affect the Silver Fern Farms industrial site. He also considered the rezoning may result in the perception of a high level of amenity being warranted and available in the context, which presented a risk of constraining Silver Fern Farms' ability to operate as envisaged by the GIZ and the resource consents that regulate the site.

641. Mr Tuck noted the resource consents issued for the adjoining site to the Silver Fern Farms site were issued in the context of the current rural zoning and that consenting and development of the adjoining land did not demand retrospective legitimisation by rezoning to a residential zone. He recommended an amended zone configuration, which would involve rezoning the Norwest Estate site to a mix of General Rural Zone and RLZ as set out below:



642. The acoustic evidence of Mr Humpheson focused on residential amenity expectations from a noise perspective. He considered that reverse sensitivity effects were likely to occur from more dwellings being permitted and more future occupants being exposed to noise from the Silver Fern Farms site. He also considered that the outdoor noise level of residential zones was overly permissive and would be sufficient to interfere with speech and communication, while the WHO-recommended internal noise levels would also be exceeded through an open window at residential dwellings. Mr Humpheson noted that even if the Silver Fern Farms site was fully compliant with the TTPP noise rules, the expectation of noise amenity in residential environments was still likely to lead to reverse sensitivity issues that may constrain site operations.

643. Mr Humpheson therefore recommended the provision of a buffer zone between the GIZ and Residential zones, of approximately 100m in width, with light industrial or rural zoned land being suitable for the buffer zone area. Alternatively, he considered that, should the residential zoning remain, additional acoustic requirements should be introduced, which could include acoustic insulation requirements, or the use of "no complaints" covenants on lot titles.

644. Ms Inger Perkins provided a statement opposing the proposed MRZ on the seaside of Revell Street and requested it be zoned GRZ like the rest of the town. She noted that WCRC was behind other councils in its consideration of the risk of climate change and needed to plan for protection from storms, storm surge and sea level rise. She considered the intensification of housing beside the sea should not be an option and that allowing medium density housing on the seaward side of Revell Street was "frankly bonkers". She also considered medium density housing (up to 10m high) would be at odds with the amenity and character of the existing low single storey housing.

Reporting Officer Reply Evidence

645. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing.

646. Regarding the **Zoning Maps – Alma Road Zoning**, Ms Easton retained her view expressed in the s42A Report, which was that she supported the updated rezoning proposal presented by Mr Barr on behalf of BDC. She considered that there was a need for some acoustic management provisions within the 55 dBLAMax contour, which would be addressed in the Noise Chapter of the Plan.

647. The Panel asked Ms Easton whether she could provide a joint view from the s42A authors on the rezoning and noise issues at Alma Road regarding the Rifle Range. Given that the noise hearing had not commenced at the time of the residential hearing, it was agreed by the respective s42A Reporting Officers that this joint position would be provided after the Noise Chapter hearing.

648. A joint Right of Reply statement was provided to the Panel on 24 September 2024 following the noise hearing. This confirmed that a joint witness statement (**JWS**) was prepared by the relevant s42A Reporting Officers for the residential and noise topics, BDC, Westport Pistol Club, Mr Hartigan, and Westport Rifle Club Incorporated, in relation to the provisions and mapping associated with the Westport Rifle Range noise overlay. This JWS confirmed agreement as they related to provisions of the Noise and Subdivision chapters, as well as the planning maps to reflect the Rifle Range Noise Overlay. It was also confirmed BDC had formally withdrawn its original submission seeking to rezone land adjacent to the Rifle Range for residential zoning.

649. No further recommendations were made by Ms Easton to the Zoning Maps – Buller District – Alma Road Zoning.

650. Regarding **Zoning Maps – Grey District – Greymouth Area**, Ms Easton considered the evidence of Ms Scrivener further. Regarding the land instability issue raised, Ms Easton noted that the land instability overlay was mapped at a regional scale based on the adjacent Elizabeth Range, rather than considering the past use and filling on the site from its previous use as sports grounds. In terms of the demand for residential land at Cobden, she agreed that at present, demand was low but was of the view that, due to the significant coastal and flood hazard overlays that sit across the low-lying area of Cobden, that overtime this could have significant effects on the ability for infill development to occur. In terms of the potential for rates to increase, Ms Easton was unable to comment on the specific implications for this site, other than to acknowledge that the value of a property often increased when it was rezoned, which can have an impact on rates. Overall, Ms Easton considered the property was likely to be important for the future development of Cobden but agreed that parts of the property were unlikely to be developable. Given that there was no strong pressure for development in this location and considering the detailed work that WCRC was continuing to undertake on land instability hazards, Ms Easton considers it was possible to leave this property as General Rural Zone and reconsider it at the time of the next Plan review.

651. In relation to the **Zoning Maps – Grey District – Kaiata Park**, Ms Easton reviewed the updated material presented by Ms Hadfield at the hearing and considered that the majority of change requests were within scope of the submission. In terms of proposed changes to zoning, Ms Easton supported the change from specific General Industrial to Commercial zoned land and considered this addressed her previous reverse sensitivity concerns with the ODP layout in the original submission of Ball Developments. Ms Easton reached the same conclusions for the change from specific Commercial Mixed Use and Open Space to GRZ zoning, Light Industrial to Commercial and GRZ, and Commercial to GRZ zoning.

652. Regarding the **Zoning Maps – Westland District – Hokitika Area**, Ms Easton retained her view on the rezoning of the properties adjacent to the Silver Fern Farms site, as outlined in the s42A Report. She considered there was no difference in the likelihood of complaints between a RLZ and a GRUZ and noted people's expectations around amenity levels would be the same regardless of zoning. Ms Easton also considered that there was no practical rural production use of the properties adjacent to the Silver Fern Farms site.

653. Ms Easton considered the best approach to manage reverse sensitivity effects was through the use of setbacks from boundaries within the GIZ site. She noted that, at notified, the GIZ included setback requirements for buildings within 5m of any residential or settlement zoned property and considered that the inclusion of a setback from rural/rural lifestyle properties could further assist with addressing this issue.

654. Ms Easton also met with Mr Belgrave, Reporting Officer for the Industrial and Commercial Zones Chapters, and Ms Evans, Reporting Officer for the Noise Chapter, in relation to the submission points of Silver Fern Farms. A joint Right of Reply was provided on 17 October 2024. It recorded agreement that no further changes to the Residential Zone provisions were recommended as a result of these discussions.

655. In response to Panel questions regarding the proposed MRZ located at Revell St, Hokitika, Ms Easton confirmed that there was an assumption that existing rock protection works would continue to be maintained and upgraded for coastal hazard protection. She also noted that discussions with WCRC's Chief Engineer confirmed that the existing seawall was constructed by the WCRC as emergency works and was unconsented, although a retrospective resource consent had been lodged to upgrade the protection works along the Revell Street frontage.

656. In response to Panel questions regard the proposed Revell Street MRZ and the relevant provisions of the NZCPS and RPS that apply, Ms Easton set out Policy 27 of the NZCPS, Policy 6, 7 and 8 of the coastal environment chapter of the RPS, and Policy 2 of natural hazards chapter of the RPS. In relation the NZCPS, Ms Easton understood that it was intended that Hokitika would continue to be protected by hard engineering structures to mitigate coastal erosion risk but that without the present seawall or similar structure in place, coastal properties along Revell Street would be increasingly at risk from coastal erosion. Ms Easton also noted that the Revell Street area was not at risk, even taking a 100-year view with allowance for climate change, from the coastal inundation hazard as modelled by NIWA.

657. No further recommendations were made to the Zoning Maps – Westland District – Hokitika Area in Ms Easton's Right of Reply.

Hearing Panel's Evaluation

658. In relation to **Zoning Maps – Buller District – Alma Road Zoning,** the Panel agree with both Mr Barr's and Ms Easton's assessment of the evidence, particularly the evidence available from the Avery Group and the Rifle Range Group. We agree with Ms Easton's evaluation of submissions in respect of scope. We further agree with Ms Easton's reasons for supporting the updated rezoning proposal presented by Mr Barr on behalf of BDC. We note Ms Easton's view that there is a need for some acoustic management provisions within the 55 dBLAMax contour, which should be provided in the Noise Chapter of the Plan. We understand the acoustic management provisions will include rifle range noise contours in the planning maps provided under the Noise Chapter, as outlined in the Recommendations Report for that

chapter. We agree that Alma Road rezoning will provide much needed options for Westport's community to be able to respond to existing flooding issues and future flood risks.

659. Regarding **Zoning Maps – Buller District – Wider Westport Zoning,** the Panel agree with Ms Easton's recommendation to rezone the identified area of Stafford Street from GRUZ to GRZ, for the reasons outlined in the s42A Report.

660. In relation to **Zoning Maps – Buller District – Reefton Zoning,** the Panel agree with Ms Easton recommendation to rezone the land with red dots from NCZ to GRZ, for the reasons outlined in the s42A Report.

661. Regarding **Zoning Maps – Grey District – Greymouth Area** and Mr and Ms Scrivener's property at 2 Sturge Street, Cobden, the Panel agree with Ms Easton's recommendation included in her Reply that the land be rezoned back to General Rural Zone. We agree this should be reconsidered when the Plan is next reviewed, given there is currently no strong pressure for development in this location and detailed work is presently being undertaken by WCRC on land instability hazards.

662. In relation to Mr Finlay's submission, the Panel agree with Ms Easton's recommendation to not rezone the land as requested by the submitter, for the reasons outlined in the s42A Report.

663. Regarding the Scoped Planning and Design Limited submission that sought to rezone five parcels of land from FUZ to LLRZ on Glen Road, Greymouth, the Panel agree with Ms Easton not to change the zone. The Panel recommend retaining future options for the zone and allowing for future council planning to guide the most effective use of the area, consistent with the purpose of the FUZ.

664. In relation to **Zoning Maps – Grey District – Kaiata Park**, the Panel notes Ms Easton supported this submission in part concerning changes to OSZ and agrees those changes need to be addressed in the recommendation in the OSZ Chapter. We agree with Ms Easton that the updated material, detailing changes from the submission are all within the scope of the submission. We accept Ms Easton's recommended changes to the zoning as set out in her Reply.

665. Regarding **Zoning Maps – Westland District – Hokitika Area**, we agree with Ms Easton's recommendation to rezone the land adjacent to the Hokitika Silver Fern Farms site from GRZ (as notified) to RLZ. The consents for subdividing this adjoining land for residential properties have already been issued and the development is existing, with roads built and houses both built and under construction. The Panel visited the Silver Fern Farms site to understand its processes and activities and to familiarise ourselves with the context of both the site and the adjacent developed land. We agree with Ms Easton that a General Rural Zone, as requested by the submitter, would be inappropriate for land that is now subdivided and sold for residential development at urban densities. However, we also agree that, for the lots that have not been consented to full residential densities, these could potentially be rezoned as Rural Lifestyle Zone to reduce the risk of further reverse sensitivity issues. We agree with Ms Easton that there is no difference in the likelihood of complaints between a rural lifestyle vs rural zone, and that expectations around amenity levels would be the same regardless of zoning. In particular, we noted that anticipated noise levels in the GRUZ and RLZ are identical, with reference to the Noise Chapter provisions. We also agree with Ms Easton that there is no practical rural production use of the properties adjacent to the Silver Fern Farms site.

666. Ms Easton considered that the best approach to manage reverse sensitivity effects is through the use of setbacks from boundaries with the General Industrial Zone site. Ms Easton notes that at present the General Industrial Zone includes setback requirements for buildings within 5m of any residential or settlement zoned property and considers that the inclusion of a setback from rural/rural lifestyle properties could further assist with addressing this issue. However, as she did not propose a specific setback distance for the Silver Fern site, we assume either there was no scope to do so, or she was satisfied with the 5m setback.

667. Regarding the submissions that sought land along Revell Street be rezoned from MRZ to GRZ due to concerns about natural hazards from coastal erosion and flooding, the Panel disagrees with Ms Easton's recommendation to reject these submissions. The Panel considers it is not appropriate to take into account any protection currently provided by an unconsented rock seawall that was constructed under the emergency provisions of the RMA to support the rezoning. There is no information available of any analysis undertaken to support the suitability of this area for medium density housing, except for the NIWA coastal mapping which takes into account the existing seawall. However, the seawall does not extend along the entire frontage of the MRZ. There is no certainty that the existing seawall will be extended to protect the entire frontage of the proposed MRZ or that it will be maintained for 50 years (the minimum life of a building).

668. During the Panel's site visit, we noted the seawall is currently being undermined and overtopped, with driftwood and tidal debris evident on top of the seawall and on the adjacent land. While we acknowledge Ms Easton's point that some of the properties proposed to be MRZ have existing building encroachments beyond their legal title boundaries and within the coastal esplanade reserve, which may contribute to the impression that the properties are subject to a higher degree of risk than indicated in the hazard overlays, our observations indicate the risks posed by coastal erosion are very real in this location.

669. Policy 25 of the NZCPS directs the Panel to avoid increasing the risk of social, environmental and economic harm from coastal hazards; to avoid redevelopment or change in land use that would increase the risk; and to discourage the use of hard protection structures. Policy 27 of the NZCPS is about strategies to protect significant existing development, not strategies for increasing development, and it directs that hard protection structure to protect private properties should not be located on public land.

670. The RPS objectives and policies must give effect to the NZCPS. RPS Chapter 9 (coastal environment) Policies 6, 7 and 8 direct that new development affected by coastal hazards must adopt a risk management approach, over a 100-year timeframe, and in areas of significant development, planners must use a range of options to reduce the risk. RPS Chapter 11 (natural hazards) Policies 1 and 2 direct a reduction of susceptibility to natural hazard by improving planning, and locating new use and development to avoid or minimise the need for hazard protection works.

671. The Panel finds there is no information or evidence available to support the proposed rezoning to MRZ on the seaward side of Revell Street. While Ms Easton considers the Revell Street area is not at risk from coastal inundation, as modelled by NIWA (even taking a 100-year view with allowance for climate change), the Panel's recommendation must take into account the *existing environment*. This does not include the existing unconsented *ad hoc* coastal protection structure or assumptions that new hard protection structures will be constructed and maintained along the frontage of the MRZ areas in the future.

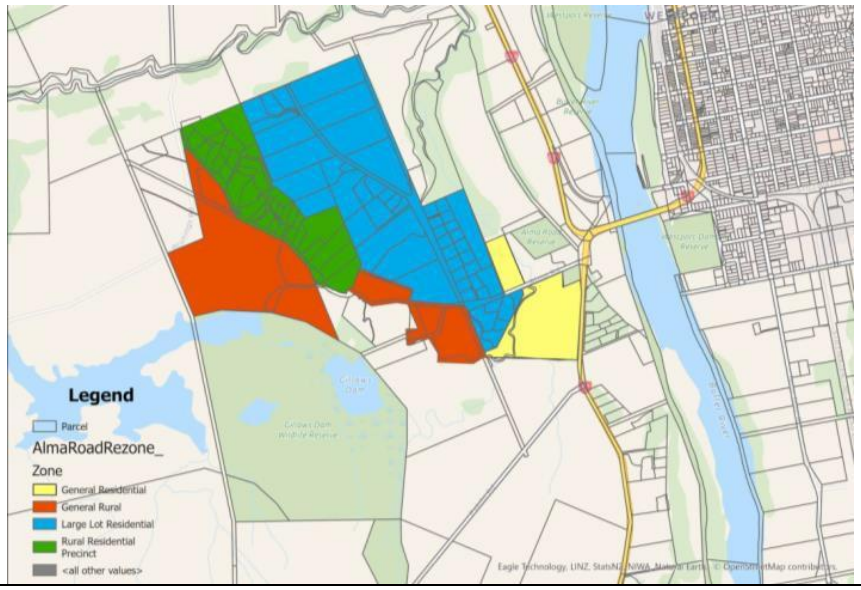
672. The Panel also agrees with submitters that medium density development in this area would be inconsistent with the existing amenity and character of the area. It also seems disconnected and some distance from the town centre.

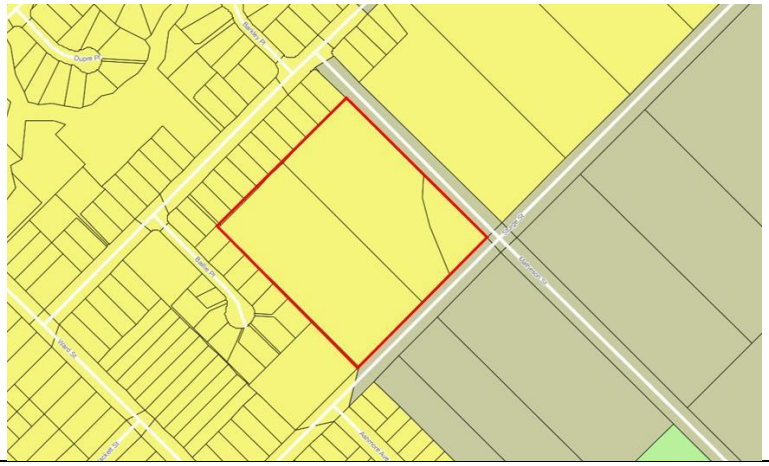
673. For these reasons, the Panel recommends the MRZ on Revell Street Hokitika is changed to GRZ as requested by submitters. We accept the submissions of Scoped Planning and Design Limited (S617.010), Inger Perkins (S462.007 and S562.032), Katherine Gilbert (S473.017), Lois Meldrum (S195.001), Karyn Davis (S267.017) Michael Anderson (S268.001) and Noeline Pullan (S424.001). We consider our recommendation also partly addresses Clare Backes' submission (S444.018) that sought to have the Plan acknowledge the flooding potential in Hokitika and stop building along the coastal strip, and encourage managed retreat; and therefore, also partly accept this submission point.

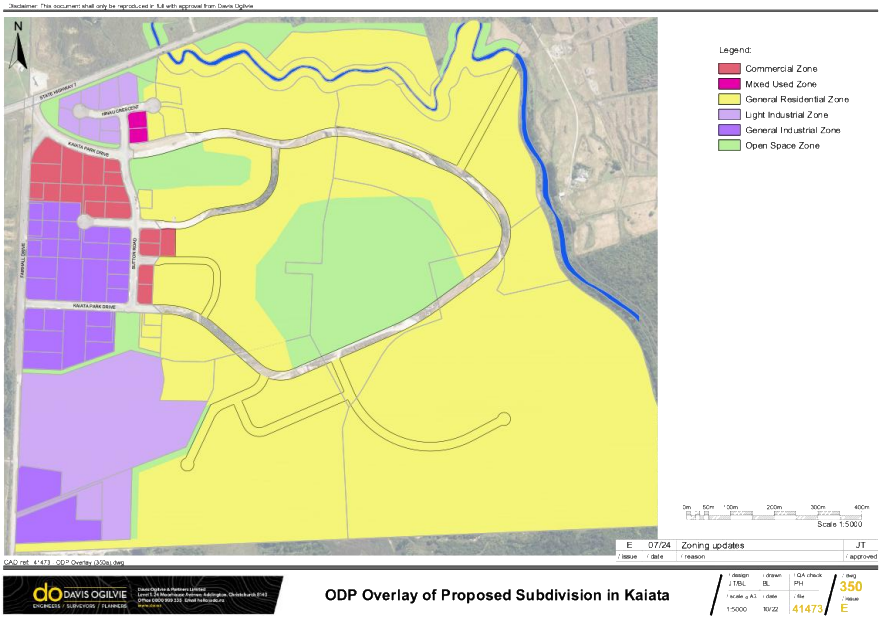
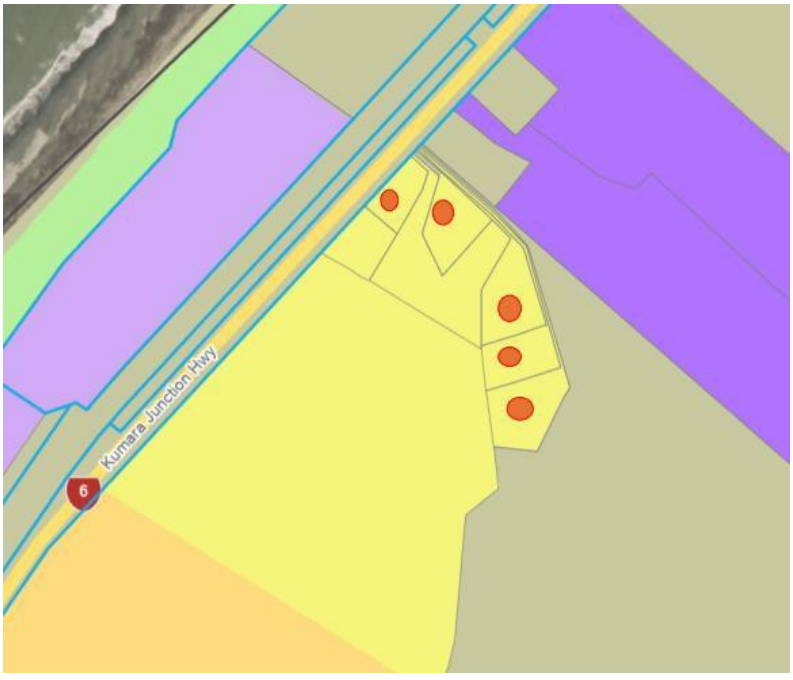
674. In relation to **Zoning Maps – Other Zoning Requests**, the Panel accepts Ms Easton's recommendation that no amendment to the zoning maps were required in response to submissions.

Hearing Panel's Recommendation

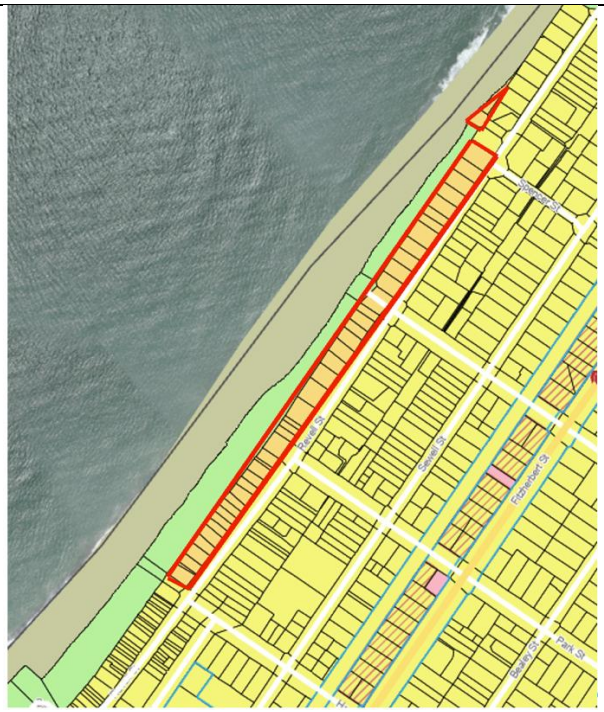
675. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points are accepted and accepted in part, and recommend the following amendments are made to the Zoning Maps:

Provision	Recommended Amendments to Planning Maps
Alma Road Terrace Area	Amend the Alma Road Terrace Area in accordance with the Map Below 

Stafford Street - Westport	Amend Stafford Street (red outline) beside the O'Connor Home as General Residential Zone 
Neighbourhood Centre Zones - Reefton	Amend Neighbourhood Centre Zones (red dots) as General Residential Zone 
Sturge Street – Cobden - Greymouth	Amend General Residential Zone (red outline) to General Rural Zone 

Kaiata Park - Greymouth	Amend Kaiata Park in accordance with the Kaiata Park ODP below 
Land Adjacent to Silver Fern Farms Site	Amend Land (shown with red dots) adjacent to Silver Fern Farms site to Rural Lifestyle Zone 
Medium Density Residential	Amend Medium Density Residential Zone at Revell Street to General Residential Zone

Zone Revell Street, Hokitika



2.9. Appendix 2 of the Plan – Recession Planes

Submissions and Further Submissions

Appendix 2 of the Plan – Recession Planes

676. Fifteen submission points and two further submissions relating to **Appendix 2 – Recession Planes** of the Plan were summarised in the Table on pages 128-130 of the s42A Report. All submission points sought amendments, with the two further submissions supporting in part the proposed amendments of two submissions.

677. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Standards (General)

678. Ms Easton acknowledged the submissions that supported the rules, or selected rules, as notified.

679. In response to the submissions[276] that sought amendments to the recession diagrams and indicators to improve clarity or reduce the restrictiveness of the recession plane, as notified,

[276] S190.854, S190.837 Te Mana Ora, S567.736 William McLaughlin, S558.710 Chris and Jan Coll, S566.710 Chris J Coll Surveying Limited, S574.710 Laura Coll McLaughlin.

Ms Easton did not support replacing the recession planes as notified in the Plan, including the request to replace these with those from the operative BDP.

680. In response to the submission of BDC (S538.635) that sought additional clarification be added to Appendix Two to confirm that "*the level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted*", Ms Easton supported this approach. She considered it was a practical approach to managing the issue of site boundaries in locations where land was required to be built up due to natural hazard or geotechnical reasons. Ms Easton also supported the additional submission point of BDC that providing exclusions to recession planes, e.g. road boundaries, antennas, solar panels, should be included with Appendix Two. Ms Easton considered that this would reduce duplication within the Plan, provided these exclusions were removed from the respective zone-based rules.

681. In response to the submissions[277] that sought a new recession plane diagram that was more enabling for those seeking to satisfy requirements for natural hazard mitigation, Ms Easton did not support changing the recession plane diagram. However, she noted that the above exclusions under the BDP submission points above would partly address these submission points.

682. Ms Easton recommended amending Appendix Two – Recession Planes as follows:

Appendix Two: Recession Planes

[277] S567.738 William McLaughlin, S558.712 Chris and Jan Coll, S566.712 Chris J Coll Surveying Limited, S574.712 Laura Coll McLaughlin.

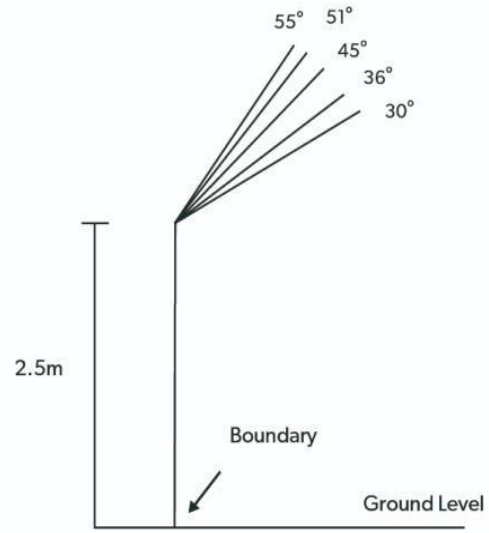


Diagram A

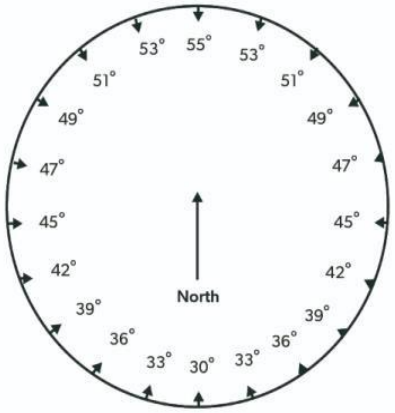


Diagram B

Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A.

The level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries. These standards do not apply to:

1. *Road boundaries;*
2. *Buildings on adjoining sites that have a common wall along the boundary;*
3. *Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*
4. *Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*
5. *Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;*

683. Ms Easton also recommended subsequent amendments to various zone rules in the Plan to remove duplication as follows:

Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1.

~~*These standards do not apply to:*~~
~~*i. Road boundaries;*~~
~~*ii. Buildings on adjoining sites that have a common wall along the boundary;*~~
~~*iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*~~

~~iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~

Hearing and Submitter Evidence/Statements

684. No evidence or statements were presented by any party in relation to Appendix Two: Recession Planes.

Reporting Officer Reply Evidence

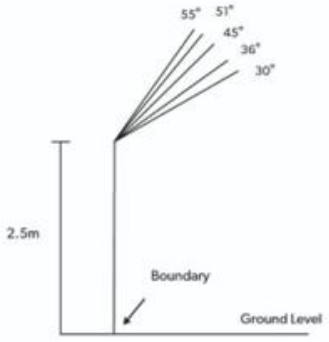
685. No further material related to Appendix Two: Recession Planes was provided in Reply.

Hearing Panel's Evaluation

686. The Panel agree with Ms Easton's assessment of the issues raised in submissions relating to Recession Planes and we also agree with her recommendations to make amendments to those provisions for the reasons she outlined.

Hearing Panel's Recommendation

687. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points are accepted and accepted in part, and recommend the following amendments are made to Appendix 2:

Provision	Recommendation
Appendix Two: Recession Planes	**Appendix Two: Recession Planes**  **Diagram A**  **Diagram B** Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A. ***The level of site boundaries shall be measured from filled ground level except where there is in existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries These standards do not apply to:***

	1. Road boundaries; ***2. Buildings on adjoining sites that have a common wall along the boundary;*** ***3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*** ***4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*** ***5. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;***
NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1.	Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1. ~~*These standards do not apply to:*~~ ~~*i. Road boundaries;*~~ ~~*ii. Buildings on adjoining sites that have a common wall along the boundary;*~~ ~~*iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*~~ ~~*iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*~~ ~~*v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;*~~

Kumara Junction Development Plan

Submissions and Further Submissions

Kumara Junction Development Plan

688. One submission point relating to the **Kumara Junction Development Plan** was summarised in the Table on page 130 of the s42A Report. That submission sought to retain the Kumara Junction Development Plan as notified.

689. The Panel adopts this summary and has considered the relevant submission.

Section 42A Report

Standards (General)

690. Ms Easton acknowledged the submission that supported this development plan, as notified. She recommended retaining the Kumara Development Plan as notified.

Hearing and Submitter Evidence/Statements

691. No evidence or statements were presented by any party concerning the Kumara Junction Development Plan.

Reporting Officer Reply Evidence

692. No matters related to the Kumara Junction Development Plan were addressed in Reply.

Hearing Panel's Evaluation

693. The Panel agree with Ms Easton's assessment of the issues raised in and accept her recommendations to retain the Kumara Junction Development Plan as notified.

Hearing Panel's Recommendation

694. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends retaining the Kumara Junction Development Plan as notified.



Paul Rogers

Hearings Panel - Chair



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Appendix One: Residential Zones

RESZ - O1	To provide for a variety of housing forms and densities in the main towns of the West Coast/Te Tai o Poutini to enable individual residential lifestyle options while ensuring developments are serviced with all required infrastructure.
RESZ - O2	To maintain or enhance the distinctive character, amenity and heritage values of residential areas, build community resilience and protect these areas from the adverse effects of inappropriate development.
RESZ - O3	To provide for a range of non-residential activities within RESZ - Residential Zones where the effects are compatible with the residential character, scale and amenities and the cultural and historic heritage values of the area.

RESZ -P4	Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they ~~do not have a~~ **avoid** significant adverse effect**s** on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.
RESZ-P10 **RESZ - P16**	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the ~~appropriate public agency~~ **district council**. Avoid reverse sensitivity effects from residential development adjacent to strategic infrastructure **and industrial zones** including: a. Hokitika, Greymouth and Westport Airports; b. The rail network; c. The arterial road and State Highway network; d. The Ports of Westport and Greymouth; e. Wastewater treatment plants; f. Landfills; g. Potable water supply plants; h. Stormwater treatment facilities; i. The National Grid.

GRZ – R1	**Residential Activities and Residential Units and Accessory Buildings** **Activity Status Permitted** Where:

1. Residential unit density is no more than:

a. **one**~~1~~ unit per 350m^2 net site area~~; or~~ **but within the Buller District there is a maximum of two residential dwellings per allotment**;

b. **one**~~1~~ unit per 300m^2 net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply**;

2. There is no more than **one**~~1~~ minor residential unit per site with a maximum size of 65m^2;

3. Maximum building height above ground level is:

a. 10m; except that

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

4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback distance;

5. Maximum site coverage is 40%;

6. A minimum of 30m^2 of outdoor living space is provided per residential unit and 12m^2 per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**;

7. No more than one heavy vehicle is stored on site;

8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **and are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ **and** must not drain to any public road ~~except for secondary flow purposes~~;

9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~

~~a. Road boundaries;~~

~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~

~~d. B~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ and

10. Buildings are setback a minimum of 1m from all other site boundaries, except that:

a. Duplexes do not require a setback from the side boundary of the other duplex unit; and

~~b. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.~~

b. **A setback of 150m is required from the site boundary of any designated wastewater treatment plant.**

Advice Notes:

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

a. 80m of a State Highway with a speed limit of 70kph or greater; or

b. 40m of a State Highway with a speed limit of less than 70kph; or

c. 40m of a Railway Line; or

d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

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

Activity status where compliance not achieved: Discretionary where standards 1 to 8 are not complied with. Restricted Discretionary where standards 9 and 10 are not complied with.

GRZ – R2 **Minor Structures**

Activity Status Permitted

Where:

1. **These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations**;

2. ~~All performance standards for Rule GRZ – R1 are complied with~~ **All other** ~~S~~structures **are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;

4. Any antenna dish must be less than 1m in diameter;

	5. Any ornamental or garden structure must not exceed 2.4 m in height; and F6 Any other structure must not exceed 10m^2 and 2m in height. **Activity status where compliance not achieved**: Controlled
GRZ – R3	No Change
GRZ – R4	**Relocated Buildings** **Activity Status Permitted** Where: 1. All performance standards for Rule GRZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built, ~~to be~~ **and** used as a dwelling; 3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~ **Activity status where compliance not achieved**: Controlled
GRZ – R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with; **3. There is no more than one full–time equivalent person engaged in the home business that resides off-site;** 4. Hours of operation are limited to:

a. 7am-7pm weekdays; and

b. 8am - 5pm weekends and public holidays;

c. Except where:

i. The entire activity is located within a building;

ii. Each person engaged in the activity outside the above hours resides permanently on site; and

iii. There are no visitors, customers or deliveries to the activity outside of the above hours

~~5. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~

5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and

6. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Discretionary

GRZ – R6 **Residential Visitor Accommodation**

Activity Status Permitted

Where:

1. The accommodation is ancillary to a residential activity;

2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with;

3. There is a maximum of **six**~~6~~ paying guests at any one time;

4. Written notification to the District Council is required 10 working days prior to the activity commencing;

5. Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~; and

6. No heavy vehicle movements are generated; and

7. In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

2. ~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller, **Grey** or Westland District Plan

	provisions **and not discontinued for more than 12 months**, ~~then~~ existing use rights **may** apply. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4~~4~~5, LIGHT - R3 and SIGN - R10 are complied with; **and** 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week and **compliance is achieved with TRN – R6**; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4~~4~~5, LIGHT - R3 and SIGN - R10 are complied with; 2. There is a maximum of 10 residents; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R9	As notified
GRZ – R10	As notified
GRZ – R11	**Minor Structures not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**

	Matters of control are: a. Design and location of structures; and b. ~~Landscape measures.~~**Measures to mitigate landscape effects;** **Activity status where compliance not achieved:** Discretionary
GRZ – R12	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: All performance standards for Rule GRZ - R1 are complied with. **Matters of control are:** a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and c. Appearance of buildings. **Activity status where compliance not achieved: Discretionary**
GRZ – R13	**Buildings not meeting Rule GRZ-R1** **Activity Status Restricted Discretionary** Where: 1. The building projects into the recession plane as defined in Appendix Two; or 2. The building is set back less than 1m from internal boundaries; and 3. All other performance standards for Rule GRZ - R1 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; ~~and~~ c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** **d. Shading and loss of sunlight to adjoining sites; and** **e. Loss of privacy to adjoining sites.** **Activity status where compliance not achieved:** Discretionary
GRZ – R14	**Residential Visitor Accommodation not meeting Rule GRZ - R6 Activity Status Restricted Discretionary** Where: 1. This is ancillary to a residential activity;

	2. No heavy vehicle movements are generated; and 3. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** d. Hours of operation; and e. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
GRZ – R15	**Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; d. Hours of operation; e. Water supply, wastewater and stormwater management; ~~and~~ f. Acoustic and noise insulation requirements; **g. Noise management;** **h. Traffic generation;** **i. Loss of privacy to adjoining sites; and** **j. Character and amenity of the surrounding area.** **Notification**: Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified. **Activity status where compliance not achieved:** N/A
GRZ – R16	**Development of Medium Density Housing**

	Activity Status Restricted Discretionary Where: 1. These do not meet the GRZ - 1 Permitted Activity Standards in relation to any of density, height, setbacks, recession planes and building coverage; 2. All other performance standards for Rules GRZ - R1 are complied with; 3. The minimum density is 150m2 net site area; 4. The maximum height is 12.5m; 5. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 6. Maximum building coverage is 50%. Discretion is restricted to: a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. Compliance with the Medium Density Housing Design guidelines in Appendix Three; f. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and g. Acoustic and noise insulation requirements
GRZ – R17	Papakāinga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary Where: 1. The minimum residential unit density is 150m2 net site area; 2. The maximum height is 12.5m; 3. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 4. Maximum building coverage is 50%. **Discretion is restricted to:** a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; f. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and g. Acoustic and noise insulation requirements
GRZ – R18	**Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards** Activity Status Restricted Discretionary

	1. The maximum height is 12.5m; 2. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 3. Maximum building coverage is 50%. Discretion is restricted to: a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and f. Acoustic and noise insulation requirements
GRZ – R18A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**
GRZ – R19	**Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and~~ Minor Structures and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R20	**Home Business not meeting Permitted Activity Standards Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R21	As notified

GRZ – R22	**Commercial Activities and Emergency Service Activities Activity Status Discretionary** Where: 1. This is not a Home Business or Visitor Accommodation; 2. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with; 3. Commercial Activities Hours of Operation are limited to 7am to 7pm weekdays and 8am to 5pm weekends and public holidays; and 4. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved:** Non-complying Refer Home Business and Visitor Accommodation Rules for these activities
GRZ – R23	As notified
GRZ – R24	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved**: N/A
Appendix Eleven	**Requirements for a Relocated Building Pre-Inspection Report** **This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:** • **Proposed new site location** • **Date of report** • **Type of building** • **Date of construction** • **Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.** • **Site address where the building was inspected** • **Date when building inspected** • **Name of inspector and qualifications** • **Proposed use of the building** • **Previous use of the building** • **Description of areas accessed (ie interior/exterior)** • **Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery** • **Any health and safety matters that need to be considered** • **Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, clearning and painting of exterior elements.**

LLRZ – R1	**Residential Activities and Residential Units and Accessory Buildings**

Activity Status Permitted

Where:

1. There is no more than **one**~~1~~unit per 1000m^2 net site area;

2. The maximum height of a building above ground level is 10m;

3. There is no more than **one**~~1~~ minor residential unit per 1000m^2 net site area with a maximum size of 65m^2;

4. Buildings are setback a minimum 10m from road boundaries, except that a roof overhang may encroach 750mm;

5. Maximum site coverage is 40% or 500m^2 whichever is the lesser;

6. Stormwater is managed on site with any off-site discharge ~~is~~ managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road ~~except for secondary flow purposes~~;

7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;

8. No more than two heavy vehicles are stored on site;

9. Buildings are setback a minimum of 4m from all other site boundaries except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing;

10. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~

~~a. Road boundaries;~~

~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~

~~d.~~ Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone~~;~~.

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.~~

Advice Note:

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

vi. 80m of a State Highway with a speed limit of 70kph or greater; or
vii. 40m of a State Highway with a speed limit of less than 70kph; or

viii. 40m of a Railway Line; or
ix. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
x. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

LLRZ – R2 **Minor Structures**

Activity Status Permitted

Where:

1. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;

2. Masts, poles, aerials and pou whenua must not exceed 7m in height;

3. Any antenna dish must be less than 1m in diameter;

4. Any ornamental or garden structure must not exceed 2.4 m in height; and

5. Any other structure must not exceed $10m^2$ and 2m in height.

Activity status where compliance not achieved: Controlled

LLRZ – R3 No Change

LLRZ – R4 **Relocated Buildings**

Activity Status Permitted

Where:

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

2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and** used as a dwelling;

3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;

4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

LLRZ – R5 **Home Business**

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;

2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4<u>5</u> and LIGHT - R3 are complied with;

3. Hours of operation are limited to:

a. 7am-10pm weekdays; and

b. 8am - 8pm weekends and public holidays;

c. Except where:

i. The entire activity is located within a building;

ii. Each person engaged in the activity outside the above hours resides permanently on site; and

iii. There are no visitors, customers or deliveries to the activity outside of the above hours.

4. **<u>There is no more than one full–time equivalent person engaged in the home business that resides off-site</u>.**

~~4. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or and 210 light vehicle movements per week;~~

5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and

6. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Discretionary

LLRZ – R6 **Residential Visitor Accommodation**

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;

2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4~~4~~5 and LIGHT - R3 and SIGN - R10 are complied with;

3. There is a maximum of **six**~~6~~ paying guests at any one time;

4. Written notification to the District Council is required 10 working days prior to the activity commencing;

5. Records of letting activity must be kept and provided to the Council **annually** ~~on request~~; and

6. No heavy vehicle movements are generated.

Advice Notes:

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

2. Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and has not been discontinued for more than 12 months, then existing use rights may apply.

Activity status where compliance not achieved: Restricted Discretionary

LLRZ – R7 **Community Facilities and Educational Facilities**

Activity Status Permitted

Where:

1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5** and LIGHT - R3 and SIGN - R10 are complied with; **and**

2. A maximum of 4 heavy vehicle movements and whichever is the greater of 30 light vehicle movements per day or 210 vehicle movements per week **and compliance is achieved with TRN – R6**; and

3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

Activity status where compliance not achieved: Restricted Discretionary

LLRZ – R8 **Retirement Homes and Supported Residential Accommodation Activity Status Permitted**

Where:

1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5** and LIGHT - R3 and SIGN - R10 are complied with;

2. The maximum number of residents is 10; and

	3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R9	As notified
LLRZ – R10	**Minor Structures not meeting Permitted Activity Standards Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.** **Matters of control are:** a. Design and location of structures; and b. ~~Landscape measures.~~**Measures to mitigate landscape effects**. **Activity status where compliance not achieved:** Discretionary
LLRZ – R11	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. All performance standards for Rule LLRZ - R1 are complied with. **Matters of control are**: a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and c. Appearance of buildings.
LLRZ – R12	**Community Facilities and Educational Facilities not meeting Rule LLRZ -R7, Supported Residential Accommodation and Retirement Homes not meeting Rule LLRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** Discretion is restricted to: a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape treatment~~ **Measures to mitigate landscape effects**; d. Water supply, wastewater and stormwater requirements;

e. Hours of operation; and
f. Acoustic and noise insulation requirements.

Notification:

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

LLRZ – R13 **Residential Visitor Accommodation not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a residential activity;

2. No heavy vehicle movements are generated; and

3. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5** and LIGHT - R3 and SIGN - R10 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. ~~Landscape measures.~~**Measures to mitigate landscape effects;**

d. Water supply, wastewater and stormwater requirements;

e. Hours of operation; and

f. Acoustic and noise insulation requirements.

Activity status where compliance not achieved: Discretionary

LLRZ – R14 **Papakainga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary**

Where:

1. The minimum residential unit density is 200m^2 net site area;

2. The maximum height is 12.5m;

3. Within 10 metres of a site boundary that is zoned Large Lot Residential the maximum height shall be 10m;

4. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with; and

5. Maximum building coverage is 50%.

Discretion is restricted to:

a. Design and location of buildings;

	b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** d. Water supply, wastewater and stormwater requirements; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; ~~f. Hours of operation;~~ and f. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
LLRZ - R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**
LLRZ – R15	**Residential Activities, Residential Units, Papakāinga Developments~~, Fences, Walls and Retaining Walls~~ and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
LLRZ – R16	As notified
LLRZ – R17	**Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with.

	Activity status where compliance not achieved: Non-complying
LLRZ – R18	As notified
LLRZ – R19	As notified
LLRZ – R20	As notified
LLRZ – R21	As notified
LLRZ – R22	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary**
	Activity status where compliance not achieved: N/A

MRZ-R1	**Residential Activities and Residential Units and Accessory Buildings** **Activity Status Permitted** Where: 1. Residential unit density is no more than **one**~~1~~ unit per 300m^2 net site area; 2. The maximum building height above ground level is 10m; 3. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm; 4. Maximum site coverage is 40%; 5. A minimum of 30m^2 of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**; 6. No heavy vehicles are stored on site; 7. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; 8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~ ~~a. Road boundaries;~~ ~~b. Buildings on adjoining sites that have a common wall along the boundary;~~ ~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~ ~~d. B~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;

	~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~ ~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ and 9. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that: a. Duplexes do not require a setback from the side boundary of the other duplex unit; and ~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ **Advice Notes:** 1. Where a residential building or noise sensitive activity is located within: i. 80m of a State Highway with a speed limit of 70kph or greater; or ii. 40m of a State Highway with a speed limit of less than 70kph; or iii. 40m of a Railway Line; or iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome. Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply. 2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.** **Activity status where compliance not achieved**: Controlled where this is for Medium Density Housing and standards 1 - 4 are not complied with. Otherwise: Discretionary
MRZ-R2	**Minor Structures** **Activity Status Permitted** Where: 1. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;** 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and

	5. Any other structure must not exceed 10m^2 and 2m in height. **Activity status where compliance not achieved**: Controlled
MRZ-R3	As notified
MRZ-R4	**Relocated Buildings** **Activity Status Permitted** Where: 1. All performance standards for Rule MRZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**,** ~~to be~~ and **used** as a dwelling; 3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~ **Activity status where compliance not achieved**: Controlled
MRZ-R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**, LIGHT - R3 and SIGN - R10 are complied with; 3. Hours of operation are limited to: a. 7am-7pm weekdays; and b. 8am - 5pm weekends and public holidays; c. Except where:

i. The entire activity is located within a building;

ii. Each person engaged in the activity outside the above hours resides permanently on site; and

iii. There are no visitors, customers or deliveries to the activity outside of the above hours;

4. **There is no more than one full–time equivalent person engaged in the home business that resides off-site**.

~~4. A maximum of 4 heavy vehicle movements per day and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~

5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and

6. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Discretionary

MRZ-R6 **Residential Visitor Accommodation**

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;

2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**, LIGHT - R3 and SIGN - R10 are complied with;

3. There is a maximum of **six**~~6~~ paying guests at any one time;

4. Written notification to the District Council is required 10 working days prior to the activity commencing;

5. Records of letting activity must be kept and provided to the Council on request;

6. No heavy vehicle movements are generated; and

7. In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

2. **Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and not discontinued for more than 12 months, then existing use rights may apply**.

	Activity status where compliance not achieved: Restricted Discretionary
MRZ-R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with; 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week **and compliance is achieved with TRN – R6**;and 3. Any buildings must be connected to the community water supply and wastewater networks and stormwater from the site used for the activity from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; and 4. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with; 2. There are a maximum of **six**~~6~~ residents living on site; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R9	**Minor Structures not meeting Rule MRZ - R2** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**.

Matters of control are:

1. Design and location of structures; and

2. ~~Landscape measures.~~**Measures to mitigate landscape effects**.

Activity status where compliance not achieved: Discretionary

MRZ-R10 Relocated Buildings not meeting Rule MRZ - R4

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;
b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;
c. Connections to water supply, wastewater and stormwater; and
d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

MRZ-R11 Development of Medium Density Developments

Activity Status Controlled

Where:

1. These do not meet the MRZ - 1 performance standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. The maximum height is 12.5m;
3. Residential unit density is no more than 1 unit per 200m^2 net site area;
4. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
5. Maximum building coverage is 50%.

Matters of control are:

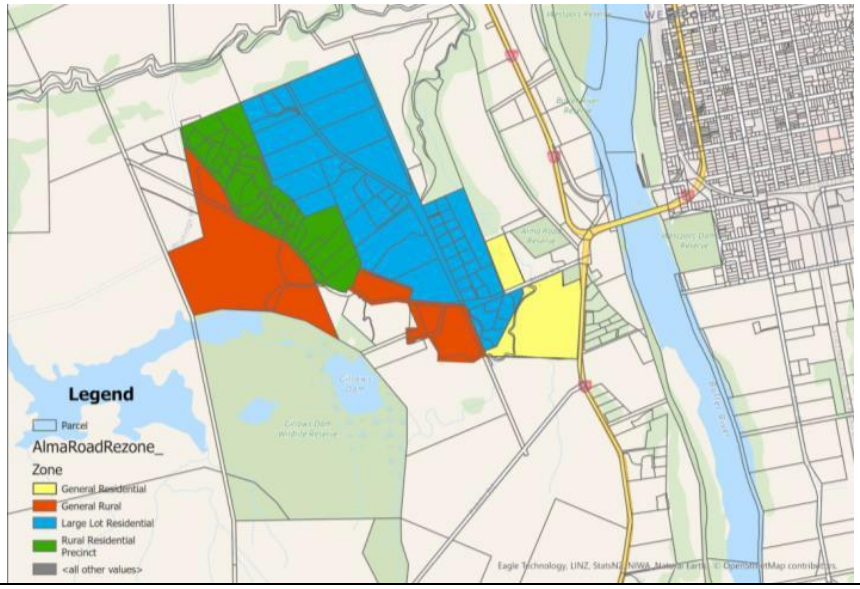
a. Provision of infrastructure to service the development;
b. Design and location of parking and access;
c. Design and location of buildings and compliance with the Medium Density Housing Design guidelines in Appendix Three; and
d. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

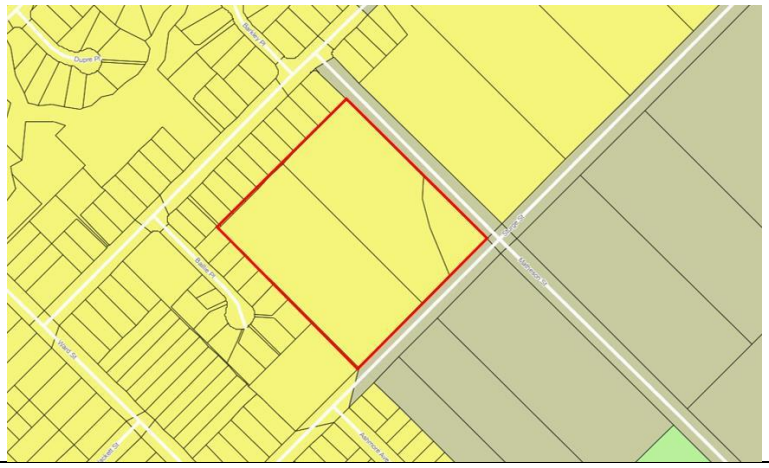
	Activity status where compliance not achieved: Restricted Discretionary
MRZ-R12	**Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; d. Hours of operation; ~~and~~ e. Acoustic and noise insulation requirements; **and** **f. Provision of infrastructure to service the development.** **Notification**: Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified. **Activity status where compliance not achieved:** N/A
MRZ-R13	**Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** **Discretion is restricted to:** Design and location of buildings; a. Design and location of parking and access; b. ~~Landscape measures.~~**Measures to mitigate landscape effects**; c. Hours of operation; ~~and~~ d. Acoustic and noise insulation requirements; **and** **e. Provision of infrastructure to service the development.**
MRZ-R14	**Residential Visitor Accommodation not meeting Rule MRZ - R6** **Activity Status Restricted Discretionary** Where:

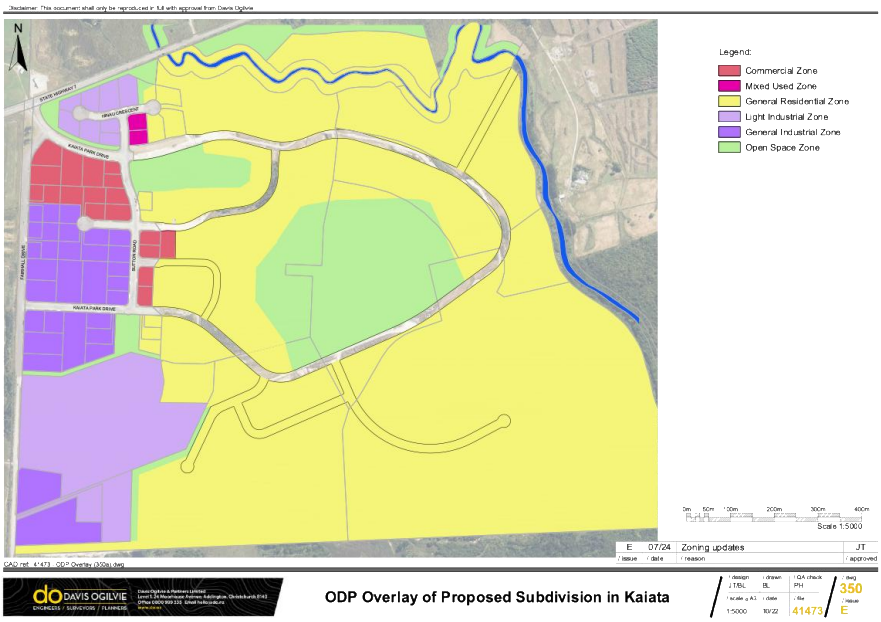
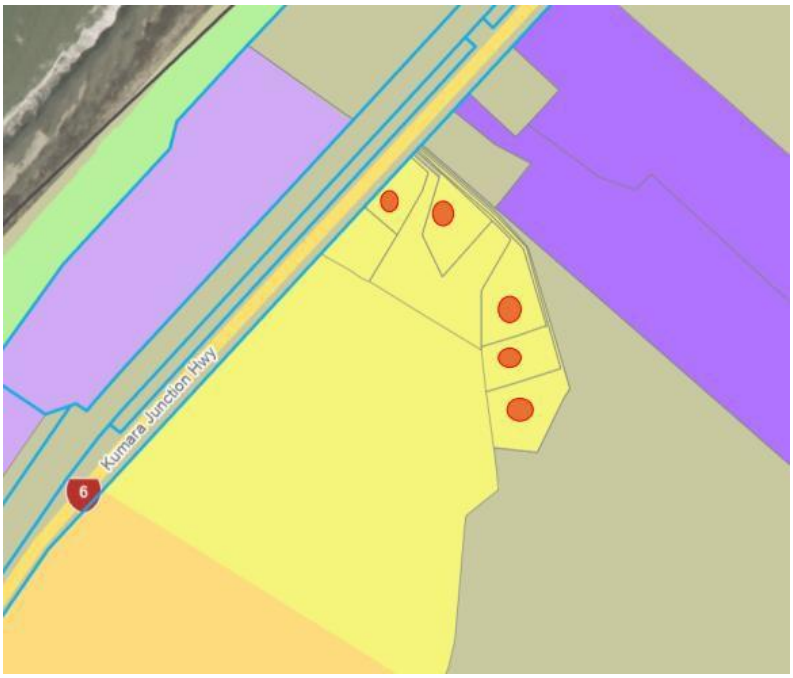
	a. This is ancillary to a residential activity; b. No heavy vehicle movements are generated; and c. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** 1. Design and location of buildings; 2. Design and location of parking and access; 3. ~~Landscape measures.~~**Measures to mitigate landscape effects;** 4. Hours of operation; and 5. Acoustic and noise insulation requirements; **and** **6. Provision of infrastructure to service the development.** **Activity status where compliance not achieved:** Discretionary
MRZ-R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**
MRZ-R15	**Residential Activities, Residential Units~~, Fences, Walls and Retaining Walls, Relocated Buildings~~ and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards.** **Activity Status Discretionary** Where: a. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R16	**Home Business not meeting Rule MRZ - R5** **Activity Status Discretionary** Where:

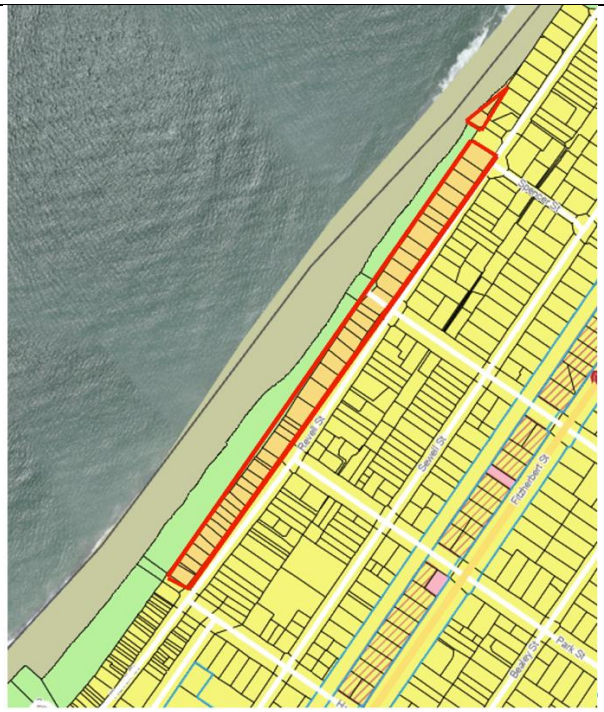
	a. This is ancillary to a Residential Activity; and b. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R17	As notified
MRZ-R18	As notified
MRZ-R19	As notified
MRZ-R20	As notified
MRZ-R21	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved**: N/A

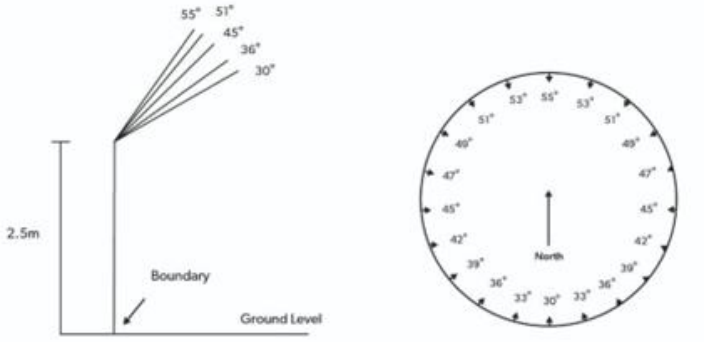
Zoning Maps

Provision	Recommended Amendments to Planning Maps
Alma Road Terrace Area	Amend the Alma Road Terrace Area in accordance with the Map Below 

Stafford Street - Westport	Amend Stafford Street (red outline) beside the O'Connor Home as General Residential Zone 
Neighbourhood Centre Zones - Reefton	Amend Neighbourhood Centre Zones (red dots) as General Residential Zone 
Sturge Street – Cobden - Greymouth	Amend General Residential Zone (red outline) to General Rural Zone 

Kaiata Park - Greymouth	Amend Kaiata Park in accordance with the Kaiata Park ODP below 
Land Adjacent to Silver Fern Farms Site	Amend Land (shown with red dots) adjacent to Silver Fern Farms site to Rural Lifestyle Zone 
Medium Density Residential Zone Revell Street, Hokitika	Amend Medium Density Residential Zone at Revell Street to General Residential Zone



Provision	Recommendation
Appendix Two: Recession Planes	**Appendix Two: Recession Planes**  **Diagram A** **Diagram B** Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A. ***The level of site boundaries shall be measured from filled ground level except where there is in existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries These standards do not apply to:*** ***1. Road boundaries;*** ***2. Buildings on adjoining sites that have a common wall along the boundary;***

	3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; ***4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*** ***5. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;***
NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1.	Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1. ~~*These standards do not apply to:*~~ ~~*j. Road boundaries;*~~ ~~*ii. Buildings on adjoining sites that have a common wall along the boundary;*~~ ~~*iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*~~ ~~*iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*~~ ~~*v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;*~~

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Settlement Zones

Ngā Takiwa Tuawhenua

Settlement Zone

Te Takiwā Nōhanga Pōnaho

Hearing Dates: 29th & 30th and 1st & 2nd August 2024

HEARING PANEL

Dean Chrystal (Chair)

Paul Rogers

Anton Becker

Maria Bartlett

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Settlement Zone - Ngā Takiwa Nōhanga Pōnaho of the pTTPP. It contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Settlement Zone provisions and planning maps.

3. The Section 32 Report[1] provided an evaluation of the Settlement Zone and how it was managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report') for the Settlement Zones was authored by Ms Lois Easton, a planner with Kererū Consultants as the Reporting Officer, and was circulated before the hearing. The Reports provided an analysis of submissions and further submissions received and made recommendations on changes to the notified plan provisions.

5. Ms Easton subsequently provided an Addendum s42A Report[3] covering the rural and settlement zone topics, prepared to address submission points which were omitted, and updated commentary and recommendations on the specific submission of Russell Robinson concerning rezoning at Moana as a result of further technical information received from the Grey District Council.

6. The Settlement Zone (SETZ) s42A Report assessed a total of 378 submission points and 29 further submission points on the SETZ and the planning maps. It provided summaries of all submissions and further submissions received, as well as the relief sought; an analysis of the proposed changes to the provisions; and recommendations on changes to the plan provisions.

7. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the key issues. The Panel notes that this format was slightly different from other s42A reports as it deals with Rules as a Whole prior to the Precinct Policies, as follows:

    - Overview and Rules as a whole;
    - Precinct Policies;
    - Rules SETZ-R1 and SETZ-R2;
    - Coastal Settlement Precinct rules – SETZ-R3, SETZ-R16 and SETZ-R20;
    - Rules SETZ-R4 – SETZ-R14;
    - Rules SETZ-R17 – SETZ-R28;

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Twelve

[2] Te Tai o Poutini Plan Section 42A Officer's Report Settlement Zone– Ngā Takiwa Nōhanga Pōnaho

[3] Addendum to Rural Zones and Settlement Zones s42A Reports and Appendices

- Subdivision Standard SUB1 in relation to the Settlement Zone; and
- Planning Maps and rezonings

8. In this recommendation report the Panel have moved the Rules as a Whole section to follow the Precinct Policies section.

9. An s32AA Evaluation for the changes was provided at the end of the s42A Report.

1.2. Recommendation Report

10. This Recommendation Report follows the same structure as the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

11. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision, recording all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and Appendix 1, the tracked change version of the Plan provisions that form part of the Panel recommendations in this Recommendations Report must prevail.

12. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

13. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

14. Where there is a recommended change to a notified provision of the TTPP, it is because:

    (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

15. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

16. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

17. If any changes are recommended to the provisions (since the Section 32A Report was completed), a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

18. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.3. Terminology in this Report

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

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
Director General	Director General of Conservation
BDC	Buller District Council
BCG	Buller Conservation Group
Councils	Buller District Council, Grey District Council, and Westland District Council
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs (South Island) Properties Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone

HortNZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
MOE	Ministry of Education
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NZAAA	New Zealand Agricultural Aviation Association
NPSHPL	National Policy Statement for Highly Productive Land
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
pTTPP	Proposed Te Tai Poutini Plan
RNZ	Radio New Zealand
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF	Silver Fern Farms Limited
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.4. Hearing Arrangements

20. The hearing was held at two venues, the first being the NBS Theatre in Westport on the 29 & 30 July 2024 and the second being the West Coast Regional Council Building on the 1 & 2 August 2024. Some submitters appeared by internet connection.

21. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and Addendum Report.

1.5. Appearances

22. The following submitters appeared at the hearing:

Mr Vance Boyd for himself

Hadleigh Pedler, Steve White and Mark Bucham for Radio New Zealand

Mr Frank O'Toole for himself and **Ms Anna Bensemann** for Mr Frank O'Toole

Mr Philippe Dumout, Mr Andrei Cotiga, Mr Jade McFarlane, Ms Claire McKeever, Mr Garry Howard, Ms Holly Luzak, Mr Anthony Fisher, Mr Tom McGaveston & Mr Bryan McGillan for Tauranga Bay Holdings Ltd

Ms Marie Elder for herself

Ms Pauline Hadfield for Te Kinga Investments Ltd and Davis Oglivie Ltd

Ms Kelsey Barry, Mr Russel Robinson, Mr Tony Penny, Mr Richard Nichol, Ms Helen Kellet, Ms Louise Bailey & Mr Craig Barr for Russell Robinson and Brunner Builders Limited

Mr Jonathan Bhana-Thomson for New Zealand Heavy Haulage Association Inc

Karl Luxon for Scenic Hotel Group

Rob Kinney for Te Kinga Estate Ltd

1.6. Overview of submitter evidence received

23. Legal submissions were received from Ms Kelsey Barry for Russell Robinson and Brunner Builders Limited, and Hadleigh Pedler for RNZ.

24. For those appearing at the hearing, the following evidence and/or statements were received:

    (a) Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc. (dated 14 June 2024);

    (b) Mr Martin Kennedy, planner for Westpower Limited (dated 1 July 2024);

    (c) Anna Jane Bensemann, planner for Frank O'Toole (dated 1 July 2024)

    (d) Craig Barr, Helen Kellett, Louise Bailey, Richard Nichol, Russell Robinson, Sophie South, Tony Penny for Russell Robinson and Brunner Builders Limited, (dated 18 March 2024)

    (e) Steve White, Transmission Engineer Specialist for RNZ (dated 2 July 2024).

25. Following the receipt of the s42A Report and the Addendum to the s42A Report, the following were received:

    (a) FENZ provided a letter[4] with additional discussion on those submission points that the reporting officer rejected.

    (b) KiwiRail provided a letter[5] confirming that they did not wish to be heard. The letter indicated that KiwiRail sought minimum building setback requirements from the rail corridor in the settlement zone.

    (c) A memorandum of Counsel was submitted on behalf of Foodstuffs (South Island) Properties Ltd. The letter confirms support for the officer's recommendation to accept Foodstuff's submission point on SETZ-PREC2 and confirms that Foodstuffs maintains its

[4] Letter from Alec Duncan dated 19 July 2024
[5] Letter from Michelle Grinlinton-Hancock dated 1 July 2024

position on other submission points. The letter also provides additional comments on supermarkets in the Settlement Zone, in response to the s42A report.

(d) A statement of rebuttal evidence of Craig Barr, planner for Russel Robinson and Brunner Builders Ltd, addresses matters raised in the s42A report relating to residential density and location of the rezoning, and lack of detail in the Development Area Plan.

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

(a) Closing legal submissions and statement of planning evidence were submitted on behalf of Russell Robinson and Brunner Builders Ltd (dated 9 September 2024)

(b) Further legal submissions were submitted on behalf of RNZ, providing legal advice on the scope of RNZ's submission and confirmed support for the draft provisions prepared by the s42A Officer (dated 25 September 2024).

(c) Scenic Hotels Ltd provided a letter and memo[6] responding to the Panel's request for proposed text amendments to the Proposed Plan.

1.7. Right of Reply

27. Ms Easton provided a written right of reply (dated 30 September 2024) that addressed the Panel's questions on various matters and proposed amendments to several provisions, including both track changes and a clean copy of the amended provisions.

28. Ms Easton provided a written right of reply (dated 12 February 2024, although the date should have been 12 February 2025) addressing the matters raised by the Panel in relation to rezoning at Moana and Cape Foulwind.

1.8. Procedural Steps and Issues

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

30. The Panel notes that the provisions concerning Mineral Prospecting and Mineral Extraction (SETZ–R15 and SETZ–R23) within the Settlement Zone are not included within this report and are assessed in the Mining and Minerals s42A Report.

1.9. Site Visits

31. As part of this hearing, we undertook site visits as follows:

- Te Kinga
- Moana – Russel Robinson Builder's Block
- 11 Lake Brunner Road -Klempel Block
- Punakaiki Township
- Pekenga Drive Fox Glacier
- Cron, Cowan, and Condon Streets in Franz Josef Glacier

[6] Letter from Karl Luxon dated 22 August 2024 and attached memo from Planz Consultants dated 23 August 2024

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

32. The Settlement Zone - Te Takiwā Nōhanga Pōnaho is in Part 3 – Area-specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The zone forms part of the Rural Zones section of the Plan, which also includes the General Rural and Rural Lifestyle zones. The section comprises one objective and policy chapter (with specific provisions) that applies across all three zones, as well as three rule chapters, each with rules specific to its respective zone. Submissions on the Rural Zones policies, the General Rural Zone and Rural Lifestyle Zone provisions are addressed in a separate s42A report.

33. The creation of the Settlement Zones provisions required the amalgamation of the three different approaches and zones used across the Operative Plans, as well as aligning the zones to the National Planning Standards requirements. That has resulted in four Precincts to reflect the range of types of Settlements found across the West Coast. Additionally, a further Settlement Centre Precinct was developed and applied to commercial areas in certain settlements.

34. The rules for the Settlement Zone and its precincts generally:

- Provide for a wide range of expected activities that would occur in the zone, which are compatible with the settlement/precinct type.
- Provide for some other activities that may be appropriate to locate in the Settlement Zone areas through resource consent requirements.
- Recognise that the Settlement Zone – Rural Residential Precinct is an important new precinct to provide for what has become a very popular type of rural living development.

35. The Section 32 Report outlined the relevant statutory considerations applicable to the rural zones, and the relationships between the sections of the RMA and higher order documents.

36. The section 42A Reports highlighted the relevant sections of the RMA, and higher-order statutory documents and relevant documents. The Panel notes in particular the following:

- New Zealand Coastal Policy Statement 2010 (**NZCPS**);
- National Policy Statement for Freshwater Management 2020 (**NPSFM**);
- National Policy Statement for Highly Productive Land 2022 (**NPSHPL**);
- National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
- Iwi Management Plans, Mana Whakahono a Rohe; and
- West Coast Regional Policy Statement 2020 (**RPS**).

37. It is also noted there are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

38. Clause 10 of the First Schedule of the RMA, states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

39. The National Planning Standards set out the zones allowed for use in the Plan and provide the following information for the Settlement Zone:

    Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.

40. The Panel are satisfied that the Settlement Zone is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. SETTLEMENT ZONE

2.1. Overview and rules as a whole

Submissions and Further Submissions

41. Four submission points and one further submission point were received on the overview and are summarised in a table on page 10 of the s.42A report. One submission was in support, and three sought amendments.

42. Three submission points and one further submission point were received on SETZ-PREC2 - Settlement Centre Precinct Overview and are summarised in a table on pages 10-11 of the s.42A report. One submission was in support, and two sought amendments.

43. Eleven submission points and one further submission point were received on the rules as a whole and are summarised in tables on pages 11-12 of the s.42A report and pages 5-6 of the addendum report. Two submissions were in support, one was neutral, and the remainder sought amendments.

44. Seven submission points were received on SETZ-PREC3 - Coastal Settlement Precinct and are summarised in tables on pages 12-13 of the s.42A report. All submissions sought amendments.

45. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

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46. Ms Easton acknowledged submissions received in support of the overview and rules as notified.

47. Ms Easton did not support submission points from Marie Elder (S352.003) and Teresa Wyndham-Smith (S312.003) seeking that the overview refers to '*limited commercial activities*,' because some settlements have a reasonable extent of commercial activity, recognised by a Settlement Centre Precinct.

48. Ms Easton did not support a submission point from Marie Elder (S352.003) seeking the overview refer to settlements also in Buller and Westland Districts, noting that the overview mentions settlements across the three Districts.

49. Ms Easton did not support a submission point from Te Mana Ora (S190.1029) seeking the overview to provide more accurate information about wastewater services, as she considered it to be a general introduction to the zone. She noted that the individual councils would need to be consulted for specific information on water and wastewater reticulation. She also noted that, as Moana is predominantly zoned general Residential, it should not be referenced in the Settlement Zone overview.

50. Ms Easton did not support a submission point from Te Mana Ora (S190.1030) seeking that Waimangaroa, Ikamatua, Ahaura, Barrytown, Otira and Whataroa have areas identified as Settlement Centre Precinct. She acknowledged that these small centres have commercial activities but considered that this is largely limited to 1-2 premises that have not developed

into centres over time. She advised that Settlement Centre Precincts were carefully identified and applied only where there was a clear expectation or experience of growth and expansion of commercial activity, with multiple commercial premises.

51. Ms Easton did not support a submission point from Te Mana Ora (190.1031) seeking that Hector, Ngakawau, Granity and Mokihinui/Seddonville be included as Coastal Settlement Precinct, as this precinct was developed to replace the existing Westland Coastal Settlement and Buller Scenically Sensitive Residential Zones. She acknowledged these settlements are charming, but considered that, as they were not in one of those zones in the operative plans, these settlements do not meet the criteria for inclusion in the coastal precinct. She advised that this precinct has more restrictive rules focused on ensuring that development is compatible with scenic coastal values.

52. Ms Easton did not support a submission from Frida Inta (S553.185) requesting that intensive rural production be limited, noting that the rules already restrict these activities in the zone.

53. Ms Easton did not support a submission from the New Zealand Motor Caravan Association (S490.016) seeking that camping and camping grounds be a permitted activity, noting that settlement zones are residential areas and camping grounds should be appropriately assessed through a resource consent process.

54. Ms Easton did not support several submission points[7] seeking an advice note stating that existing non-compliance with the standards does not mean the rule does not apply. She considered that, outside of a resource consent process, existing non-compliance should not be accommodated in the rules, as this could result in a range of adverse effects.

55. Ms Easton did not support submissions from Jane Whyte and Jeff Page (S467.040) seeking a new rule to make it clear that the rights provided for in NH-R1 and NH-R39, as modified by the submission, are enabled within the Settlement Zone. She noted that the natural hazard rules sit across all the rule chapters, and duplication of rules is not efficient.

56. Ms Easton did not support a submission point from Jane Whyte and Jeff Page (S467.003) seeking that tourism activities be enabled in Punakaiki Village. She noted that Punakaiki has a Scenic Visitor Zone for commercial activity, and residents have expressed strong concerns about the loss of amenity in residential areas due to the expansion of commercial activity. She considered the rules recognise this concern and reflect the operative Plan approach for retaining the residential area primarily for residential use.

57. Ms Easton did not support submission points from Jane Whyte and Jeff Page (S467.015) seeking that Punakaiki Village be removed from the chapter, or that the rules be amended to reflect the character and type of development appropriate for the village as a significant tourism destination. She noted there is a specific zone in Punakaiki Village for commercial activities and considered this to be the appropriate location. She noted that the natural hazards, high natural values, and limited private land available constrain the level of development possible in the area and considered that the Plan strikes an appropriate balance in managing this.

58. Ms Easton did not support a submission from Foodstuffs (S464.004) seeking specific provisions to be developed for supermarkets in the zone. She considered that the

[7] Chris J Coll Surveying Limited S566.625, Chris & Jan Coll S558.625, William McLaughlin S567.659, Laura Coll McLaughlin S574.625

settlements subject to these provisions are very small and are unlikely locations for supermarket development, as the communities would not provide sufficient catchment area. She noted that SETZ-R13 provides for retail activities and considered that a Four Square or similar small convenience store could be established as a permitted activity under this rule. She noted that a larger supermarket would be a Discretionary activity. She considered that it provides an appropriate level of assessment and management for what would be a significant development for this type of settlement.

59. Ms Easton did not support several submission points from Marie Elder (S352.005, S352.006, S352.008, S352.014) concerning clearing for access and building in the Ross Subdivision (Punakaiki), vegetation clearance for commercial car parking in the Coastal Settlement Precinct,evelopment of tourism infrastructure and road widening, as well as prevention of overdevelopment and continued expansion of existing tourism businesses. She considered these reflected specific circumstances and compliance issues that have arisen under the operative Buller District Plan. She considered that the pTTPP provisions address these matters appropriately.

60. Ms Easton did not support a submission from WMS Group (S599.160) seeking that a new rule allow for port activities in Jackson Bay, as SETZ-R16 specifically provides for port activities, including expansion. She noted that the rule is drafted to reflect high natural values in the area and the limited accessibility of the location.

61. Ms Easton did not recommend any amendments as a result of these submissions; however, she recommended that the overview section be standardised as sought by the Forest and Bird submission (S560.034). She discussed in the Rural Zones s42A report (para 65), that all relevant chapters be included under the heading '*Other relevant Te Tai o Poutini Plan provisions*'.

S.42A Addendum

62. Ms Easton noted that she supported a setback from water supply catchments in principle, where these are designated and identified on the planning maps, but was not clear on where these activities are located, as they do not appear to be designated or mapped, or what the appropriate setback distance would be. She considered that these activities should be mapped and identified so that landowners are aware of the rules that apply to them.

63. Ms Easton did not support a submission from Frank and Jo Dooley (S478.003) seeking provisions addressing the management of sites to be rezoned, and that they only be triggered when a full infrastructure plan is in place. She noted that the Settlement Zone, Rural Lifestyle and general Rural zones are anticipated to be serviced through on-site methods rather than via public infrastructure. She considered that roading infrastructure could be accommodated through the development phase, with the financial contributions chapter addressing funding. She noted that provisions allowing for higher density development in Settlement zones with 3 waters servicing are principally designed to provide for existing serviced areas in some of the small towns. Ms Easton clarified that new Settlement Zone development will not be serviced as there is no capacity in the Council's infrastructure planning for significant expansion of 3 waters infrastructure.

64. Ms Easton did not support Scenic Hotel Group's submission point in support of treating Airbnb as a commercial land use (S483.006). She considered that the submitter had misinterpreted how these activities are managed through the Plan, as they are addressed in

the residential visitor accommodation provisions and required to be ancillary to residential activities.

Hearing and Submitter Evidence

65. Marie Elder continued to seek further restrictions on vegetation clearance, intrusive tourist infrastructure and road widening to accommodate tourist traffic in the Ross Subdivision (Punakaiki).

66. A memorandum of Counsel submitted on behalf of Foodstuffs[8] confirmed that they continued to seek the relief sought in their original submission, including specific provisions for supermarkets. The memorandum confirmed that there are two existing supermarkets in the Settlement zones, namely Karamea and Franz Josef Four Squares, and that these stores meet the Plan definition of '*supermarket*'. Foodstuffs disagreed with the Reporting Officers' statement that the settlements are unlikely locations for supermarket development, considering the evidential basis from an economic perspective to be unclear. They also disagreed that a supermarket could '*easily establish'* as of right, as 250m^2 is not a viable floorspace for a supermarket activity.

67. Scenic Hotel Group sought the Settlement Zone overview be amended to include visitor and worker accommodation activities, and for an addition to the description of the Coastal Settlement Precinct, acknowledging the high proportion of visitor and worker accommodation in Punakaiki.

Reporting Officer Reply Evidence

68. Based on the Foodstuffs evidence presented, Ms Easton agreed that Four Square is a supermarket. She confirmed that the Karamea Four Square is the only supermarket in the Settlement Zone, as the Franz Josef Four Square is within a Scenic Visitor Zone. She accepted that 250m^2 is too small for a supermarket and considered that a resource consent process would appropriately consider how to manage the effects of a larger building. She noted that the maximum permitted building size within a Settlement Centre Precinct would be 350m^2 under SETZ-R2 (Standard 3).

69. Ms Easton considered the Scenic Hotel Group's requested changes to the Settlement Zone overview to be out of the scope of their original submission. However, she noted that these changes could be made as Section 16 amendments, as they have no statutory weight.

70. No amendments to the overview or zone provisions were recommended.

Hearing Panel's Evaluation

71. The Panel has considered the evidence provided by the Reporting Officer and agrees with the conclusions reached that amendment to the Overview in response to Forest & Bird submission is necessary to ensure consistency with other chapters of the Plan. Otherwise, the Panel retain the notified wording. The Panel notes that we have supported Ms Easton's recommendation relating to deleting reference to the Overlay Chapters and including the more detailed wording arising from the Rural Zones recommendation, and those changes are shown below.

[8] Sarah Schulte/Alex Booker

72. The Panel acknowledge the statement from Foodstuffs, and we agree that 250m^2 is too small for a supermarket. We have considered the issue further and we do not see the necessity for Clause 4 under SETZ-R13. The rule itself is problematic as it does not define '*combined floor area*' and 350m^2 is already permitted in SETZ-R2. The Panel considered it would be more appropriate and clearer to simply rely on SETZ-R2 for the scale of retail activities (acknowledging the gross floor area is defined) and delete Clause 4 under SETZ-R13. We consider the Foodstuffs submission provides scope for this to occur, and we recommend this amendment.

73. The Panel note that we have taken the opportunity via Clause 16(2) of the First Schedule of the RMA to update '*plantation forestry*' to '*commercial forestry*' as per the National Environmental Standards for Commercial Forestry

74. In relation to the remainder of the submissions on the Overview and Rules as a Whole, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

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

> **Overview**
>
> The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.
>
> The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.
>
> The SETZ - Settlement Zone provides for residential activities as well as some commercial activities. Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.
>
> There are three Precincts within the SETZ Settlement Zone - SETZ - PREC2 - Settlement Centre, SETZ - PREC3 - Coastal Settlement and SETZ - PREC4 - Rural Residential.
>
> The RURZ - Rural Zones Objectives and Policies and SETZ - Settlement Zone Rules provide the framework for managing the effects of development in the SETZ - Settlement Zone. However, there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a SETZ - Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Ross, Harihari, Kaniere and Haast.

SETZ - PREC3 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. These areas are also all subject to significant natural hazards and the provisions in the natural hazards chapter are very relevant for activities in this Precinct.

SETZ - PREC 4 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m^2 are provided for a more rural residential lifestyle. These areas sit on an interface with the GRUZ - General Rural Zone or RLZ - Rural Lifestyle Zone and avoiding reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small-scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

Other relevant Te Tai o Poutini Plan provisions

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

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

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Settlement Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Settlement Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of Settlement Zone may extend into the riparian margins of waterbodies. The**

Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.

- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Settlement Zone, the provisions of the Ecosystems and Biodiversity chapter apply**[9]

General District Wide Matters - provisions in relation to earthworks may be relevant to many activities.

Subdivision - The Subdivision chapter sets out the requirements for subdivision activities the SETZ - Settlement Rural Zone.

Financial Contributions - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry[10]

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard**s** for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed**,** these chapters must be considered. [11]

2.2. Precinct Policies

Submissions and Further Submissions

76. Five submission points were received in support of SETZ-PREC-P2 and are summarised in a table on page 15 of the s.42A report.

77. Nine submission points relating to SETZ-PREC-P3 were received and are summarised in a table on pages 15-16 of the s42A report. Seven submission points supported the policy; two submission points opposed the policy and sought amendments.

78. Eight submission points relating to SETZ-PREC-P4 were received and are summarised in a table on pages 16-17 of the s.42A report. Seven submissions supported the policy, and one was in opposition, seeking amendments.

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[9] Forest and Bird (S560.370, S560.0543)
[10] Schedule 1 Clause 16(2) RMA
[11] Schedule 1 Clause 16(2) RMA

79. Ms Easton acknowledged the submissions received in support of the policies.

80. Ms Easton supported a submission from Paparoa Track Services (S605.028) seeking that clause (d) of SETZ-PREC3-P3 be amended to state:

*Be located to avoid **or designed to mitigate** the significant risks of natural hazards.*

81. She agreed that there may be a range of mitigations to address natural hazards and considered this to be appropriately referenced in the policy.

82. Ms Easton supported in part a submission point from the Director General (S602.232) seeking several amendments to SETZ-PREC-P3. She supported a request to delete the reference to the coastal development guidelines, considering this to be an error, as these are not included in the Plan. She considered that some of the matters raised by the Director General were s6 RMA matters addressed in the Coastal Environment overlay, but agreed it was appropriate to strengthen the policy wording relating to managing scenic and visual effects. She considered the amendment made in response to the Paparoa Track Services submission addressed natural hazards matters raised by the Director General and did not think it was appropriate to add a clause seeking to avoid hard protection structures, as this matter would predominantly sit in the Coastal Environment chapter.

83. Ms Easton supported a submission from RNZ seeking an additional clause in SETZ-PREC4-P4 *'to avoid reverse sensitivity effects on rural activities and established infrastructure'*, considering that this precinct is where a conflict between rural activities and established infrastructure is most likely to occur, although she recommended an amended wording. She noted that this amendment is consistent with the Plan's wider approach to reverse sensitivity.

84. Ms Easton supported a submission from Westland Farm Services (S550.014) seeking an amendment to SETZ-PREC-P4 Clause 1 to include reference to '*industrial or commercial activities which have a functional relationship with rural areas'* as she considered the precinct to be a likely location for such activities, and they are provided for in the rules.

Hearing and Submitter Evidence

85. At the hearing, Scenic Hotel Group sought an additional clause to be added to SETZ-PREC3-P3 '*Support and enable the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.'*

Reporting Officer Reply Evidence

86. Ms Easton considered that SETZ-PREC3-P3 should refer to the titles on which the Port Activity can be undertaken for Jackson Bay, as this would better integrate the policy with the rule provisions in SETZ-R16.

87. Ms Easton considered the requested amendment above to SETZ-PREC-P3 by Scenic Hotel Group to be one of the few submission points to be within the scope of their original submission.

Hearing Panel's Evaluation

88. The Panel agrees with Ms Easton the need for a new clause in SETZ-PREC-P3 to indicate the reference to the titles on which Port Activity can be undertaken at Jackson Bay, based

partially on the submission from WMS Group. We consider such a clause will provide greater clarity for any assessment associated with SETZ-R16. However, we consider the wording of the clause needs to be revised because the default position of not complying with SETZ-R16 is fully discretionary. In that context in our view the development of port activities beyond the referenced titles should be discouraged at a policy level and we have revised the clause accordingly.

89. The Panel agrees with Ms Easton's recommendation to amend clause (e) of SETZ-PREC-P3 to refer to *designed to mitigate*, as sought by submitters. We acknowledge that there are a range of mitigation measures that can be used to address natural hazards. Having considered the submission of the Director General in this context and we are of a view that the clause needs to be amended further to recognise '*increasing the significant risk of natural hazards*'. We recommend the clause (d) be reworded as follows:

> *Be located **and designed to mitigate or** avoid **increasing** the significant risks of natural hazards.*

90. The Panel agree with Ms Easton's recommendation that Policy SETZ - PREC-P3 (a) be amended to "*Recognise and provide for*" coastal natural character, rather than "*Take into account*" and the policy states that the scenic landscape values of the area are protected. We consider this wording to provide greater clarity and direction, thereby strengthening the policy. We also agree with the deletion of the reference to the Coastal Development Guidelines from SETZ-PREC-P3 (b) sought by the Director General. We accept this is an error and should not be included in the Plan.

91. Subject to minor rewording, the Panel accepts the proposed wording of Scenic Hotels Group for SETZ-PREC-P3 and recommends it be included. We consider Punakaiki to be a unique settlement, based mainly on tourism and constrained in terms of development opportunities. We consider that the additional wording in the policy will support that tourism focus.

92. The Panel accept Westland Farm Services' submission seeking the inclusion of a further clause in SETZ-PREC-P4 regarding acknowledging that industrial or commercial activities which have a functional relationship with rural areas. We agree that the precinct is likely to be a location for such activities and that they are provided for in the rules.

93. The Panel agree with Ms Easton's recommendation to add an additional clause to SETZ-PREC-P4 - *Presence of rural activities and established infrastructure, which should be protected from reverse sensitivity effects.* We acknowledge that this stems from a submission from RNZ, and we recognise that this is a precinct where reverse sensitivity could occur, given the established infrastructure and rural activities.

94. In relation to the remainder of the submissions on SETZ-PREC-P2 and SETZ-PRES-P3, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

95. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accept or accepted in part and recommends the following amendments be made to the **SETZ Policies**:

SETZ-PREC-P2	Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should: a. Maintain or enhance the character and built form of the settlement; b. Adaptively reuse existing heritage and character buildings where practicable; and c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors
SETZ-PREC3_P3	Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should: a. ~~Take into account~~ **Recognise and provide for** the coastal natural character and **protect the** scenic landscape values of the area; [12] b. Have appropriate controls on design and height to protect the landscape and coastal natural character values ~~and be undertaken in accordance with the coastal development guidelines~~;[13] c. Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; ~~and~~ **d. Development of the port area at Jackson Bay is:** **i. discouraged other than on legal road reserve at Jackson Bay, Sections 208 and 209 TN of Arawata and Sections 8, 9 and 10 TN of Arawata; and** **ii. of a scale and extent appropriate to the location**[14] **e.** Be located **and designed to mitigate or** avoid **increasing** the significant risks of natural hazards.[15] **f. Support the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.**[16]
SETZ-PREC-P4	Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include: a. Low-density residential living and small-scale rural activities; b. Open space and privacy around buildings; ~~and~~ c. On-site servicing and a general absence of urban infrastructure; **d. Industrial or commercial activities which have a functional relationship with rural areas;**[17] **and** **e. Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects.**[18]

[12] Department of Conservation (S602.232)
[13] Director General (S602.232)
[14] WMS Group (S599.107)
[15] Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay and Punakaiki Beach Camp (S605.028)
[16] Scenic Hotel Group (S483.003)
[17] Westland Farm Services (S550.014)
[18] Radio New Zealand (S476.039)

2.3. Rules SETZ-R1 and SETZ-R2

Submissions and Further Submissions

96. Fifty submissions points and sixteen further submission points relating to the SETZ-R1 and R2 were received and are summarised in a Table on pages 19-29 of the s42A Report.

97. Twenty-eight submission points related to **SETZ-R1**, of which seven were in support, and twenty-one sought amendments.

98. Twenty-two submission points related to **SETZ-R2**, of which four were in support, and eighteen sought amendments.

Section 42A Report

SETZ-R1

99. Ms Easton acknowledged the submissions in support of the rules.

100. Ms Easton supported submissions from Marie Elder, Davis Ogilvie & Partners Ltd and Cashmere Bay Dairy seeking that the rule be amended to allow dwellings to be built on existing undersized lots. She noted that the existing grandfather clause only applies to reticulated areas and considered that it should be extended to include unreticulated sites as well.

101. Ms Easton did not support submissions from Stephen Page and Greenstone Retreat seeking that the rule allow on-site servicing, noting that community infrastructure is an effective way of minimising cumulative effects and is funded based on the whole community connecting.

102. Ms Easton supported a submission from Waka Kotahi seeking that the rule requires vehicle crossings to meet minimum permitted standards, considering that new or expanded activities should be required to have vehicle crossings constructed to safe standards. She recommended an amendment to Rule 2, as Rule 1 deals with density matters.

103. Ms Easton did not support a submission from Davis Ogilvie & Partners Ltd. seeking to amend the density standard to be consistent with the subdivision standard approach, which applies the minimum area to both sewered and unsewered sites. She acknowledged an inconsistency between the zone and subdivision chapters, but considered the subdivision chapter should be amended, although she noted there may not be scope to do so.

104. BDC sought to have the grandfather clauses removed, considering that existing use rights are sufficient. Ms Easton did not support this submission point, noting that there are a large number of existing sites that were lawfully developed with lesser lot sizes, and the grandfather clause allows these to be built upon without resource consent.

105. Ms Easton supported submissions from BDC and several other submitters[19] seeking that a mandatory connection to services requires a qualification that the scheme must have the capacity.

106. Ms Easton did not support submissions from Frida Inta and BCG seeking that servicing by composting toilets and rainwater for drinking water be provided. She noted that community

[19] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

infrastructure is an effective way of minimising cumulative effects and is funded based on the whole community connecting.

107. Ms Easton did not support submissions[20] seeking a controlled activity status for activities that do not comply, as she considered landowners and residents should be able to have confidence that a basic level of amenity, density, infrastructure capacity and character would be maintained in the zone. She noted no reason was given for requesting this change.

108. Ms Easton did not support a submission point from FENZ seeking minimum requirements for firefighting water support, as she considered that connection to a reticulated system should provide adequately for firefighting. She considered this to be a subdivision matter covered by SUB-S3. She acknowledged that there can be issues with firefighting water supply in rural areas and invited the submitter to provide more information about the needs they see in unreticulated areas.

109. Ms Easton did not support a submission from David Ellerm seeking an additional standard for on-site wastewater treatment, collection and disposal, noting this is managed through the building code and the Regional Council's land and water plan.

SETZ-R2

110. Ms Easton acknowledged the submissions received in support of the rule.

111. Ms Easton did not support a submission from Marie Elder seeking that clause 5a apply to the Ross subdivision at Punakaiki, as this is a rollover of the Westland District Plan requirements for the Kumara Junction subdivision. Ms Easton considered that these distances from boundaries are unlikely to be achieved within the smaller site sizes at Punakaiki.

112. Ms Easton supported in part a submission point from RNZ seeking the addition of an advice note concerning tall structures within 1000m of their Cape Foulwind facility. She considered that, as the permitted height limit is 10m, there is no need to amend the standard. She considered an amendment to SETZ-R12 more relevant as emergency service activities are more likely to include structures of 15m or more in height.

113. Ms Easton did not support a submission point from Foodstuffs seeking an exemption for existing supermarkets. As above, she was not aware of any supermarkets in the Settlement Zone and noted that the Karamea Four Square would be subject to the 12m height limit in that precinct.

114. Ms Easton supported submissions from BDC seeking changes to the reference to the deemed permitted boundary infringements and the introduction of a minimum setback from designated wastewater treatment facilities. She also recommended an amendment to rule SETZ-R2 to include a 150m setback from designated wastewater treatment sites, sought by BDC. She recommended that the rule be amended also to apply this setback to designated landfill sites. She did not support reduced height limits for Settlement Centre Precincts, noting that this standard applies across all three Districts. She acknowledged that a lower height limit could be appropriate in the Buller District Settlement Centre Precincts, reflecting the lower density character in these settlements.

115. Ms Easton did not support submissions from Frida Inta and BCG seeking to change the standard 5b relating to indigenous vegetation clearance to Discretionary or to reword it to

[20] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

specify 2000m² or 10% of the site area, whichever is lesser. She noted that this standard is a roll-over of the Westland District Plan provisions and is in addition to the Ecosystems and Biodiversity Chapter rules.

116. Ms Easton did not support submission points[21] seeking to delete the noise advice note. She noted that noise matters would be considered as part of the Noise topic, and any changes to the rule would be reflected through consequential amendments to the advice note.

117. Ms Easton did not support several submission points[22] seeking a controlled activity status for activities that do not comply, as she considered landowners and residents should be able to have confidence that a basic level of amenity, density, infrastructure capacity and character would be maintained in the zone. She noted no reason was given for requesting this change.

118. Ms Easton did not support a submission from David Ellerm seeking a reduction in the height limit to 8m for residential and emergency service buildings, and 5m for accessory buildings, as well as a decrease in site coverage to 35%. She noted that no reasons are given for requesting these changes and that these would be significant reductions from the operative plans.

119. Ms Easton did not support a submission point from Paparoa Track Services seeking to increase the gross ground floor area from 200m² to 250m², noting that the requirement is intended to ensure developments are in harmony with the environment in these sensitive coastal locations. She considered a 50m² increase to be a significant potential increase in the dominance of the built environment, as existing sites in these areas are often small, and that this change would be inappropriate and would not align with the precinct's intent.

120. GDC sought to amend the rule to clarify whether the term *'non-residential buildings'* referred to in Standard 4. ii meant commercial/industrial buildings, or accessory buildings. Ms Easton recommended that the rule be amended to refer to non-residential and accessory buildings.

Hearing and Submitter Evidence

121. In a letter dated 1 July 2024, KiwiRail sought that SETZ-R2 be amended to include a minimum 5m setback from the rail designation boundary, and that the rule refer to *buildings and structures*. They also sought additional matters of discretion relating to impacts on the safe and efficient operation of the rail network when there is non-compliance with the setback.

122. FENZ continued to seek requirements for firefighting water supply to be included, and provided a suggested amended approach for consideration, being an addition to R2 as follows:

> ***4. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)***
>
> ***Advice Note:***
> ***2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this***

[21] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[22] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

123. Foodstuffs maintained its position, including amendments to R2 to allow a 12m height limit for existing supermarkets and to exempt existing supermarkets from conditions 2, 3, and 4.

124. Marie Elder continued to seek that Rule 5a, relating to the Kumara Junction Developments Area, also be applied to the subdivision at Hartmount Place and Ross Place.

125. Scenic Hotel Group sought several amendments to SETZ-R2, including:

- A 10m height limit to visitor and worker accommodation, as well as residential units,
- A 10m height limit in the Punakaiki Coastal Settlement Precinct
- A maximum of 50% site coverage in the Punakaiki Coastal Settlement Precinct,
- Exempt Punakaiki from the 200m^2 ground floor area limit,
- Include an exemption from recession planes for boundaries adjoining Open Space zones,
- Adding an advice note stating that within areas subject to a flood or coastal hazard overlay, recession planes and height limits should be measured from the level specified on a minimum floor level certificate.

Reporting Officer Reply Evidence

126. Ms Easton noted that FENZ had provided further evidence on the policy gap that existed around firefighting water supply and the limitations of the building code. She revised her view in relation to this issue, recommending that a performance standard and advice note be added to SETZ-R2, consistent with the wording used across the rural zones.

127. Ms Easton provided a comparison between the proposed rules applicable to the Ross subdivision and those of the operative Buller District Plan.

128. Ms Easton considered the Scenic Hotel Group's submission points, requesting amendments to the recession plane provisions under SETZ-R2, to be within the scope of their original submission. She considered other changes requested to SETZ-R2 to be outside of scope, noting the following:

- Amendments to Rule SETZ – R2 seeking that provisions that apply to residential buildings also apply to worker and visitor accommodation. This would be a substantial difference from the operative plan rules.
- Increase in maximum site coverage to 50% in Punakaiki – this differs from the operative Buller District Plan provisions
- Change to Rule SETZ – R2 to increase the maximum total gross ground floor area of buildings at Punakaiki – the TTPP rule is less restrictive than the operative Buller District Plan (which has a 150m^2 maximum).

129. In a joint right of reply addressing KiwiRail's submission, prepared by Ms Easton and Ms Briar Belgrave, (reporting planner for the Commercial and Industrial zones), the planners considered a 5m setback from the Settlement zone to be excessive given that many existing sites in this zone are a similar size to those in the General Residential zone. They considered that a 5m setback would considerably constrain use on a 500m^2 site. In addition, they considered that KiwiRail had not provided clear and detailed evidence to support a 5m

setback as being either appropriate or necessary. They considered a 1.5m setback to be a balanced and appropriate setback requirement in the Settlement zone, ensuring new buildings are not located on the boundary and that maintenance can occur.

Hearing Panel's Evaluation

SETZ-R1

130. The Panel agree with the extension of the grandfather clause recommended by Ms Easton to apply to unreticulated sites where they have been lawfully established. In this context, we also note Ms Easton's comments regarding BDC's submission that there are a large number of existing sites that were lawfully developed with smaller lot sizes, and the grandfather clause allows these to be built upon without requiring resource consent. We agree with this conclusion.

131. The Panel agrees with Ms Easton's addition to clause 2, clarifying that mandatory connection to services is subject to a qualification: the scheme must have sufficient capacity.

132. The Panel also agrees with Ms Easton's recommended amendment, supporting a submission from Waka Kotahi, which seeks to require vehicle crossings to meet minimum permitted standards. We agree that this amendment should be included in SETZ-R2.

133. The Panel acknowledge Ms Easton's revised position concerning the FENZ submission, and we accept her recommendation to include a performance standard and advice note in SETZ-R2 based on the further information provided by FENZ. We agree that this addresses a gap between policies and the building code.

134. In relation to the remainder of the submissions on SETZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

SETZ-R2

135. The Panel agrees with Ms Easton that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended by Ms Easton, more appropriate and would still address the safety concerns around building maintenance. We also consider the rule should refer to the setback being from the '*rail designation*' rather than the '*rail corridor*' so as to provide a definitive point of measurement.

136. The Panel accepts Ms Easton's recommendation to reject the submission from Paparoa Track Services to increase the gross ground floor area in the Coastal Settlement Precinct to 250m^2 from 200m^2. We agree that this requirement is intended to ensure developments are in harmony with the environment in these sensitive coastal locations. We note that the scale has already increased by 100 m² in the pTTPP compared to the operative Buller District Plan.

137. The Panel agrees with Ms Easton regarding that part of the Foodstuffs submission seeking an exemption for existing supermarkets from Standards 2, 3, and 4. As we understand it, Karamea Four Square is the only existing supermarket in the settlement zone. We note that the three standards concerned allow for 60% site coverage, a 350m² gross ground floor area (we note we have recommended the deletion of scale on the retail activity clause in SETZ-R13), and a 1m boundary setback within the Settlement Centre Precinct. We do not consider these to be unreasonable and note there is a consenting pathway if they are exceeded.

138. The Panel accepts the recommendation of Ms Easton to add an advice note concerning tall structures within 1000m of their Cape Foulwind facility in response to RNZ's submission. We agree that, as the permitted height limit is 10m, there is no need to amend SETZ-R2, and that an amendment to SETZ-R12 to address emergency service activities, which are more likely to include structures of 15m or more in height, was appropriate.

139. The Panel also agrees with the BDC submission to change the reference to the deemed permitted boundary infringements and introduce a minimum setback from designated wastewater treatment facilities. We also note that Ms Easton, in addition to accepting this, accepted in part a submission from Cashmere Bay Dairy seeking setbacks from infrastructure, including wastewater treatment plants, land disposal areas, transmission infrastructure, and water supply catchments. She recommended that, in addition to amending rule SETZ-R2 to include a 150m setback from designated wastewater treatment facility site, the rule be further amended to apply the setback to designated landfill sites. We agree with adding the designated landfill setback.

140. We agree with Ms Easton that a differentiation can be applied to the Buller District in terms of height in the Settlement Centre Precincts, due to its being less developed and having a lower density character compared to other settlements.

141. The Panel have further considered the submission of Marie Elder regarding matters associated with the Hartmount Place and Ross Place subdivision in Buller District. While some of the matters Ms Elder sought to be addressed are beyond the scope of what a District Plan can put in place and may well relate to enforcement issues, we have noted that this subdivision did have some carve-out provisions in the operative Buller District Plan due to its uniqueness in terms of scenic values and indigenous vegetation. We consider the pTTPP addresses most of these provisions, albeit sometimes in a different way, in the Coastal Settlement Zone including Residential Visitor Accommodation (SETZ-R10). We also note that as the subdivision falls within a High Coastal Natural Character Overlay the permitted level of development for any new building is no more than 100m^2 ground floor area (CE-R5) rather than the recommended 150m^2 ground floor area that would be permitted generically within Coastal Settlement Precinct.

142. The remaining issue referred to by Ms Elder was indigenous vegetation clearance. Again, this is already addressed in an overlay (Coastal Environment) where the extent of indigenous vegetation disturbed and/or cleared per site is limited to 500m^2 in area per site in any three year period (ECO-R2). In this case the Panel considers Ms Elder has a point as we consider the ability to clear 500m^2 per site of indigenous vegetation over a 3-year period is, given the small-scale nature of the sites within the subdivision (most are only around 800m^2), could result in all indigenous vegetation being removed over a 4 year period. In our view, given the Hartmount Place and Ross Place subdivision is rather unique, we consider indigenous vegetation removal should be limited to 500m^2 per site with no permitted status beyond that (i.e. no 3 year period). We consider this will enable a building platform to be formed and is in line with the 40% site coverage which is permitted per site. The rule would continue to sit within the Ecosystems and Biodiversity Chapter in ECO-R1 as follows:

> *except in the Hartmount Place and Ross Place subdivision in Buller District where the extent of indigenous vegetation disturbed and/or cleared is restricted to a one-off 500m^2 per site;*

143. The Panel agrees with Ms Easton's recommended clarification of Standard 4 (ii) to refer to accessory buildings. We consider that this partially addresses the submission of GDC and provides greater clarity.

144. The Panel acknowledges the KiwiRail submission point to include the word 'structures' in the heading of SETZ-R2 but considers that structures such as telecommunications and electricity poles and antennas, are covered in the Energy and Infrastructure Chapters. We also note that such a change would necessitate a significant amendment to the rules that follow the heading. We have therefore rejected this submission.

145. In relation to the remainder of the submissions on SETZ-R2, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

146. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments be made to rules **SETZ-R1 and SETZ-R2**

SETZ-R1 Residential Activities and Residential Buildings - Density

Activity Status Permitted

Where:

1. Residential unit density is no more than:
    - **i. 1 unit per site where these were lawfully established under the previous District Plans; otherwise**[23]
    - ii. 1 unit per 500m^2 net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems**;** ~~except that:~~
        - ~~a. where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or~~[24]
    - iii. 1 unit per 1000m^2 net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except
    - iv. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m^2 net site area;
2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater**, and provided there is capacity,**[25] all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
3. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.

Activity status where compliance not achieved: Discretionary

[23] Marie Elder (S352.002), Davis Ogilvie +Partners LTD (S465.028), (S465.026) Cashmere Dairy Ltd (S461.002)
[24] Marie Elder (S352.002), Davis Ogilvie +Partners LTD (S465.028), (S465.026) Cashmere Dairy Ltd (S461.002)
[25] Buller District Council (S538.553), Chris and Jan Coll (S558592), Chris J Coll Surveying Limited (S566.592), Laura Coll Mclaughlin (S574.592) and William McLaughlin (S567.629)

SETZ-R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
    i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
    ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
    iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
    iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct **in the Grey,** ~~and~~ **Westland Districts and 10m in the Buller District**;[26]

2. The maximum site coverage is:
    i. 40%; except
    ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct

3. The maximum gross ground floor area of any one building
    i. Is 350m^2; except
    ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m^2 total for all buildings on the site.

4. Buildings are setback from boundaries as follows:
    i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, **1.5m from the rail designation,**[27] and 1m from internal boundaries; except
    ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings **and accessory buildings**[28] are setback 5m from internal boundaries;
    iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath; **and**
    iv. **No building housing sensitive activities shall be located within 150m of a designated community wastewater treatment facility site boundary**[29] **or a designated landfill site boundary.**[30]

5. In the Kumara Junction Developments area:
    a. A minimum 5m wide buffer strip of indigenous vegetation is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;

[26] Buller District Council (S538.554)
[27] KiwiRail (S442.093)
[28] Grey District Council (S608.119)
[29] Buller District Council (S538.554)
[30] Casmere Bay dairy Ltd (S461.021

b. A maximum of 2000m^2 indigenous vegetation in total is allowed to be cleared from each site; and
c. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;

6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ [31] This standard does not apply to:
   i. Road boundaries;
   ii. Buildings on adjoining sites that have a common wall along the boundary;
   iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ General Rural Zone;
   v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
   vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically**;**

7. **Vehicle crossing standards in Rule TRN – R1 are met; and**[32]

8. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**[33]

Advice Notes:

1. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;

2. Where a residential building or noise sensitive activity is located within:
   i. 80m of a State Highway with a speed limit of 70kph or greater; or
   ii. 40m of a State Highway with a speed limit of less than 70kph; or
   iii. 40m of a Railway Line; or
   iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
   v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**[34]

[31] Buller District Council (S 538.554)
[32] Waka Kotahi (S450.403)
[33] Fire and Emergency New Zealand (S573.049)
[34] Buller District Council (S538.554)

4. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**[35]

Activity status where compliance not achieved: Discretionary where standards 1-4 are not complied with. Restricted Discretionary where standards 5-~~6~~**8** are not complied with.

2.4. Specific Coastal Settlement Precinct Rules SETZ-R3, SETZ-R16 and SETZ-R20

Submissions and Further Submissions

147. Twenty-four submission points relating to rules R3, R16 and R20 were received and are summarised in a table on pages 35-37 of the s42A Report.

148. Fifteen submission points were received on SETZ-R3 and are summarised in a Table on pages 35-36 of the s42A Report, of which five were in support and one was in opposition, seeking that the rule be deleted. The remaining nine sought amendments.

149. Two submission points were received on SETZ-R16 and are summarised in a table on page 36 of the s42a report, one in support and one seeking amendments.

150. Seven submission points were received on SETZ-R20 and are summarised in a Table on pages 36-37 of the s42A Report. Two were in support, and the remaining five sought amendments.

Section 42A Report

151. Ms Easton acknowledged submission points in support of the rules.

SETZ-R3

152. Ms Easton did not support a submission point from Paparoa Track Services seeking to delete the standard restricting building size. She noted that this standard intends to ensure the balance between the natural and built environment retains an emphasis on the natural. She noted that, as existing sites in this precinct are often small, there is a risk that buildings will dominate the environment.

153. Ms Easton supported a submission point from BDC seeking an increase in the minimum permitted ground floor area to 150m^2, and several others[36] seeking an unspecified increase. She noted that 150m^2 is consistent with the operative Buller District Plan standards for the Paparoa Character Area. BDC considered that this has achieved appropriate outcomes in this sensitive environment and suggests the same be applied.

154. Ms Easton did not support submission points[37] seeking the rule be amended so that existing non-compliance with performance standards for Rule SETZ-R2 (3) does not preclude the application of this rule, noting that new or expanded activities should comply to ensure amenity and effects are adequately managed.

SETZ-R16

[35] Fire and Emergency New Zealand (S573.049)
[36] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[37] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

155. Ms Easton did not support a submission point from WMS Group, seeking that the reference to 'the lots fronting the esplanade' be removed, the maximum building size be increased to 500m^{2,} and the height increased to 10m. She noted that Jackson Bay Port is currently a small collection of sheds, and a car park located in a very small coastal settlement within a wider area of outstanding natural landscape and coastal natural character. She considered the current rule allows for modest expansion as a permitted activity, and that expansion beyond this should be assessed through a resource consent process.

SETZ-R20

156. Ms Easton supported a submission point from BDC seeking 3 additional matters of discretion, noting that these are appropriate and reflect the potential environmental effects of the activity.

157. Ms Easton did not support submission points[38] seeking the rule be amended so that existing non-compliance with performance standards Rule SETZ-R1 and R2 does not preclude the application of this rule, noting that new or expanded activities should comply to ensure amenity and effects are adequately managed.

Hearing and Submitter Evidence

158. Scenic Hotels Group sought that the SETZ-R3 rule name be amended to state '*except Punakaiki*.'

Reporting Officer Reply Evidence

159. In response to the Scenic Hotels Group's request for an amendment to Rule R3, Ms Easton noted that this rule is the same as the operative Buller District Plan rule and considered the requested change out of scope of the original submission.

Hearing Panel's Evaluation

160. The Panel agrees with the amendment sought by the BDC and other submitters to increase the permitted ground floor area in SETZ-R3 to 150m^2, which is consistent with the operative Buller District Plan.

161. The Panel agrees with BDC and Ms Easton that the inclusion of three new matters of discretion proposed to SETZ-R20, relating to shading and loss of sunlight, loss of privacy, character, and amenity, is appropriate. We acknowledge that these are factors to consider when assessing and managing the impacts of these activities. We agree that these reflect the potential effects of the activity. (We note that similar changes have been proposed to other rules below).

162. In relation to the remainder of the submissions on SETZ-R3, SETZ-R16 and SETZ-R20, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

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

[38] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

accepted and recommends that the following amendments be made to rules **SETZ-R3 and SETZ-R20**.

SETZ-R3 Building Design in the Coastal Settlement Precinct

Activity Status Permitted

Where:

(f) All standards for Rule SETZ - R1 and R2 are complied with;

(g) New buildings are no more than 1~~0~~**5**0m^2 [39] in ground floor area and additions to existing buildings add up to no more than 50m^2 ground floor area.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R16 Port Activities at Jackson Bay Port

Activity Status Permitted

Where:

1. These are undertaken on lots fronting The Esplanade as follows:
    i. On legal road reserve between Mean High-Water Springs and the edge of the road carriageway;
    ii. On the following lots:
        i. Sections 208 and 209 TN OF Arawata; and
        ii. Sections 8, 9 and 10 TN of Arawata;
2. Permitted Port Activities are limited to the following:
    i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
    ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
    iii. Port administration.
    iv. Facilities for recreational boating.
    v. Activities associated with maritime navigation; and
    vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
3. Maximum building size is 200m^2;
4. Maximum building height is 5m;
5. Buildings must be setback 1m from the road and internal boundaries; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:

[39] Buller District Council (S538.555) Chris and Jan Coll (S558.598) Chris J Coll Surveying Limited (S566.598) William McLaughlin (S567.634) and Laura Coll Mclaughlin (S574.598)

i. Road boundaries;

ii. Buildings on adjoining sites that have a common wall along the boundary;

iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ - General Rural Zone;

v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Discretionary

SETZ-R20 Buildings in the SETZ - PREC2 - Coastal Settlement Precinct not meeting Building Design Requirements in SETZ - R3

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Design, size, height and location of buildings;

b. Design, size and location of parking and access;

c. Any requirement for financial contributions;

d. Retention of existing vegetation;

~~e.~~ Volume and location of earthworks; ~~and~~

f. ~~Landscape measures~~ **Measures to mitigate landscape effects;**[40]

g. Shading and loss of sunlight to adjoining sites;

h. Loss of privacy to adjoining sites; and

i. Character and amenity of the surrounding area.[41]

Activity status where compliance not achieved: Discretionary

2.5. Other permitted activity rules

Submissions and Further Submissions

164. Six submission points and two further submission points were received on rule SETZ-R4 and are summarised in a table on pages 39-40 of the s.42A report. Three submissions were in

[40] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[41] Buller District Council (S538.568)

support and three requested amendments and two further submission points supported the amendments sought.

165. Seven submission points were received on rule SETZ-R5 and are summarised in a table on page 41 of the s42A report. Two submissions were in support, and five requested amendments.

166. Eight submission points were received on rule SETZ-R6 and are summarised in a table on pages 41-42 of the s42A report. Two submissions were in support, and six requested amendments.

167. Seven submission points were received in support of rule SETZ-R7 and are summarised in a table on page 42 of the s42A report.

168. Eleven submission points and one further submission point were received on rule SETZ-R8 and are summarised in a table on pages 42-44 of the s42A report. Two submission points were in support, and the remainder requested amendments. The further submission point supported the amendment sought.

169. Ten submission points and one further submission point were received on rule SETZ-R9 and are summarised in a table on pages 44-45 of the s42A report. Two submissions were in support, and the remainder requested amendments.

170. Thirteen submission points were received on rule SETZ-R10 and are summarised in a table on pages 45-46 of the s42A report. Three were in support, and the remainder requested amendments.

171. Thirteen submission points were received on rule SETZ-R11 and are summarised in a table on pages 46-47 of the s42A report. Four were in support, and the remainder requested amendments.

172. Twelve submission points were received on rule SETZ-R12 and are summarised in a table on page 47 of the s42A report. Three were in support, and the remainder requested amendments.

173. Thirteen submission points were received on rule SETZ-R13 and are summarised in a table on pages 47-48 of the s42A report. Five were in support, and the remainder requested amendments.

174. Fourteen submission points were received on rule SETZ-R14 and are summarised in a table on pages 48-49 of the s42A report. Five were in support, and the remainder requested amendments.

175. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

176. Ms Easton acknowledged submissions in support of each rule.

SETZ-R4

177. Ms Easton supported a submission point from Ngai Tahu seeking to amend the standard providing for clustered units, so it applies in reticulated areas, noting that she considered this a drafting error of omission.

178. Ms Easton did not support a submission from FENZ seeking an additional standard for firefighting water supply, considering this a building consent matter. She acknowledged concerns around the sufficient provision of firefighting water to rural properties and invited FENZ to provide more specific information at the hearing on this matter.

179. Ms Easton supported a submission from Ngai Tahu seeking an amendment to allow the same residential densities as for SETZ-R2, considering the omission of a residential density in reticulated areas to be an error.

SETZ-R5

180. Ms Easton supported a submission from BDC seeking an amendment to limit agricultural activities to grazing where shelters and buildings for housing or feeding livestock are at least 30m from any boundary. Ms Easton noted that a similar submission was made on the Rural Lifestyle Zone, and she recommended the following change be made for consistency:

~~*Performance standards for poultry farming and pig keeping apply as follows:*~~

- ~~*For poultry setbacks of 10m from any residential building on another site and 2m from the site boundary;*~~
- ~~*For pig keeping setbacks of 50m from any residential building on another site and 100m for any shelter holding 4 or more pigs*~~

Shelters and buildings used to house or feed poultry or pigs must be setback at least 30m from any boundary.

181. Ms Easton did not support submission points[42] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and infrastructure effects are adequately managed.

SETZ-R6

182. Ms Easton supported in part a submission point from BDC seeking that the performance standard requiring compliance with the standards in SETZ-R2 be deleted. She considered that minor structures should still be required to comply with setbacks in SETZ-R2, as BDC sought in other zones.

183. Ms Easton did not support submission points[43] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and infrastructure effects are adequately managed.

[42] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[43] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

184. Ms Easton did not support submission points seeking to increase the height in Standard 2 to 8m. She considered the notified height of 7m aligns with the maximum permitted heights in the Coastal Settlement Precinct and accessory buildings.

SETZ-R7

185. All submissions supported this rule, and no changes were requested or recommended.

SETZ-R8

186. Ms Easton did not support several submission points seeking that this rule be deleted, as she considered the rules are needed to protect amenity, noting that issues have arisen with the relocation of old dwellings on the West Coast.

187. Ms Easton did not support submission points from Greg Maitland seeking to increase the timeframe for compliance to 24 months, as she considered 12 months to be sufficient. She also did not support a submission point from David Ellerm seeking that a bond be required, as she did not think this was appropriate for a permitted activity.

188. Ms Easton supported the submission of the NZ Heavy Haulage Association Inc. in part, concerning the amendment to require buildings used for dwellings to have originally been dwellings. She considered that the other amendments requested did not make the rule clearer or easier to enforce.

SETZ-R9

189. Ms Easton did not support a submission from Marie Elder seeking an amendment to restrict all visitors and guests to a home business (including visitor accommodation) from socialising outdoors between 10 pm and 8 am. She noted that the District Plan cannot regulate the behaviour of visitors and that adverse effects are managed by limiting visitor numbers.

190. Ms Easton supported a submission from Waka Kotahi, seeking to limit the permitted level of vehicle movements to 30 equivalent car movements per day, noting that exceeding this number would consider the use of the vehicle crossing a high trip-generating activity. She noted that the current rule wording could allow 210 vehicle movements on one day and none of the rest of the week. She recommended the standard read: "a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day ~~or~~ and 210 light vehicle movements per week.

191. Ms Easton did not support a submission point from Jane Whyte and Jeff Page seeking to delete the word '*permanently*' from condition 3(ii)(b). She considered that this would result in people coming to the business out of hours and create a greater risk of disturbance. She considered that the effects of people working outside of normal work hours would be appropriately assessed through the resource consent process.

192. Ms Easton supported a submission point from BDC seeking an additional performance standard outside the SETZ-PREC2 Settlement Centre Precinct, allowing a maximum of one full-time equivalent employee who resides off-site. She noted that the Council are concerned that the traffic generation standards would be difficult to monitor and enforce when there are combined business and residential activities in one dwelling.

193. Ms Easton did not support submission points[44] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ – R10 Residential Visitor Accommodation

194. Paparoa Track Services sought to delete Standard 7 and considered that whole-house visitor accommodation should be permitted. Ms Easton did not support this submission point, noting that the loss of residential housing to visitor accommodation was the single biggest issue raised in the Settlements zone across the West Coast, and that this has had a significant impact on local communities. She noted that the impacts include a lack of housing for residents, difficulties for businesses in finding staff, the performance capabilities of volunteer fire brigades, overall community cohesion, and environmental effects. She noted that this matter was carefully examined during the development of TTPP and was the subject of specific consultation before this approach was included in the Plan.

195. WDC sought that Standard 7 be amended so the same rules apply in Westland as in the Buller District, rather than the Grey approach being applied to Westland. Ms Easton supported this submission, noting that Westland faces similar problems to Buller in relation to high tourist numbers. She said that the staff recommendation was to manage Westland and Buller visitor accommodation in the same way, but the TTPP Committee overruled this.

196. Ms Easton did not support a submission from Marie Elder seeking specific restrictions for Hartmount Place and Ross Place. She noted that these matters relate to a particular activity established under resource consent, and where there are compliance issues, that is not a matter for rules in a District Plan. The Panel notes this matter has been addressed above.

197. Ms Easton did not support a submission from Jane Whyte & Jeff Page seeking to delete standards 1, 3 and 7. She noted that these standards ensure that commercial activities are not established without appropriate oversight and limit the number of paying guests to manage the scale of adverse effects to what is reasonable in a residential area. Clause 7 pertains to the differences between the rules in Buller and those in other districts.

198. Ms Easton supported a submission point from GDC seeking that Clause 5 be amended to require records to be provided annually rather than on request.

199. Ms Easton did not support submission points[45] seeking to amend the rule so that existing non-compliance does not preclude its application. She considered that existing building activities have existing use rights therefore this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these clauses in order to ensure amenity and effects are adequately managed.

SETZ-R11

[44] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[45] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

200. Ms Easton did not support submission points[46] seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.

201. Ms Easton did not support submission points[47] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ-R12

202. Ms Easton did not support submission points[48] seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.

203. Ms Easton did not support submission points[49] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ-R13

204. Ms Easton supported a submission point from Westland Farm Services, seeking to delete Standard 9, as air discharge is a regional matter, and agreed that the standard is unnecessary for retail activities. She noted, however, that the Regional Air Plan is very permissive and that, in the context of other Plan provisions, additional regulation may be necessary for amenity reasons.

205. Ms Easton did not support a submission point from David Ellerm seeking that Standard 3 be amended to 5km rather than 10km. She noted that the implications of the distance had been considered and 10km was chosen to ensure the expected environmental outcomes of focusing retail businesses within areas specifically set aside for that activity.

206. Ms Easton did not support a submission from Foodstuffs seeking a restricted discretionary activity status, noting that the zone is largely residential in character and that a discretionary activity status provides for careful consideration of activities that could have significant adverse effects on the residential character.

207. Ms Easton did not support a submission from BDC seeking that rules 13 and 14 be combined to reduce confusion, noting that rule 14 explicitly states it does not apply to retail, home businesses, or visitor accommodations.

208. Ms Easton did not support submission points[50] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that

[46] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[47] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[48] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[49] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[50] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards in order to ensure amenity and effects are adequately managed.

SETZ – R14

209. Ms Easton supported a submission point from Westland Farm Services seeking that the rule apply in the SETZ-PREC4 Rural Residential Precinct and that Standard 6 be deleted. She considered control of dust, odour, or smoke discharge to be unnecessary for commercial activities, but noted, however, that the Regional Air Plan is very permissive and that, in the context of other Plan provisions, additional regulation may be necessary for amenity reasons.

210. Ms Easton did not support submission points[51] seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.

211. Ms Easton did not support submission points[52] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards in order to ensure amenity and effects are adequately managed.

Hearing and Submitter Evidence

212. Frida Inta noted that, in relation to rule 10, up to 6 paying guests would generate heavy vehicle movements and considered the restriction on heavy vehicle movements to be illogical. She considered that retirement homes and educational activities should not be permitted activities, as these activities need public scrutiny. She also considered that Standards 13 and 14 should not include a permitted activity status.

213. Jonathan Bhana-Thomson, in evidence presented on behalf of the NZ Heavy Haulage Association, supported Ms Easton's recommendation to retain the relocated building rule, but continued to seek the other amendments requested in the submission on the basis that they would clarify the rule and make it easier to enforce.

214. Scenic Hotel Group sought further amendments to SETZ-R11 to provide for worker accommodation in the Settlement Zone in Barrytown and the Settlement Coastal Precinct in Punakaiki, and to delete the advice note stating that visitor accommodation is permitted in SETZ-PREC2.

215. In a written response to the Panel relating to their submission point on SETZ-R4, FENZ agreed with Ms Easton that papakainga development are likely to connect to reticulated water supplies, where they are available. They proposed an alternative amendment to the rule to require firefighting water supply, as follows:

[51] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[52] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

3.iii Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

Advice Note:

The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

216. Foodstuffs continued to seek that SETZ-R13 have a restricted discretionary activity status for activities that do not comply, as sought in their original submission point.

217. Marie Elder acknowledged Ms Easton's comments on SETZ-R10. She continued to seek the changes requested in her original submission, noting that she considered them reasonable requests given the road safety issues and her neighbourhood experience. She considered that the Buller District Plan provides precedent for rules controlling parking for commercial premises.

Reporting Officer Reply Evidence

218. In response to a question from the Panel about whether there is scope to consider non-notification clauses at Punakaiki, Ms Easton noted that the original submissions on the settlement zone provisions did not provide any specific scope for this. For completeness, she also reviewed submissions on the Scenic Visitor Zone and confirmed these also did not provide specific scope for non-notification clauses.

219. Ms Easton noted that the Scenic Hotel Group submission opposed all proposed rules and zone changes affecting their properties, and that the Panel could consider a non-notification clause as providing partial relief to this submission for some rules. However, she pointed out that there are no non-notification clauses in the Westland or Buller Operative District Plans, so she considered the link between the submission and introduction of a non-notification clause to be tenuous.

220. In relation to the Scenic Hotels requested changes to SETZ-R11, Ms Easton noted the original submission did not reference worker accommodation or Barrytown.

221. Ms Easton acknowledged the additional information provided by FENZ and recommended an amendment to SETZ-R4 to include an additional performance standard and advice note as follows:

Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

***Advice Note**: The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.*

222. In relation to SETZ-R5, Ms Easton did not consider additional road boundary setbacks to be necessary for chicken and pig keeping. She noted that many other Councils have bylaws for pig and chicken keeping and that it is common for keeping of up to 10 chickens or 4 pigs to be excluded from more significant regulation. She recommended a similar approach be taken

to allow a domestic level of production where nuisance matters are less likely. She recommended the following amendment to Standard 3:

Shelters and buildings used to house or feed more than 10 poultry or 4 pigs must be setback at least 30m from any internal boundary

223. No further comment was given in the ROR in relation to Foodstuffs request for Restricted Discretionary Status for SETZ-R13.

Hearing Panel's Evaluation

224. The Panel generally agrees with Ms Easton's analysis of submissions and recommended changes to the Rules.

SETZ-R4

225. The Panel accepts Ms Easton's recommendation and reasoning to amend the SETZ-R4 to provide for clustering of units in relation to Papakainga Developments, where this is serviced, as she acknowledges these amendments address an omission error in the notified Plan, which only applied in areas not serviced by reticulation. We agree that this should also include providing for the same residential densities as in SETZ-R2.

226. The Panel acknowledge Ms Easton's revised position concerning the FENZ submission, and we accept her recommendation to include a performance standard and advice note in SETZ-R4 based on the further information provided by FENZ. We agree that this addresses a gap between policies and the building code.

SETZ-R5

227. The Panel agrees with Ms Easton's recommendation to amend the setback distance from residential properties for the keeping of pigs and poultry farming as partially sought by BDC. We do not agree with the wording proposed by BDC that the rule should be extended to all agricultural activities as this would have perverse outcomes.

228. We accept the setback distances should relate to shelters and buildings and that they be from any internal boundary rather than a residential building as the latter could result in shelters and buildings being built up to the boundary. We also agree that the allowable number of pigs should be restricted but we consider the wording should be clarified to refer to "*more than 3 pigs*". This reflects the notified plan limit.

229. In terms of poultry, we have found it difficult to justify scope for a limit of 10 as proposed by Ms Easton as BDC did not propose a limit in their submission. We have therefore not placed a limit on poultry.

SETZ-R6

230. The Panel agrees with Ms Easton's recommendation to amend the Rule as sought by BDC, as we consider this provides greater clarity to plan users without the need to refer to SETZ-R2. We note that the amendment necessitates the replication of all subclauses from Standard 2 of SETZ-R2 for consistency.

231. In relation to the remainder of the submissions on SETZ-R6 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R7

232. In relation to SETZ-R7, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

SETZ-R8

233. The Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

234. The Panel has also consolidated rule 8 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

235. In relation to other submissions on SETZ-R8 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R9

236. The Panel agrees that further regulation of home businesses through the provision of an additional standard, requiring that no more than one full-time equivalent person engaged in the home business can reside off-site, as sought by BDC, is warranted. We note that, at present, there is no limit in the Plan; therefore, there is a potential for adverse effects on amenity to occur due to the scale of the business. While we note that the definition of Home Business provides some level of control, there needs to be further control in our view to address the scale of activity of a Home Business. We also note that without controlling scale, there are also potential impacts on the use of existing commercial centres.

237. While the Panel notes Ms Easton's recommendation to amend Standard 6 in relation to traffic movement as a result of the Waka Kotahi submission, as a result of our recommendations in the Transport Chapter on trip generation, this standard is to be deleted to avoid the potential for uncertainty between provisions. We note that the inclusion of the no more than one full-time equivalent person should address the amenity issue associated with people and vehicle numbers.

238. In relation to the remainder of the submissions on SETZ-R9 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R10

239. The Panel agrees with Ms Easton's amendment to Standard 7 to include '*and Westland*' as requested by the WDC. We acknowledge that Westland faces similar challenges to Buller in terms of high tourist numbers and a shortage of housing accommodation.

240. The Panel agree with GDC that providing records of letting activity annually, rather than on request, will enable better monitoring of potential effects and ensure compliance with regulatory controls.

241. In relation to the remainder of the submissions on SETZ-R10 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R11

242. In relation to SETZ-R11, the Panel accepts Ms Easton's recommendation to retain the rule as notified and reject the submissions based on the conclusions reached by Ms Easton.

SETZ-R12

243. The Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Homes Businesses where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes (where they are not exempted) we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

244. In terms of the remainder of the rule the Panel accepts the recommendations to retain the rule as notified (aside from the inclusion of a Standard relation to the risk of Electromagnetic coupling) and rejects the submissions on the basis of the conclusions reached by Ms Easton.

SETZ-R13 and SETZ-R14

245. The Panel has considered the submissions from Westland Farm Services on SETZ-R13 and R14. The submission appears to seek the deletion of SETZ-R13 or that Standards 9 and 6, of the two rules respectively, relating to the generation of dust, odour, or smoke, be deleted. Firstly, we agree with Ms Easton that responsibility for air discharges sits with the West Coast Regional Council (WCRC) through the Regional Air Plan. We acknowledge, however, that the effects of air discharges can extend into District Council territory, where there may be potential impacts on amenity. However, this is usually addressed through other rules, such as setbacks, or considered during the consenting process. In this situation, we agree that the standards should be deleted as a non-compliance with these standards could only appropriately be addressed via a consent from the WCRC.

246. Secondly, while the Panel do not agree that SETZ-R13 should be delete, we do accept that the rule as currently drafted is problematic. In particular clause 2 effectively means that all activity subject to the rule has to be within the PREC2 - Settlement Centre Precinct. This means that clauses 3, 6 and 7 are redundant because they relate to activity outside PREC2 - Settlement Centre Precinct. We consider the inclusion of clause 2 is an error and recommend it be deleted.

247. The Panel note that as a consequence of its earlier recommendation stemming from the Foodstuffs submission it has deleted clause 4.

248. The Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 5 and 4 respectively, relating to traffic movement, have been amended to ensure compliance with Rule TRN – R6 is also achieved. While we acknowledge that this has not been the situation for Home Businesses where the rule has been deleted in favour of TRN – R6, in the case of Retail Activities and Commercial Activities other than Retail, Home Business or Visitor Accommodation we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

249. In relation to the remainder of the submissions on SETZ-R13 and SETZ-R14, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

250. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments are made to the rules **SETZ-R4** to **SETZ-R14:**

SETZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 are complied with;
2. Where developments are in the SETZ - PREC3 - Coastal Settlement Precinct all standards for Rule SETZ - R3 are complied with **however units are able to be clustered**;[53]
3. In areas not serviced by reticulated wastewater, stormwater and water supply:
   i. The average residential building density is no more than one unit per 1000m^2 net site area, ~~although units can be clustered~~; and
   ii. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.
4. **In areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems the average residential building density is no more than one unit per 500m^2 net site area; and**[54]
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**[55]

Advice Notes:

1. Where a residential building or noise sensitive activity is located within:
   i. 80m of a State Highway with a speed limit of 70kph or greater; or
   ii. 40m of a State Highway with a speed limit of less than 70kph; or

[53] Ngai Tahu (S620.403)
[54] Ngai Tahu (S620.248)
[55] Fire and Emergency New Zealand (S573.049)

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.[56]

Activity status where compliance not achieved: Discretionary

SETZ-R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. The activity does not include:
   i. Intensive indoor primary production;
   ii. The storage and disposal of solid or liquid animal waste not generated on the site;
   iii. Woodlots;
   iv. Stock sale yards; or
   v. Farm quarries
3. Performance standards for poultry farming and pig keeping apply as follows:
   i. **Shelters and buildings used to house or feed poultry or more than 3 pigs must be setback at least 30m from any internal boundary** ~~For poultry setbacks of 10m from any residential building and 2m from the site boundary~~;
   ~~ii. For pig keeping setbacks of 50m from any residential building and 100m for any shelter holding 4 or more pigs; and~~[57]
4. Performance standards for beekeeping in the Westland District apply as follows:
   i. No bees may be kept on a property less than 600m^2 net site area;
   ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary; and
   iii. A water source for bees must be provided and maintained on the property.

Advice Note:

[56] Fire and Emergency New Zealand (S573.049)
[57] Buller District Council (S538.556)

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

Activity status where compliance not achieved: Discretionary

SETZ-R6 Minor Structures

Activity Status Permitted

Where:

1. ~~All standards for Rule SETZ - R2 are complied with;~~ **Structures are set back:**
    i. **5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except**
    ii. **In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;**
    iii. **In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath.**
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height;
5. Any other structure must not exceed $10m^2$ and 2m in height.

Activity status where compliance not achieved: Controlled

SETZ-R7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **Restricted** Discretionary

SETZ-R8 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;

2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and**[58] used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix Eleven**[59] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within ~~a~~ 12-month**s of the building being delivered to the site** period; **and** [60]
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[61]

Activity status where compliance not achieved: Controlled

SETZ-R9 Home Business

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. There is no limit to hours of operation in the SETZ - PREC2 - Settlement Centre Precinct;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to:
    i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
    ii. Except where:
        a. The entire activity is located within a building;
        b. Each person engaged in the activity outside the above hours resides permanently on site; and
        c. There are no visitors, customers or deliveries to the activity outside of the above hours.
4. **Outside of the SETZ - PREC2 - Settlement Centre Precinct, there is no more than one full time equivalent person engaged in the home business that resides off site;** [62]
5. No external storage of products except those associated with residential use shall be visible from any SETZ - Settlement Zoned property or adjoining public place; **and**
6. No external generation of dust, odour or smoke occurs as part of the activity**.**~~; and~~

[58] New Zealand Heavy Haulage Inc (S616.009)
[59] New Zealand Heavy Haulage Inc (S616.009)
[60] Buller District Council (S538.558), Chris & Jan Coll (S558.175 S558.602), Chris J Coll Surveying Limited (S566.175 S566.602), William McLaughlin (S567.025 S567.638), Laura Coll McLaughlin (S574.175 S574.602)
[61] Buller District Council (S538.558), Chris & Jan Coll (S558.175 S558.602), Chris J Coll Surveying Limited (S566.175 S566.602), William McLaughlin (S567.025 S567.638), Laura Coll McLaughlin (S574.175 S574.602)
[62] Buller District Council (538.559)

~~7. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week.~~[63]

Activity status where compliance not achieved: Discretionary

SETZ-R10 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or conservation activity;
2. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**; [64]
6. No heavy vehicle movements are generated; and
7. In the Buller **and Westland**[65] District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

a. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

b. ~~In the Buller District, where~~ **Where** residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights **may** apply.[66]

c. This rule does not apply to Residential Visitor Accommodation in the Settlement Centre Precinct - refer to Rule SETZ - R11.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R11 Visitor Accommodation in the Settlement Centre Precinct

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

1. All types of visitor accommodation are Permitted in the SETZ - PREC2- Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.
2. Where visitor accommodation is located within:

[63] Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083
[64] Grey District Council (S608.120)
[65] Westland District Council (S181.045)
[66] Consequential amendment stemming from amendments to the Residential Chapter

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

SETZ-R12 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes

Where:

1. All performance standards for Rule SETZ -R2 are complied with except that hose drying towers are exempt from height standards in all areas other than the Coastal Settlement Precinct;
2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated **and compliance is achieved with TRN – R6**;[67] except:

   No vehicle movement limit applies to:

   a. Emergency Service Facilities;

   b. Community halls or Educational Facilities lawfully established at the time of notification of the Plan; or

   c. Activities within the SETZ - PREC2 Settlement Centre Precinct; and
3. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place**; and**
4. **Where the facility will be located within the Westport Radio Mast EM Overlay any hose drying or siren tower of a height of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated**[68]

Advice Note:

Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

[67] Consequential amendment associated with amendments to the Transport Chapter, Buller District Council (S538.083)
[68] Radio New Zealand (S476.042)

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R13 Retail Activities

Activity Status Permitted

Where:

1. Performance standards for Rule SETZ - R2 are complied with;

~~2. The activity is located within a SETZ - PREC2 - Settlement Centre Precinct;~~[69]

2. Where the activity is located outside of a SETZ - PREC2 - Settlement Centre Precinct, there is no SETZ - PREC2 - Settlement Centre Precinct or CMUZ Commercial or MUZ - Mixed Use Zone within 10km of the site;

~~4. The maximum combined floor and yard area for any retail activity is 250m^2~~;[70] and

3. The activity does not include:
   i. Service stations;
   ii. Car sales;
   iii. Yard-based retail; and
   iv. Drive through restaurants.
4. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays.
5. Outside of the SETZ - PREC2 - Settlement Centre Precinct there are a maximum of 10 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week generated by the activity **and compliance is achieved with TRN – R6**; [71]
6. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**

~~9. No external generation of dust, odour or smoke occurs as part of the activity; and~~[72]

7. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation

Activity Status Permitted

Where:

1. The activity does not occur in the SETZ - PREC3 - Coastal Settlement Precinct or the SETZ - PREC4 - Rural Residential Precinct;
2. Performance standards for Rule SETZ - R2 are complied with;

[69] Westland Farm Services (S550.018)
[70] Foodstuffs (S464.004)
[71] Consequential amendment associated with amendments to the Transport Chapter, Buller District Council S538.083
[72] Westland Farm Services (S550.018)

3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays;

4. Outside of the SETZ - PREC2 Settlement Centre Precinct, a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week **and compliance is achieved with TRN – R6**;-[73]

5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; **and**

~~5. No external generation of dust, odour or smoke occurs as part of the activity; and~~[74]

6. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Advice Note:

Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Restricted Discretionary

2.6. Rules SETZ-R17-R28 where resource consent is required

Submissions and Further Submissions

251. Seventy-nine submission points and one further submission point were received on rules SETZ-17-28 and are summarised in a table on pages 57-62 of the s42A report.

252. Ten submission points were received on rule SETZ-R17 and are summarised in a table on page 57 of the s42A report. Two were in support of the rule, four requested amendments, and four opposed the standard and sought its deletion.

253. Seven submission points and one further submission point were received for SETZ-R18. One submission point supported the rule, while five sought to delete the rule in its entirety. One further submission point sought to disallow an amendment.

254. Seven submission points were received on rule SETZ-R19 and are summarised in a table on pages 58-59 of the s42A report. Two were in support of the rule, and five requested amendments.

[73] Consequential amendment associated with amendments to the Transport Chapter, Buller District Council S538.083
[74] Westland Farm Services (S550.018.

255. Eleven submission points were received on the two rules numbered SETZ-21 and are summarised in a table on page 59 of the s42A report. Seven were in support of the rules, and four requested amendments.

256. Seven submission points were received on rules SETZ-22 and are summarised in a table on page 59- 60 of the s42A report. Two were in support, and five sought amendments.

257. Seven submission points were received on rules SETZ-24 and are summarised in a table on page 60 of the s42A report. Two were in support, and five sought amendments.

258. Fourteen submission points were received on rule SETZ-25 and are summarised in a table on pages 60-61 of the s42A report. Two were in support, and twelve sought amendments.

259. Seven submission points were received on rule SETZ-26 and are summarised in a table on pages 61-62 of the s42A report. Six were in support, and one sought an amendment.

260. Ten submission points were received on rule SETZ-27 and are summarised in a table on page 62 of the s42A report. Two were in support, four sought amendments, and four opposed the rule, seeking to delete it.

261. Six submission points were received on rule SETZ-28 and are summarised in a table on pages 62-63 of the s42A report. Two were in support, and four opposed the rule, seeking its deletion.

262. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

263. Ms Easton acknowledged submissions in support of the rules.

SETZ-R17

264. Ms Easton did not support submission points[75] seeking to amend the rule so that existing non-compliance does not preclude its application. She considered that existing building activities have existing use rights therefore this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

265. M Easton did not support several submission points[76] seeking that Standard 1 be deleted. She noted that the submitters provided no reasons for why this rule should apply in the Coastal Settlement Precinct, where the rules are carefully tailored to reflect the high natural values, and balance the natural over the built environment in those areas.

SETZ-R18

266. Ms Easton did not support several submission points[77] seeking that the rule be deleted, for the reasons she outlined concerning SETZ-R8.

[75] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[76] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[77] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

267. Ms Easton did not support a submission from David Ellerm seeking a new matter of control, stating that compliance with any Character Area standards for the locality was not required, as she noted that there are no character area standards.

SETZ-R19

268. Ms Easton supported a submission from BDC seeking three additional matters of discretion to be added, being (f) Shading and loss of sunlight to adjoining sites, (g) Loss of privacy to adjoining sites, and h) Character and amenity of the surrounding area. She considered these to be appropriate matters to consider when assessing and managing the effects of these activities.

269. Ms Easton did not support several submission points[78] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and effects are adequately managed.

SETZ-R21

270. Ms Easton noted that a numbering error had resulted in two SETZ-R21 rules in the notified plan and supported submissions seeking that this error be corrected.

271. Ms Easton supported submission points from BDC seeking reference to acoustic requirements in the visitor accommodation rule be deleted, that an additional matter of discretion around loss of privacy to adjoining sites be added, and that matter of discretion (g) be expanded to include all amenity and character effects.

SECOND SETZ-R21

272. Ms Easton supported a submission from BDC seeking that two additional matters of discretion be included in the community facilities rule, being: (j) Loss of privacy to adjoining sites; and (k) Character and amenity of the surrounding area.

273. Ms Easton did not support a submission from FENZ seeking a new activity status and permitted activity rule for Emergency Service Activities. She noted that existing activities would have existing use rights. She considered that new activities in largely residential locations should be subject to a resource consent process and management of adverse effects.

SETZ-R22

274. Ms Easton supported a submission from GDC seeking the rule numbering be fixed as referred to above.

275. Ms Easton did not support several submissions seeking to delete all of the performance standards. She considered that rural industry activities are likely to be inappropriate in some settlement zone areas, which are predominantly residential environments, particularly where there are high character and amenity values. She noted that the performance

[78] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

standards aim to focus the development of any rural industry on appropriate locations where its adverse effects on amenity and character can be remedied or mitigated.

NEW RULE

276. Ms Easton supported submission points from Frank and Jo Dooley and Frank O'Toole seeking a separate restricted discretionary activity rule for fences, walls and retaining walls, noting that she had supported these submitters' similar submissions on other zones.

SETZ-R24

277. Ms Easton did not support several submission points[79] seeking that the rule be deleted, for the reasons she outlined in relation to SETZ-R8.

278. Ms Easton did not support a submission from Ngai Tahu seeking the rule be redrafted and merged with SETZ-R25, as she considered the rules were drafted to focus on like-grouped activities. She did not consider it necessary or appropriate to group these rules.

SETZ-R25

279. Ms Easton supported submissions seeking to remove fences, walls and retaining structures as a consequence of the new rule. She noted that the submitters had made similar submissions in other zones, and, as elsewhere, she supported these submissions and the proposed change.

280. Ms Easton did not support several submission points seeking that this rule also applies to industrial activities and that such activities are not non-complying. She noted that no reasons were given, except that the rule was deemed 'too stringent.'

SETZ-R26

281. Ms Easton did not support a submission point from Foodstuffs seeking a restricted discretionary activity status. She noted the Settlement zone is primarily a residential environment with compatible other uses, and that submissions raised strong concerns about the adverse effects of non-residential activities. She considered that these needs, namely establishing a supermarket, needed to be carefully managed and located in these areas.

SETZ-R27

282. Ms Easton did not support several submission points[80] seeking that this rule apply in the Coastal Settlement Precinct and not escalate to a non-complying activity status. She considered that industrial activities do not align with the zone's purpose and are inappropriate in coastal settlements. She noted the Settlement zone is primarily a residential environment with compatible other uses, and that submissions raised strong concerns about the adverse effects of non-residential activities. She considered that these industrial activities need to be carefully managed and located in these areas.

SETZ-R28

[79] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[80] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

283. Ms Easton did not support several submission points[81] seeking that this rule be deleted, noting that no reasons were given. She acknowledged that this type of 'catch-all' rule often has a Discretionary activity status in other Plans and invited the submitters to present more information at the hearing about whether they would support that as an alternative relief.

Hearing and Submitter Evidence

284. A letter to the Panel from KiwiRail requested an amendment to SETZ-R22 to include two additional matters of discretion relating to effects on the rail corridor.

Reporting Officer Right of Reply

285. Ms Easton's right of reply did not address these rules further.

Hearing Panel's Evaluation

SETZ-R17

286. The Panel agrees that SETZ-R17 should not be amended so that existing non-compliance does not preclude the application of the rule as sought by submitters. We agree that existing building activities would have existing use rights; therefore, the rule does not prevent these activities from continuing to operate at their current scale. We also agree that Standard 1 should remain and acknowledge Ms Easton's comment that the rules have been carefully tailored to reflect the high natural values of the SETZ-PREC 3 Coastal Settlement Precinct and reflect the balance of natural over built environment in those areas.

SETZ-R18

287. The Panel agrees with Ms Easton that the rule should be retained, and we note she covered this matter under SETZ-R8. We also accept that there is no necessity for a new matter of control, stating Compliance with any Character Area standards for the locality, as there are no Character Area standards.

SETZ-R19

288. As noted, and reasoned above, the Panel agrees with BDC and Ms Easton that the inclusion of three new matters of discretion relating to shading and loss of sunlight, loss of privacy, character and amenity is appropriate.

289. The Panel agrees that SETZ-R19 should not be amended so that existing non-compliance does not preclude the application of the rule as sought by submitters. We agree that existing building activities would have existing use rights; therefore, the rule does not prevent these activities from continuing to operate at their current scale.

SETZ-R21

290. The Panel agrees with the submitters that a correction to the numbering sequence is necessary to eliminate having two SETZ-R21s, and this has been undertaken within the recommendations below.

[81] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

291. The Panel agrees with BDC and Ms Easton to include an additional matter of discretion regarding loss of privacy, as this is an appropriate consideration in assessing and managing the effects of visitor accommodation.

292. The Panel notes that Ms Easton has included in her Appendix 1, supporting the BDC submission, a request to delete references to '*visual*' and '*rural*' in subclause (g); however, we note that there is no analysis of this. We have considered this proposed amendment, and we agree that the matter of discretion should refer solely to '*amenity*' and '*character*' to address relevant matters associated with visitor accommodation, such as noise and scale of activity. We consider visual amenity is unlikely to be a major issue and that rural character within a Settlement zone is of limited relevance. While we accept this broadens the scope of the discretion we consider this is appropriate and more relevant to the activity concerned.

SECOND SETZ-R21

293. The Panel notes that BDC has sought an amendment to remove acoustic requirements from matter of discretion (i) in the second SETZ-R21 as a consequence of their broader submissions to remove reference to acoustic insulation in SETZ-R11 and SETZ-R12, which relate to transport effects. It seems to us that Ms Easton has mistakenly considered this submission under the first SETZ-R21, and therefore, there is no analysis. We note that the acoustic insulation requirements in these two rules have been addressed in the Noise Chapter recommendation. In terms of matters of discretion (i), we do not consider this to be directly related to the acoustic issue in SETZ-R11 and SETZ-R12. Turning to the matter of discretion itself, we are unclear as to what leaving the wording as '*noise management'* would mean in terms of exercising discretion. In our view, this matter of discretion is seeking to address situations where noise is emanating from the activities listed under the rules heading. We therefore consider the wording as notified to be appropriate and recommend that this submission be rejected.

294. The Panel agrees that an additional matter of discretion regarding loss of privacy, character, and amenity is appropriate, as we have previously discussed above.

295. The Panel notes that, as a consequential amendment resulting from SETZ-R12 in relation to the RNZ submission, a further matter of discretion has been added to this rule to address situations where a breach in the height limits near the RNZ facility at Cape Foulwind occurs.

296. The Panel agrees with Ms Easton's reasoning regarding the exclusion of Emergency Service Activities as a permitted activity, as sought by FENZ.

SETZ-R22

297. The Panel agree with Ms Easton regarding the retention of the performance standards to be deleted. We acknowledge that rural industry activities may be inappropriate in some settlement zones, which are predominantly residential environments, particularly where there are high character and amenity values.

NEW RULE

298. The Panel agrees with Ms Easton that a separate restricted discretionary activity rule for fences, walls and retaining walls is appropriate. We consider that having the default position for fences, walls and retaining walls as a discretionary activity is too restrictive in the context of the activity. We note that as a consequential amendment, as sought by the submitters, fences, walls and retaining walls would need to be removed from SETZ-R24 and SETZ-R25.

We also note Ms Easton has supported similar submissions from these submitters in other zones.

SETZ-R24

299. The Panel agrees with Ms Easton that SETZ-R24 should be retained. We note that submissions on this stem from those on SETZ-R8 and that we have agreed with Ms Easton's reasoning outlined in relation to SETZ-R8.

300. The Panel acknowledge Ms Easton did not support a submission from Ngai Tahu seeking that the rule be redrafted and merged with SETZ-R25. We agree these rules were drafted to focus on like-grouped activities and do not consider it necessary to merge them.

SETZ-R25

301. The Panel notes Ms Easton did not support several submission points seeking that SETZ-R25 also applies to industrial activities and that such activities do not become non-compliant. We have considered these submissions and agree with Ms Easton that the rule should be retained as notified.

SETZ -R26

302. In relation to the Foodstuffs submission seeking a restricted discretionary activity status, the Panel agrees with Ms Easton that the Settlement zone is primarily a residential environment with compatible other uses. Further, we note that there is only one supermarket within the Settlement zone.

SETZ-R27

303. The Panel accept Ms Easton's recommendation that SETZ-R27 should continue to exclude the Coastal Settlement Precinct. We agree that industrial activities do not fit within the purpose of the zone and are inappropriate in the coastal settlements, and therefore, their status as a non-complying activity is appropriate. We also agree that the Settlement zone is primarily a residential environment with compatible other uses, and these need to be carefully managed.

SETZ-R28

304. The Panel notes that Ms Easton did not support submissions seeking the deletion of SETZ-R28, and no reasons were given. We agree with Ms Easton that this type of '*catch-all'* rule often has a Discretionary activity status in other Plans, and we noted that we have recommended such a status in other chapters, such as Energy. The Panel considers, for reasons of consistency, that the activity status of SETZ-R28 should be revised to Discretionary.

Hearing Panel's Recommendation

305. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments are made to Rules **SETZ -R17 – SETZ 28** and that these be accordingly renumbered.

SETZ-R17 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct.
2. The minor structure does not exceed 10m in height; and
3. All performance standards other than height for Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures; and
b. Landscape measures **Measures to mitigate landscape effects**.[82]

Activity status where compliance not achieved: Discretionary

SETZ-R18 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct; and
2. All performance standards Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures;
b. Any requirement for financial contributions;
c. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and[83]
d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

SETZ-R19 Residential Buildings not meeting Building and Sites - Design Standards in Rule SETZ - R2

[82] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[83] Consequential Plan wide amendment to Manawa Energy Limited S438.100

Activity Status Restricted Discretionary

Where:

~~i.~~ **1.** The building projects into the 45 degree recession plane; or

~~ii.~~ **2.** The building is set back less than 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and

~~2.~~ **3.** All other performance standards for Rule SETZ - R2 are complied with.[84]

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Any requirement for financial contributions;

d. Design and location of parking and access; ~~and~~

e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**[85]

f. Shading and loss of sunlight to adjoining sites;

g. Loss of privacy to adjoining sites; and

h. Character and amenity of the surrounding area[86]

SETZ – R21 Residential Visitor Accommodation not meeting Rule STEZ - R10

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Number of visitors staying on site;

b. Number of days of use for the visitor accommodation;

c. Management of traffic and parking;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[87]

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

f. Any requirement for financial contributions;

g. Effects on ~~visual~~ amenity and ~~rural~~ character; ~~and~~ [88]

h. Methods of wastewater treatment and disposal; **and**

i. Loss of privacy to adjoining sites.[89]

Activity status where compliance not achieved: Discretionary

[84] Schedule 1 Clause 16(2) RMA
[85] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[86] Buller District Council (S538.568)
[87] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[88] Buller District Council (S538.570)
[89] Buller District Council (S538.570)

SETZ - R2~~1~~2 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards [90]

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Vehicle movements and access;

d. Design and location of parking and access;

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[91]

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Hours of operation; ~~and~~

i. Acoustic and noise management requirements;

j. Loss of privacy to adjoining sites;

k. Character and amenity of the surrounding area; and[92]

l. Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase[93]

Notification:

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

Activity status where compliance not achieved: N/A

SETZ – R2~~2~~3 Rural Industry

Activity Status Restricted Discretionary

Where:

1. This is not in the SETZ - PREC3- Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and
3. All performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[94]

[90] Grey District Council (S608.774) Buller District Council (S538.571)
[91] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[92] Buller District Council (S538.571)
[93] Consequential amendment resulting from Radio New Zealand (S476.042)
[94] Consequential Plan wide amendment to Manawa Energy Limited S438.100

d. Hours of operation;

e. Vehicle movements;

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Management of odour, noise, light and dust; and

i. Acoustic and noise management requirements.

Activity status where compliance not achieved: Discretionary

SETZ-R25 Fences, Walls and Retaining Walls not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures;

b. Height of structures; and

c. Shading and dominance effects on adjoining sites

Activity status where compliance not achieved: N/A [95]

SETZ – R246 Residential Activities and Residential Buildings, Buildings and Sites - Design, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga Developments, Minor Structures, ~~Fences, Walls and Retaining Walls~~,[96] Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in Rules SETZ - R1 or SETZ - R2 or SETZ - R4

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R257 All Activities and Buildings, Papakāinga, Minor Structures~~, Fences, Walls and Retaining Walls~~[97] and Port Activities at Jackson Bay Port in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Where:

1. This is not Industrial Activity subject to Rule SETZ - R2~~7~~**8**.[98]

Activity status where compliance not achieved: Non-complying

SETZ – R2~~6~~8 Home Business, Retail Activities, Commercial Activities and Residential Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

[95] Frank and Jo Dooley (S478.042) and Frank O'Toole (S595.024)
[96] Frank and Jo Dooley (S478.036), (S478.042) and Frank O'Toole (S595.024)
[97] Frank and Jo Dooley (S478.036), (S478.042) and Frank O'Toole (S595.024)
[98] Consequential amendment from Grey District Council (S608.774) Buller District Council (S538.571)

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R2~~7~~9 Industrial Activities not meeting Rule SETZ - R2~~2~~3 [99]

Activity Status Discretionary

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.

Activity status where compliance not achieved: Non-complying

SETZ – R30 Any activity not provided for by another Rule in the zone

Activity Status ~~Non-complying~~ **Discretionary**[100]

Activity status where compliance not achieved: N/A

SETZ – R31 Industrial Activities not meeting SETZ – R29.

Activity Status: Non-complying

Activity status where compliance not achieved: N/A[101]

2.7. Subdivision standards SUB-S1 in relation to the settlement zone

Submissions and Further Submissions

306. Three submission points and one further submission point were received on the minimum lot size standard and are summarised in a table on page 67 of the s42a report.

307. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A report

308. Ms Easton acknowledged submissions in support of the rule.

309. In relation to Davis Ogilvie's support of minimum lot sizes in sewered and unsewered areas, Ms Easton noted that the reference to sewered areas is an error and different to the approach taken in the residential density rule.

310. Ms Easton did not support a submission from David Ellerm seeking an increase in minimum lot sizes and noted that no reason was given for requesting this change. She noted that the

[99] Consequential amendment from Grey District Council (S608.774) Buller District Council (S538.571)
[100] Chris & Jan Coll (S558.632), Chris J Coll Surveying Limited (S566.632), William McLaughlin (S567.665) and Laura Coll McLaughlin (S574.632)
[101] Consequential amendment stemming from Chris & Jan Coll (S558.632), Chris J Coll Surveying Limited (S566.632), William McLaughlin (S567.665) and Laura Coll McLaughlin (S574.632)

settlement zone replaces several different zones across the three plans, and the proposed lot sizes represent a 'harmonisation' approach to density.

311. Ms Easton did not recommend any amendments to the rule.

Hearing and Submitter Evidence

312. No hearing or submitter evidence was presented in relation to this matter.

Reporting officers right of reply

313. The reporting officer's right of reply does not address this matter further.

Hearing Panel's Evaluation

314. The Panel notes Ms Easton, in response to a submission in support from Davis Ogilvie, referred to an error in SUB-S1(e) related to sewered areas, and she said this was a different approach than that taken in the residential density rule. We take from Ms Easton's response that the error concerned goes beyond a minor Schedule 1 Clause 16(2) RMA matter and therefore would require a specific amendment to the Plan.

315. The Panel agree with Ms Easton that there is no reason to increase the minimum lot sizes in the Settlement zone and no amendments to the subdivision standards are recommended.

Hearing Panel's Recommendation

316. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that no amendments are made to the Subdivision **Standards-SUB-S1** in relation to Settlement Zone.

2.8. Planning maps and rezoning requests

Submissions and Further Submissions

317. Thirty-two submission points and four further submission points on the planning maps and zoning requests were received and are summarised in a table on pages 68-70 of the s42A report. Twenty submissions were in support, and twelve requested amendments.

318. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

319. Ms Easton acknowledged the submissions received in support of the existing zoning.

Buller District

320. Ms Easton did not support a submission from Terra Firma Mining seeking that the Settlement Zone around the General Industrial zone, as proposed by Reefton Engineering, be reviewed. She noted that the new area of the Settlement Zone-Rural Residential Precinct, along Andersons Road, is separated from the General Industrial Zone and Reefton Engineering by the State Highway, which she considered a logical zone boundary.

321. Ms Easton noted that BDC carefully considered reverse sensitivity when considering where to provide further residential development at Reefton, where existing residential development adjoins the industrial zone at Elizabeth Road. Some of this land was downzoned to General Rural. Reefton is constrained by flood hazards and the land down Andersons Road represented the best available option for further low-density residential development as it is not subject to flooding and is contiguous with the remaining undeveloped General Residential zone.

322. Ms Easton did not support a submission from Scenic Hotel Group opposing the proposed zoning of several of their sites and seeking compensation for any restrictions. She noted that the operative Scenically Sensitive Residential Zone in the Buller District Plan was a very restrictive zone for development, and the provisions of this zone have been rolled over into the pTTPP. She considered existing businesses would have existing use rights, and the restrictions of the zone would only apply if further development were proposed. Ms Easton noted that the submission does not identify what alternative zoning would be preferred, and that s85 of the RMA prohibits compensation for restrictions arising from zoning.

323. Ms Easton did not support the submission from Frida Inta seeking additional residential properties to be included in the Settlement Zone. She considered that there is sufficient land available within the zone for further development to meet demand for many years.

Grey District

324. Ms Easton did not support a submission from David Ellerm seeking that Lot 1 DP 3316 be zoned as a Settlement Zone, noting that no reasons were given for requesting rezoning, and she was unable to confirm the property's location.

325. Ms Easton did not support a submission from Kevin Klempel seeking to rezone 11 Lake Brunner Road to a Settlement Zone, as it would not create the same infrastructure requirements as the proposed General Residential Zone. Ms Easton noted that this site was identified as being appropriate for residential zoning when the Grey District Plan was developed in the 1990s. She noted that there is no requirement for the landowner to undertake development, and the zoning has not been utilised over the past 20 years. Ms Easton did not support rezoning the site to get around infrastructure requirements.

326. Ms Easton did not support a submission point from Cynthia Robins seeking that commercial land in small towns such as Blackball be given commercial status. She noted that the Settlement Zone – Settlement Centre Precinct is the equivalent of a commercial zone in the rural settlement context and aims to support commercial activities in these locations. She noted that there is a Settlement Centre Precinct in Blackball.

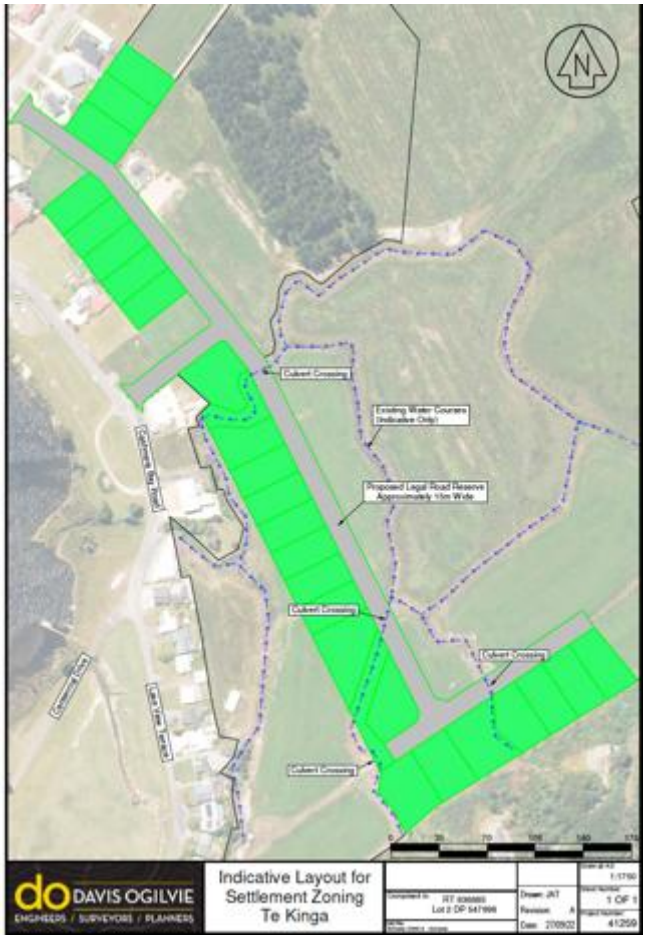
327. Ms Easton did not support a submission from Russel Robinson seeking to rezone Lot 1 DP2820 (14.0027ha) and Pt RS 3806 (12.7168ha) at Moana from Settlement Zone with a Rural Residential Precinct to a mix of residential and commercial development, because at the time of writing the s42A report she had not received feedback from GDC on the supporting technical information.

328. Ms Easton did not support a submission from Te Kinga Estates seeking that Lot 2 568525 on Arnold Valley Road be rezoned from General Industrial Zone to Settlement Zone- Rural Residential Precinct. She was unable to confirm which land the request related to.

329. Ms Easton did not support a submission from Greg Maitland seeking that the Settlement Zone – Rural Residential Zoning at Kumara be removed, and that land around Greenstone be zoned for this purpose instead. She noted that the Rural Residential Precinct is intended to be a lower-density 'halo' around the main settlements, allowing for alternative residential lifestyles on larger lots adjacent to the services provided in the settlement. She noted that the intent is not to create new settlements separate from existing communities, but to reinforce and support the existence and expansion of the current West Coast communities.

330. Te Kinga Investments Ltd sought to rezone 28ha of land at Lot 2, DP 547998, from the Settlement Zone - Rural Residential Precinct to the Settlement Zone (no precinct) to allow sites of up to 1000m² to be developed. Ms Easton noted that GDC supported the rezoning for locations identified in green in the image below.

331. She noted that this would result in a split zoning of the property, with a new road established to service the Settlement Zone properties, and the remainder of the site remaining in the Settlement Zone – Rural Residential Precinct. She recommended that the land be rezoned in line with the Council's advice.



Westland District

332. Ms Easton did not support a submission from Scenic Hotel Group opposing the zoning of the following properties and seeking compensation for any restrictions from the zoning:

- 31 Pekanga Drive, Fox Glacier
- 35 Pekanga Drive, Fox Glacier

- 24 Cowan Street, Franz Josef Glacier
- 26 Cron Street, Franz Josef Glacier
- 2 Condon Street, Franz Josef Glacier

333. Ms Easton made the following comments:

- The Fox Glacier property is understood to be staff accommodation on a residential street, and Settlement Zoning is appropriate as it is the same zone as the surrounding residential properties.
- All three Franz Josef properties are within a Settlement Zoned area.
- Significant planning work has been carried out by the Westland District Council and the Franz Josef community because of the multi-hazard situation. This has resulted in an overall approach to Franz Josef zoning which envisages the centre moving northwards – away from the Waiho River and the Alpine Fault. In particular, the focus is on ensuring that further sensitive activities are not developed on the Alpine Fault – which runs directly through 24 Cowan Street.

334. Ms Easton did not support a submission from David Ellerm seeking a new spatial layer to manage character area settlements, specifically for the Te Kinga Bay – Cashmere Road Character Area. She noted that no such framework has been developed that can be incorporated into the Plan. She agreed that the communities around Lake Brunner would benefit from development of a proactive planning framework or structure planning, but considered this to be a role of the Grey District Council and outside of TTPP to develop.

S.42a Addendum report

335. Ms Easton's addendum report, addressed the Russel Robinson submission further, noting that she had received technical feedback from GDC as follows:

- The Council confirmed there is capacity at the Moana wastewater treatment plant. There is currently no sewer pipe connection along Arnold Valley Road to the site, but the Council was satisfied that a solution could be put in place. Specific detailed investigation and design would be required at the time of the subdivision consent, which will include some pipework upgrades through the existing wastewater network.
- Moana currently has no water supply network, and the proposed large-scale development would require a reticulated network to be developed, including a firefighting water supply. The Council has funding in the 2024/25 year to commence investigations into a reticulated solution. The developer would need to fund the development; however, the Council would need to consider and consult with the existing community on the proposal, available options, and funding mechanisms. Specific detailed investigation and design for the development would be required at the time of the subdivision consent.
- The Council were satisfied that the proposed stormwater solution was technically feasible and noted that specific detailed investigation and design would be required at the time of the subdivision consent.

336. Based on the Council's comments, Ms Easton did not oppose the proposed rezoning but did not support providing for densities down to 300m², as she was concerned that the submitter was seeking urban densities without the degree of infrastructure and amenity typically associated with these densities (e.g., footpaths, streetlights, and parks). She noted that 300

m² is smaller than the permitted area for the General Residential zone. The TTPP is clear that the Settlement zone is a rural zone with rural infrastructure expectations, and densities of 500m^2 are only allowed where 3 waters reticulation is provided. She considered the lack of water supply at Moana to be problematic. She noted that the General Residential zone also requires 3 waters reticulation and connection to a community system, and that financial contribution requirements are included, recognising this.

337. Ms Easton was also concerned about the connection and cohesion of the development to the wider Moana Settlement and whether the proposal fits the policy framework, particularly RURZ-P2 and RURZ-P12. She noted that the site is located away from the Moana Valley township up Arnold Valley Road, and that the Plan recognised this by providing for Rural Residential Precinct zoning, with Rural Lifestyle Zone to the north. The current community is based around the school, community facilities, park and small commercial area alongside the lakefront area, which provides substantial amenities. The Plan anticipated that the residential area would continue along the area behind the lakefront, with a gradation of lower-density properties up Arnold Valley Road. She noted that the proposed 200 dwellings would nearly double the size of Moana, which currently has around 300 dwellings, and that the development plan contains no details on facilities such as footpaths, parks, or on-street car parking. She acknowledged there was some provision for a retail area but considered the detail about what was proposed to be low.

338. Ms Easton concluded that she supported the submission in part, in that she supported a rezoning to Settlement Zone, with provision for a Settlement Centre Precinct within the site, but not bespoke provisions for the site that would allow a higher level of residential density than provided for in the Settlement Zone.

339. Ms Easton recommended rezoning the site to Settlement Zone.

Submitter and hearing evidence

Te Kinga Investments

340. Pauline Hadfield presented planning evidence on behalf of Te Kinga Investments (TKI). She noted that TKI supported Ms Easton's recommendations and requested that the Panel accept the reporting officer's recommendation. Ms Hadfield also identified two apparent errors in the s.42A report. These included a plan caption that incorrectly identifies the recommended zoning, and an error in the accept/reject table.

Russel Robinson and Brunner Builders

341. Russel Robinson presented a statement in support of his submission. He considered that Moana had grown significantly and now faced a shortage of rental accommodation and land available for building. He noted that there is current demand for housing in the area and he expected this to increase in future.

342. Mr Robinson noted that the notified commercial zone within Moana included the existing school and hotel and considered that there was little land available in the township for commercial activity. He advised that GDC had suggested including a village centre within his development, intended to provide for activities suitable in a residential area, with a notified commercial area across the road accommodating larger activities.

343. Craig Barr presented planning evidence in support of the proposed rezoning. Mr Barr noted that the notified SETZ Precinct 4 zoning allows for 4,000m² lots and has the potential to

create 45-50 lots across the site. He considered that the site could absorb greater levels of residential development and supported a zoning framework providing for up to 200 residential units with allotment sizes of 300m^2 or more, provided that an average lot size of 1000m^2 is achieved across the site. Mr Barr considered that the ODP would ensure the appropriate management of roading, pedestrian connections, indigenous biodiversity, and the provision of local retail and services.

344. Mr Barr acknowledged that the site contains two regional council consents associated with the former landfill and considered that the proposed rezoning and subsequent development would still ensure that the conditions of these consents are fulfilled.

345. Helen Kellett provided further technical evidence to support the rezoning on contaminated land, Louise Bailey on landscape, Richard Nichol on ecology and Tony Penney on transport.

346. In further rebuttal evidence, Mr Barr responded to Ms Easton's concerns about the residential density and lack of detail in the development plan area. Mr Barr considered that the proposed lot sizes would provide for flexibility and variation in housing options, and considered the proposed rule limiting vegetation clearance in the Forest Residential Overlay area would limit the ability to develop 300m^2 lots to the eastern part of the site around the proposed SETZ PREC 2 local retail overlay. Mr Barr advised that, if the hearings panel had similar concerns about a proliferation of small lots, he would support limiting the number of lots under 500m² to a maximum of 20 and provided text amendments to illustrate how this could be achieved in SUB-S1.

347. Mr Barr considered that the ODP and location-specific rules proposed would ensure the pattern of development would become less intensive as the distance from Moana increased, and did not consider it would adversely impact the cohesion of Moana or wider landscape values. He also noted the presence of a relatively large undeveloped SETZ zoned site to the east, and including a commercial zone would provide for additional development, which he considered would double Moana's size and provide for further expansion of commercial activity. Mr Barr noted that with the lake to the south, the river and DOC land to the west and northwest, the only practicable opportunity for development is to the north and east of Moana. In this regard, he considered the site to be important from a spatial zoning perspective.

348. Following the hearing, further supplementary evidence was provided. In this, Mr Barr responded to questions from the Panel and provided an updated set of proposed provisions. Mr Barr proposed an amendment to the matter of discretion relating to no-build areas, to remove unnecessary wording regarding the avoidance of development in these areas.

349. The Panel queried the appropriateness of the Policy DA-P1(b) wording, which requires development to be in general accordance with the proposed ODP, in relation to protection of natural inland wetlands. Having further considered the ecological evidence of Mr Nichol, Mr Barr considered that the roading alignment affecting wetland 6 should be moved northward to avoid appearing to predetermine any resource consent process for works within the wetland setback. He considered there was a consent pathway available for the Regional Council to assess any proposed modification of the wetlands, under the NES-F and the policy framework of the National Policy Statement Freshwater, Regional Policy Statement and the West Coast Land and Water Plan. He did not consider a stronger policy direction appropriate, noting that the subdivision and development should be able to undertake appropriate wetland modification based on the wetland values and stormwater management for the site.

350. Mr Nichol provided supplementary evidence addressing wetland identification, significance and protection. He did not consider it necessary to identify the 3 natural inland wetlands on the DAP and did not oppose the modification of wetlands 1 and 2. He supported the retention of Wetland 6, which is a significant natural inland wetland.

351. In relation to a Panel query about the appropriateness of development being required to be in general accordance with the DAP, and whether stronger language was required, Mr Barr considered that sufficient flexibility should be accounted for as part of the detailed subdivision design. He considered the location-specific provisions to be sufficient guidance and direction on what constitutes general accordance and what the critical elements are.

352. Mr Barr did not consider amendments requiring building platforms to be necessary, as this is already required by SUB-S2(2) for lots less than 4ha. He noted that wider areas of vegetation clearance could be identified, with other areas required to have indigenous vegetation protected by a consent notice.

353. Mr Barr clarified that a reference in the Moana DAP to a 5m landscaping strip is an error and should show a 10m width.

354. Mr Barr considered that the proposed retail precinct would not undermine the existing commercial centre at Moana, noting that the built form would be limited by the zone rules and taking into account the land area required for roads and infrastructure.

355. Mr Barr considered the Settlement Zone to be more appropriate than the General Residential Zone. He noted that the proposed average density would result in development outcomes being significantly less than that anticipated by the GRZ. He also considered the Settlement zone retail framework better suited to Moana North than the neighbourhood retail zone accompanying the GRZ. He noted that the RMA Section 6 matters requiring intervention and management are not typically addressed through GRZ zoning. He considered that the proposed zoning provides a graduated pattern of density, and the SETZ framework, which is part of the rural area framework, is more appropriate to manage landscape and biodiversity values than the GRZ framework.

Reporting Officers Right of Reply

356. In relation to the Russel Robinson/Brunner Builders submission, Ms Easton did not support the amended zoning proposals presented at the hearing. She considered the proposed density approach, using a minimum and minimum average lot size, was not consistent with the Plan, would be complex to administer, and that there were no compelling reasons for this approach to be taken. She was concerned that the averaging approach could result in a very small number of very large sites and many sites smaller than 1000m² being developed.

357. Ms Easton did not support 300m^2 lots around the Settlement Centre Precinct. She considered lots of this size likely to result in large areas of impervious surfacing, leading to cumulative effects on stormwater generation. She reiterated that 300 m² is smaller than the minimum permitted lot size in the General Residential zone and out of kilter with anticipated densities in the Settlement zone.

358. Ms Easton considered that if the Panel deemed small lots appropriate, they should be specifically located and zoned as General Residential, with the normal minimum lot size of 350m², to provide for appropriate infrastructure and management. She also considered the

former landfill should be specifically identified as a no-build area, and supported the proposal for the Settlement Centre Precinct, noting that the location appeared appropriate.

359. With respect to the proposed objectives and policies, Ms Easton considered the wording to be vague and not clearly linked to the requirements in the proposed rules. She considered that stronger language and more specific requirements flowing through to the rules would be necessary if the submitter's proposal were to proceed.

360. Ms Easton raised further concerns about the ability to service the site. She noted that the wastewater treatment plant's resource consent would expire within five years, and there is a reasonable expectation that the plant would need to transition to a land-based disposal approach, which could incur significant unbudgeted costs for the Council. She advised that the stormwater system upgrade was not included in the Council's long-term plan or infrastructure strategy and remained concerned about the potential cumulative effects of stormwater discharge.

361. Ms Easton also highlighted the comments in a cultural impact assessment prepared in response to a lodged plan change application for the site, which is currently on hold. She noted that the rezoning proposal does not appear to address the matters raised in the cultural assessment, and she understood no further consultation had been undertaken with Ngati Waiwai.

362. Ms Easton concluded that she did not oppose rezoning the site to a Settlement Zone, allowing for 500m² sites where reticulation is provided. She also supported the provision of a Settlement Centre Precinct as proposed by the submitter. Her recommendation was not altered by the further evidence presented.

Hearing Panel's Evaluation

Buller District

363. The Panel agrees with Ms Easton's recommendation to decline the submission from Terra Firma Mining seeking a review of the Settlement zone along Andersons Road in Reefton. While we acknowledge the potential reverse sensitivity concerns, the proposed zoning is clearly separated from the Industrial zone by the State Highway, and we consider this provides a logical separation boundary. We also note that, at its closest point, the Industrial zone is part of railway land designated by KiwiRail, and that distances to Industrial zoned land where industrial activity is occurring, or might be anticipated to occur, exceed 70m at their closest point. We therefore recommend that the Settlement zoning on Andersons Road be retained, acknowledging that this area is considered the best option for further expansion in Reefton.

364. The Panel agrees with Ms Easton's recommendation not to accept the submission from Scenic Hotel Group opposing the proposed zoning of sites at Punakaiki. We note that the submitter provided no alternative zoning options, and we agree that no compensation is available to the submitters who may be affected by the proposed zoning.

365. The Panel agrees with Ms Easton's recommendation to reject the submission for more residential sections to be included in the Settlement Zone in Seddonville sought by Ms Inta. Having reviewed the location, we consider that adequate provision for development has already been provided in the Settlement zone as notified.

Grey District

366. The Panel agrees with Ms Easton's recommendation and reasoning to reject the request for rezoning sought by David Ellerm to rezone Lot 1 DP 3316 to Settlement Zone.

367. The Panel agrees with Ms Easton's recommendation not to provide for further residential development around the Barrytown Village in the form of an expanded Settlement zone, as sought by Riarnne Klempel. We accept that, with no evidence to the contrary, there is sufficient zoned land available in Barrytown to meet the community's needs.

368. The Panel agrees with Ms Easton's recommendation to reject Cynthia Robbins' submission to provide commercial land in small towns, such as Blackball, with commercial status. We note that, where appropriate within the Settlement Zone areas, a Settlement Centre Precinct has been applied, including in Blackball, which is referenced by Ms Robins. We agree that the Settlement Centre Precinct is equivalent to a commercial zone within the rural settlement context and supports the development of a level of commercial activities in these locations.

369. The Panel agrees with Ms Easton's recommendation and reasoning not to support the submission from Greg Maitland seeking to remove the Settlement Zone-Rural Residential Zoning at Kumara and rezone land around the Greenstone area for this purpose.

Moana

370. Following the hearing process the Panel sought further information in relation the potential for significant adverse effects to occur on a broader basis because of proposed rezonings at Moana and Cape Foulwind in terms of on-site wastewater disposal. West Coast Regional Council commissioned BTW Company Limited (BTW) to provide an assessment to investigate the cumulative effects of onsite wastewater disposal for rural properties in Moana and Cape Foulwind.

371. For Moana the findings concluded that:

- *The current method of primary septic treatment and disposal via soak pits at Moana is recommended to cease at for the level of development proposed. This is due to the very high permeability of the soils present, which could transmit perched groundwater to surface water receptors within days to weeks. Secondary treatment as a minimum is recommended, and disposal to land via other methods such as sub-surface irrigation (where possible) or beds/mounds. Where soak pits are deemed the only viable option, and/or minimum setback distances cannot be maintained for any installation, advanced secondary or tertiary treatment for nutrients and bacteria is highly recommended.*
- *Potential adverse effects to the environment are expected for any land use change scenario. The key effects at Moana likely being to the smaller tributaries to Molloy Bay of Lake Brunner from the development of Areas B and C. This assessment is currently unable to quantify the degree of adverse effects to these tributaries from the current undeveloped scenario. However, the effects between scenarios A and B are expected to be marginal. If the Hearing Panel remain uncertain about the proposed rezonings, stream flow measurements of the tributaries would be required to more accurately determine the actual or potential localised effects.*

372. The Panel have taken into account the findings of the BTW report in our considerations below.

11 Lake Brunner Road

373. The Panel agrees with Ms Easton's recommendation that the General Residential zone at 11 Lake Brunner Road should be retained rather than being rezoned to Settlement Zone as requested by Kevin Klempel. We note that this site has been identified for future residential activity in the operative Grey District Plan, and the Panel considers, given its location, this is appropriate to help meet future needs for Moana.

374. While the Panel acknowledge the submitter's concerns with servicing, we are also conscious of the findings of the BTW report above in terms of any future development of this site. We also note that there is no requirement for the landowner to undertake this development or to develop to the densities provided for by the General Residential zone.

Russel Robinson - Proposed Rezoning at Moana

375. The Panel has considered the zoning request from Russel Robinson at Moana. We accept that sufficient detailed evidence has been provided to enable the consideration of a higher density of development than the Rural Residential provided for in the notified Plan. We have also taken into consideration that GDC have confirmed that there is available capacity for connection to existing wastewater infrastructure and that a drinking water supply for Moana is needed. The difficulty we have encountered is reconciling the proposed method, which is a bespoke Settlement zone, with the intent and purpose of the Settlement zone framework.

Is a bespoke zone appropriate

376. The Panel has gone back to the relevant objectives and policies, as well as the Settlement Zone Overview, in our considerations. The relevant objectives and policies for a Settlement zone stem from the Rural zone provisions. They therefore include:

RURZ - O2 To provide for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.

RURZ – P2 Provide for growth and change to settlements that:

- *a. Improves the long-term viability of the settlements and their communities;*
- *b. Fits with the historic, cultural and environmental character of the existing settlement;*
- *c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;*
- *d. Integrates with the existing residential settlement and maintains a consolidated settlement form;*
- *e. Supports rural community needs by providing for community facilities and educational facilities; and*
- *f. Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.*

RURZ - P3 *Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural production values.*

RURZ - P11 *Subdivision and development in GRUZ - General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 - Coastal Settlement Precinct and the SETZ - PREC4 - Settlement Zone - Rural Residential Precinct should recognise the character and form of rural infrastructure including:*

a. Roads with roadside ditches rather than kerb and channel;

b. An absence of street lights and urban style footpaths; and

c. On site provision of water supply and on-site land treatment and disposal of stormwater and wastewater.

RURZ - P12 *Within the SETZ - Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ - PREC4 - Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.*

377. While we acknowledge that the proposal aligns with some of the above provisions, we do not consider it particularly well-suited to the primary objective of providing for a low-density rural lifestyle on the outskirts of settlements.

378. We also note the following from the Overview:

- *Settlements differ from the main towns because of their small scale and low intensity of development.*
- *The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.*
- *The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies.*
- *The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.*

379. Again, we do not consider the proposal to be in keeping with the Settlement zone Overview. In our view, it is clear from the above that the zone's purpose is connected to small-scale development, and because it has been placed in the Rural section of the Plan, it has a more rural focus rather than an urban one. We note that the Settlement Zone description in the National Planning Standards is:

Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments. [emphasis added]

380. While the Panel acknowledges the ingenuity shown by Mr Barr in terms of the bespoke provisions, in the end, we consider that what is being proposed effectively attempts to shoehorn, for the most part, an urban-style zoning into a Settlement zone framework. In our

view, what is being proposed does not fit with what is anticipated in the Settlement zone and, as such, does not pass the s32 test in terms of being the most appropriate to achieve the objectives. In this context, we consider that there are other reasonably practicable options for achieving the objectives, such as a General Residential Zone (GRZ), and that the proposal is not efficient or effective in achieving these objectives. We are also concerned that such zoning may impact the wider integrity of the Settlement zone moving forward, particularly with the proposed densities. We therefore disagree with Mr Barr that the SETZ framework is the most appropriate.

Alternative zoning

381. As mentioned above, the Panel generally accepts the proposition that the site in question is capable of being rezoned for residential purposes. We also agree that the provided details are sufficient for us to consider such a rezoning. This includes the provision of reticulated services, including wastewater, which would address the issues raised in the BTW report.

382. The Panel notes that Moana is the only location outside of the four main centres that has a GRZ, and that in Moana, the GRZ is located adjacent to the proposal site. While we acknowledge Mr Barr's comment that the Moana GRZ is not referenced in the Overview, the reality is it exists.

383. The Panel considers there is sufficient scope within the Russel Robinson submission to consider a General Residential (and a Neighbourhood Centre zone) zoning over at least part of the site, with low-density Settlement zoning (SETZ - PREC 4 - Rural Residential Precinct) with bespoke provisions similar to Kumara Junction Developments on the remainder, while still addressing the various environmental issues associated with the site. We consider this would better meet the s32 tests of appropriately achieving the objectives.

384. The Panel acknowledge that the level of density proposed in the submission is in places higher than that of the GRZ. Nevertheless, there remains a pathway to consent higher levels of density provided adverse effects are able to be addressed. In this regard, we note Ms Easton remained concerned about issues such as stormwater disposal, which she felt were not adequately addressed. We have also considered the commercial component of the proposal and consider that a Neighbourhood Centre zone can be included, which would still enable residential development should this not be pursued.

385. In terms of environmental issues (landfill, wetlands, and ecology), the Panel considers that these can be appropriately managed through an Outline Development Plan along the lines proposed by Mr Barr. This would include restricting development in these sensitive areas.

386. The Panel has undertaken an evaluation in accordance with s32AA of the RMA of recommended rezoning given this is a change from what was sought by the submitter and what was in the notified plan.

387. The Panel considers the amendment to a General Residential zone will create consistency and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than that sought by the submitter and is a more appropriate means of achieving the objectives of the pTTPP. We acknowledge that some activity types may now require consent, which will be an additional cost for those activities in certain circumstances, as part of consenting processes. Conversely, some activities will now be permitted, and costs are avoided.

388. The Panel considers there is a risk of not acting in that there would be an inconsistency in the use of the Settlement Zone. We have not identified any risks from acting.

389. Overall, the Panel considers that a level of rezoning of the Russell Robinson site is appropriate; however, we consider that the initially chosen method was not appropriate, and we have therefore recommended an alternative approach as detailed in Appendix 1 below.

Te Kinga Investments

390. The Panel has considered and agrees with Ms Easton's recommendation to support the rezoning of 28ha at Te Kinga from Settlement Zone-Rural Residential precinct to Settlement Zone (no precinct). We acknowledge this was supported by the GDC, who had advised that they were satisfied with the level of technical information provided to support this request. We note that the rezoning would result in a split zoning for the property, with a new road established to service the Settlement Zone part of the property. The remainder of the property would be classified as Settlement Zone-Rural Residential Precinct.

Westland District.

391. The Panel agrees with Ms Easton's recommendation to reject the submission from Scenic Hotel Group opposing the Settlement Zoning of sites in Fox Glacier and Franz Josef. We consider the sites to be appropriately zoned as Settlement Zone.

Hearing Panel's Recommendation

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

Zoning	
1/ Rezone	Lot 1 DP2820 and Pt RS 3806 at Moana from SETZ (Rural Residential) to a mixture of General Residential, Neighbourhood Centre and SETZ-Rural Residential with associated Outline Development Plan and provisions as detailed in Appendix 1. [102]
2/ Rezone	Part of Lot 2 DP547998 Te Kinga (Iveagh Bay) from SETZ (Rural Residential) to SETZ as detailed in Appendix 1. [103]



Dean Chrystal

Hearings Panel Chair



Maria Bartlett

Hearings Panel Member

[102] Russell Robinson (S515.001)
[103] Te Kinga Investments Ltd (S598.001)





Paul Rogers
Hearings Panel Member

Anton Becker
Hearing Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Plan Text Amendments

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

Overview

The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.

The SETZ - Settlement Zone provides for residential activities as well as some commercial activities. Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.

There are three Precincts within the SETZ Settlement Zone - SETZ - PREC2 - Settlement Centre, SETZ - PREC3 - Coastal Settlement and SETZ - PREC4 - Rural Residential.

The RURZ - Rural Zones Objectives and Policies and SETZ - Settlement Zone Rules provide the framework for managing the effects of development in the SETZ - Settlement Zone. However, there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a SETZ - Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Ross, Harihari, Kaniere and Haast.

SETZ - PREC3 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. These areas are also all subject to significant natural hazards and the provisions in the natural hazards chapter are very relevant for activities in this Precinct.

SETZ - PREC 4 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m^2 are provided for a more rural residential lifestyle. These areas sit on an interface with the GRUZ - General Rural Zone or RLZ - Rural Lifestyle Zone and avoiding

reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small-scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

Other relevant Te Tai o Poutini Plan provisions

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

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

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Settlement Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Settlement Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of Settlement Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Settlement Zone, the provisions of the Ecosystems and Biodiversity chapter apply**

General District Wide Matters - provisions in relation to earthworks may be relevant to many activities.

Subdivision - The Subdivision chapter sets out the requirements for subdivision activities the SETZ - Settlement Rural Zone.

Financial Contributions - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard**s** for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed**,** these chapters must be considered.

Settlement Zone Policies

SETZ-PREC-P2	Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should: a. Maintain or enhance the character and built form of the settlement; b. Adaptively reuse existing heritage and character buildings where practicable; and c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors
SETZ-PREC3_P3	Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should: a. ~~Take into account~~ **Recognise and provide for** the coastal natural character and **protect the** scenic landscape values of the area; b. Have appropriate controls on design and height to protect the landscape and coastal natural character values ~~and be undertaken in accordance with the coastal development guidelines~~; c. Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; ~~and~~ d. **Development of the port area at Jackson Bay is:** **i. discouraged other than on legal road reserve at Jackson Bay, Sections 208 and 209 TN of Arawata and Sections 8, 9 and 10 TN of Arawata; and** **ii. of a scale and extent appropriate to the location** **e.** Be located **and designed to mitigate or** avoid **increasing** the significant risks of natural hazards. **f. Support the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.**
SETZ-PREC-P4	Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include: a. Low-density residential living and small-scale rural activities; b. Open space and privacy around buildings; ~~and~~ c. On-site servicing and a general absence of urban infrastructure; **d. Industrial or commercial activities which have a functional relationship with rural areas; and** **e. Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects.**

Settlement Zone Rules

SETZ-R1 Residential Activities and Residential Buildings - Density

Activity Status Permitted

Where:

1. Residential unit density is no more than:
   - **i. <u>1 unit per site where these were lawfully established under the previous District Plans; otherwise</u>**
   - ii. 1 unit per 500m^2 net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems**<u>;</u>** ~~except that:~~
     - ~~b. where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site;~~ or
   - iii. 1 unit per 1000m^2 net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except
   - iv. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m^2 net site area;
4. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater**<u>, and provided there is capacity,</u>** all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
5. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
   - i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
   - ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
   - iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
   - iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct **<u>in the Grey,</u>** ~~and~~ **<u>Westland Districts</u>** ~~**and 10m in the Buller District**~~;
2. The maximum site coverage is:
   - i. 40%; except
   - ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct
3. The maximum gross ground floor area of any one building
   - i. Is 350m^2; except

ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m^2 total for all buildings on the site.

4. Buildings are setback from boundaries as follows:
   i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, **1.5m from the rail designation,** and 1m from internal boundaries; except
   ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings **and accessory buildings** are setback 5m from internal boundaries;
   iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath; **and**
   iv. **No building housing sensitive activities shall be located within 150m of a designated community wastewater treatment facility site boundary or a designated landfill site boundary.**

5. In the Kumara Junction Developments area **and Moana North Development area**:
   i. A minimum 5m wide buffer strip of indigenous vegetation is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;
   ii. A maximum of 2000m^2 indigenous vegetation in total is allowed to be cleared from each site; and
   iii. Development will be in accordance with the Outline Plan**s** set out in the Development Areas section of the Plan;
   iv. In the Moana North Development area:
      a. Where indigenous tree species with a diameter of greater than 20cm at breast height are removed, these are replaced in accordance with a Landscape Plan to be developed for the area;
      b. No residential or ancillary buildings are to occur within the "No-Build" areas identified in the Moana North Development Area Outline Plan in the Development Areas section of the Plan.

6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
   i. Road boundaries;
   ii. Buildings on adjoining sites that have a common wall along the boundary;
   iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ General Rural Zone;
   v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
   vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically**;**

7. Vehicle crossing standards in Rule TRN – R1 are met; and

8. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**

Advice Notes:

1. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;
2. Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**
4. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**

Activity status where compliance not achieved: Discretionary where standards 1-4 are not complied with. Restricted Discretionary where standards 5-~~6~~**8** are not complied with.

SETZ-R3 Building Design in the Coastal Settlement Precinct

Activity Status Permitted

Where:

(a) All standards for Rule SETZ - R1 and R2 are complied with;

(b) New buildings are no more than 1~~0~~**5**0m^2 in ground floor area and additions to existing buildings add up to no more than 50m^2 ground floor area.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 are complied with;
2. Where developments are in the SETZ - PREC3 - Coastal Settlement Precinct all standards for Rule SETZ - R3 are complied with **however units are able to be clustered**;
3. In areas not serviced by reticulated wastewater, stormwater and water supply:

i. The average residential building density is no more than one unit per 1000m^2 net site area, ~~although units can be clustered~~; and

ii. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

iii. In areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems the average residential building density is no more than one unit per 500m^2 net site area; and

iv. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

Advice Notes:

1. Where a residential building or noise sensitive activity is located within:
   i. 80m of a State Highway with a speed limit of 70kph or greater; or
   ii. 40m of a State Highway with a speed limit of less than 70kph; or
   iii. 40m of a Railway Line; or
   iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
   v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

Activity status where compliance not achieved: Discretionary

SETZ-R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. The activity does not include:
   i. Intensive indoor primary production;
   ii. The storage and disposal of solid or liquid animal waste not generated on the site;
   iii. Woodlots;
   iv. Stock sale yards; or
   v. Farm quarries
3. Performance standards for poultry farming and pig keeping apply as follows:
   i. **Shelters and buildings used to house or feed poultry or more than 3 pigs must be setback at least 30m from any internal boundary** ~~For poultry setbacks of 10m from any residential building and 2m from the site boundary~~;

~~ii. For pig keeping setbacks of 50m from any residential building and 100m for any shelter holding 4 or more pigs; and~~

4. Performance standards for beekeeping in the Westland District apply as follows:

   i. No bees may be kept on a property less than 600m^2 net site area;

   ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary; and

   iii. A water source for bees must be provided and maintained on the property.

Advice Note:

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

Activity status where compliance not achieved: Discretionary

SETZ-R6 Minor Structures

Activity Status Permitted

Where:

1. ~~All standards for Rule SETZ - R2 are complied with;~~ **Structures are set back:**

   i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except

   ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;

   iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath.

2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height;
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

SETZ-R7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **Restricted** Discretionary

SETZ-R8 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and** used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within ~~a~~ 12-month**s of the building being delivered to the site** ~~period~~; **and**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

SETZ-R9 Home Business

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. There is no limit to hours of operation in the SETZ - PREC2 - Settlement Centre Precinct;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to:
   i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
   ii. Except where:
      a. The entire activity is located within a building;
      b. Each person engaged in the activity outside the above hours resides permanently on site; and
      c. There are no visitors, customers or deliveries to the activity outside of the above hours.
4. **Outside of the SETZ - PREC2 - Settlement Centre Precinct, there is no more than one full time equivalent person engaged in the home business that resides off site;**
5. No external storage of products except those associated with residential use shall be visible from any SETZ - Settlement Zoned property or adjoining public place; **and**
6. No external generation of dust, odour or smoke occurs as part of the activity**.**~~; and~~
7. ~~A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week.~~

Activity status where compliance not achieved: Discretionary

SETZ-R10 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or conservation activity;
2. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**;
6. No heavy vehicle movements are generated; and
7. In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

a. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

b. ~~In the Buller District, where~~ **Where** residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights **may** apply.

c. This rule does not apply to Residential Visitor Accommodation in the Settlement Centre Precinct - refer to Rule SETZ - R11.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R11 Visitor Accommodation in the Settlement Centre Precinct

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

1. All types of visitor accommodation are Permitted in the SETZ - PREC2- Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.
2. Where visitor accommodation is located within:
    i. 80m of a State Highway with a speed limit of 70kph or greater; or
    ii. 40m of a State Highway with a speed limit of less than 70kph; or
    iii. 40m of a Railway Line; or
    iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
    v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

SETZ-R12 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes

Where:

1. All performance standards for Rule SETZ -R2 are complied with except that hose drying towers are exempt from height standards in all areas other than the Coastal Settlement Precinct;
2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated **and compliance is achieved with TRN – R6**; except:

   No vehicle movement limit applies to:

   a. Emergency Service Facilities;
   b. Community halls or Educational Facilities lawfully established at the time of notification of the Plan; or
   c. Activities within the SETZ - PREC2 Settlement Centre Precinct; and
3. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place**; and**
4. **Where the facility will be located within the Westport Radio Mast EM Overlay any hose drying or siren tower of a height of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated**

Advice Note:

Where a noise sensitive activity is located within:

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

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R13 Retail Activities

Activity Status Permitted

Where:

1. Performance standards for Rule SETZ - R2 are complied with;

~~2. The activity is located within a SETZ - PREC2 - Settlement Centre Precinct;~~

2. Where the activity is located outside of a SETZ - PREC2 - Settlement Centre Precinct, there is no SETZ - PREC2 - Settlement Centre Precinct or CMUZ Commercial or MUZ - Mixed Use Zone within 10km of the site;

~~4. The maximum combined floor and yard area for any retail activity is 250m^2~~; and

3. The activity does not include:
    i. Service stations;
    ii. Car sales;
    iii. Yard-based retail; and
    iv. Drive through restaurants.
4. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays.
5. Outside of the SETZ - PREC2 - Settlement Centre Precinct there are a maximum of 10 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week generated by the activity **and compliance is achieved with TRN – R6**;
6. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**

~~9. No external generation of dust, odour or smoke occurs as part of the activity; and~~

7. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation

Activity Status Permitted

Where:

1. The activity does not occur in the SETZ - PREC3 - Coastal Settlement Precinct or the SETZ - PREC4 - Rural Residential Precinct;
2. Performance standards for Rule SETZ - R2 are complied with;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
4. Outside of the SETZ - PREC2 Settlement Centre Precinct, a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week **and compliance is achieved with TRN – R6**;
5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; **and**

~~5. No external generation of dust, odour or smoke occurs as part of the activity; and~~

6. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Advice Note:

Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R16 Port Activities at Jackson Bay Port

Activity Status Permitted

Where:

1. These are undertaken on lots fronting The Esplanade as follows:
    i. On legal road reserve between Mean High-Water Springs and the edge of the road carriageway;
    ii. On the following lots:
        a. Sections 208 and 209 TN OF Arawata; and
        b. Sections 8, 9 and 10 TN of Arawata;
2. Permitted Port Activities are limited to the following:
    i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
    ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
    iii. Port administration.
    iv. Facilities for recreational boating.
    v. Activities associated with maritime navigation; and
    vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
3. Maximum building size is 200m^2;
4. Maximum building height is 5m;
5. Buildings must be setback 1m from the road and internal boundaries; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:
    i. Road boundaries;
    ii. Buildings on adjoining sites that have a common wall along the boundary;
    iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
    iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ - General Rural Zone;

v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Discretionary

SETZ-R17 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct.
2. The minor structure does not exceed 10m in height; and
3. All performance standards other than height for Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures; and

b. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: Discretionary

SETZ-R18 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct; and
2. All performance standards Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures;

b. Any requirement for financial contributions;

c. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and

d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

SETZ-R19 Residential Buildings not meeting Building and Sites - Design Standards in Rule SETZ - R2

Activity Status Restricted Discretionary

Where:

~~i.~~ **1.** The building projects into the 45 degree recession plane; or

~~ii.~~ **2.** The building is set back less than 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and

~~3.~~ **3.** All other performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Any requirement for financial contributions;

d. Design and location of parking and access; ~~and~~

e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**

f. Shading and loss of sunlight to adjoining sites;

g. Loss of privacy to adjoining sites; and

h. Character and amenity of the surrounding area.

SETZ-R20 Buildings in the SETZ - PREC2 - Coastal Settlement Precinct not meeting Building Design Requirements in SETZ - R3

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Design, size, height and location of buildings;

b. Design, size and location of parking and access;

c. Any requirement for financial contributions;

d. Retention of existing vegetation;

~~e.~~ Volume and location of earthworks; ~~and~~

f. ~~Landscape measures~~ **Measures to mitigate landscape effects;**

g. Shading and loss of sunlight to adjoining sites;

h. Loss of privacy to adjoining sites; and

i. Character and amenity of the surrounding area.

Activity status where compliance not achieved: Discretionary

SETZ – R21 Residential Visitor Accommodation not meeting Rule STEZ - R10

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Number of visitors staying on site;

b. Number of days of use for the visitor accommodation;

c. Management of traffic and parking;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

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

f. Any requirement for financial contributions;

g. Effects on ~~visual~~ amenity and ~~rural~~ character; ~~and~~

h. Methods of wastewater treatment and disposal; **and**

I. Loss of privacy to adjoining sites.

Activity status where compliance not achieved: Discretionary

SETZ - R2~~1~~2 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Vehicle movements and access;

d. Design and location of parking and access;

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Hours of operation; ~~and~~

i. Acoustic and noise management requirements;

j. Loss of privacy to adjoining sites;

k. Character and amenity of the surrounding area; and

l. Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase

Notification:

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

Activity status where compliance not achieved: N/A

SETZ – R2~~2~~3 Rural Industry

Activity Status Restricted Discretionary

Where:

1. This is not in the SETZ - PREC3- Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and

3. All performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

d. Hours of operation;

e. Vehicle movements;

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Management of odour, noise, light and dust; and

i. Acoustic and noise management requirements.

Activity status where compliance not achieved: Discretionary

SETZ-R25 Fences, Walls and Retaining Walls not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures;

b. Height of structures; and

c. Shading and dominance effects on adjoining sites

Activity status where compliance not achieved: N/A

SETZ – R24~~5~~6 Residential Activities and Residential Buildings, Buildings and Sites - Design, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga Developments, Minor Structures, ~~Fences, Walls and Retaining Walls~~, Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in Rules SETZ - R1 or SETZ - R2 or SETZ - R4

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R25~~5~~7 All Activities and Buildings, Papakāinga, Minor Structures~~, Fences, Walls and Retaining Walls~~ and Port Activities at Jackson Bay Port in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Where:

1. This is not Industrial Activity subject to Rule SETZ - R2~~7~~**8**.

Activity status where compliance not achieved: Non-complying

SETZ – R26~~6~~8 Home Business, Retail Activities, Commercial Activities and Residential Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R2~~7~~9 Industrial Activities not meeting Rule SETZ - R2~~2~~3

Activity Status Discretionary

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.

Activity status where compliance not achieved: Non-complying

SETZ – R30 Any activity not provided for by another Rule in the zone

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

Activity status where compliance not achieved: N/A

SETZ – R31 Industrial Activities not meeting SETZ – R29.

Activity Status: Non-complying

Activity status where compliance not achieved: N/A

Change to General Residential Zone Rule GRZ – R1

GRZ – R1 Residential Activities and Residential Units a

Activity Status Permitted

Where:

…

11. **In the Moana North Development area:**
    a. **Development (including vehicle access) will be in accordance with the Outline Plan set out in the Development Plans section of the Plan;**
    b. **No residential or ancillary buildings are to occur within the "No – Build" areas identified in the Moana North Development Area Outline Plan in the Development Areas section of the Plan; and**
    c. **Landscaping comprising indigenous vegetation is provided within the 10m landscape treatment buffer along the Arnold Road boundary (except for vehicle accesses onto Arnold Valley Road).**

…

Activity status where compliance not achieved:

Discretionary where standards 1 to 8 **and 11** are not complied with.

Restricted Discretionary where standards 9 and 10 are not complied with.

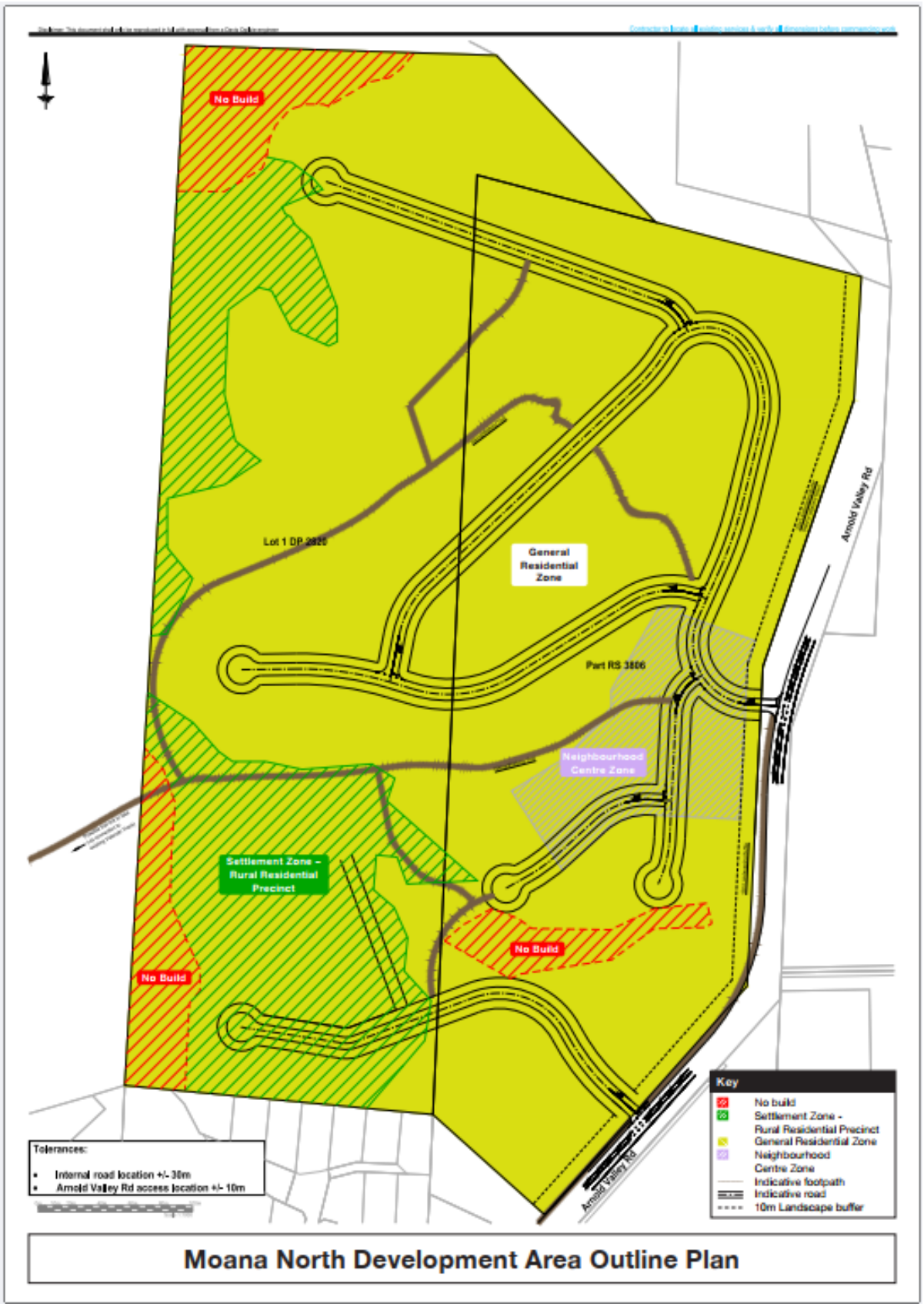
Changes to Subdivision Chapter Rules SUB – R5 and SUB – R6

SUB – R5 Subdivision to create allotments in all RESZ – Residential Zones, CMUZ – Commercial and Mixed Use Zones, INZ – Industrial Zones, SVZ – Scenic Visitor Zone or PORTZ – Port Zones
Activity Status Controlled Where: … 8. the subdivision is in general accordance with any development plan in place for the site **and in the case of the Moana North Development Area is in accordance with the Moana North Development Area Outline Plan in the Development Areas section of the Plan.** **...** **Matters of Control are:** **q. Within the Moana North Development Area:** **a. Future ownership and management of the former landfill;** **b. Management of adverse effects on the significant values of natural wetlands.** … **Activity status where compliance not achieved**: Discretionary where 2, 6, 7 or 8 is not complied with.

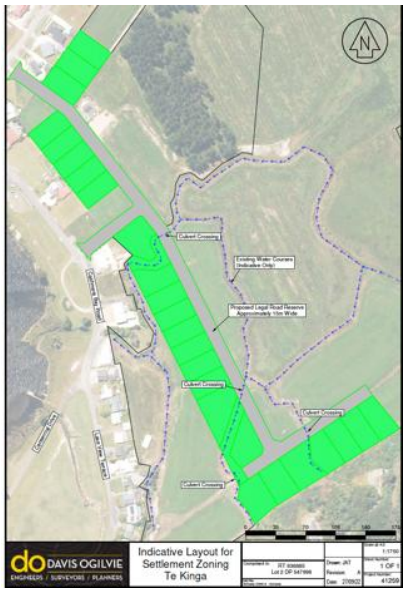
SUB – R6 Subdivision to create allotment(s) in any RURZ – Rural Zone or MPZ – Māori Purpose Zone
Activity Status Controlled Where: … **7. Any subdivision in the Moana North Development Area is in accordance with the Moana North Development Area Outline Plan in the Development Areas section of the Plan.** ... **Matters of Control are:** **...** **n. Within the Moana North Development Area:** **i. Future ownership and management of "no build areas" adjacent to Moana Scenic Reserve; and** **ii. Development and implementation of an ecological management plan.** … **Activity status where compliance not achieved**: Discretionary where 2, or 5-7 is not complied with.

Changes to the Development Areas Section of the Plan

Moana North Development Area Outline Plan.


No Build
Lot 1 DP 2826
General Residential Zone
Part RS 3806
Neighbourhood Centre Zone
Settlement Zone – Rural Residential Precinct
No Build
No Build
Arnold Valley Rd
Arnold Valley Rd
Tolerances:
Internal road location +/- 30m
Arnold Valley Rd access location +/- 10m
Key
No build
Settlement Zone - Rural Residential Precinct
General Residential Zone
Neighbourhood Centre Zone
Indicative footpath
Indicative road
10m Landscape buffer
Moana North Development Area Outline Plan

Changes to the Zoning Maps

Zoning	
1/ Rezone	Lot 1 DP2820 and Pt RS 3806 at Moana from SETZ (Rural Residential) to a mixture of General Residential, Neighbourhood Centre and SETZ-Rural Residential with associated Outline Development Plan and provisions as shown below.
2/ Rezone	Part of Lot 2 DP547998 Te Kinga (Iveagh Bay) from SETZ (Rural Residential) to SETZ as shown below. Green Area to be rezoned to SETZ 

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Report and Decisions of Hearing Panel

Recommendation Report

Signs

Ngā Tohu

Hearing Dates: 4 September 2024

HEARING PANEL

Sharon McGarry (Chair)

Maria Bartlett

Anton Becker

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APPENDICES

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Signs - Ngā Tohu (**SIGN**) Chapter of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this Chapter in Part 2, Section 7 of the Plan.

3. The Section 32 Report[1] provided an evaluation of the options for the management of signs through the combined Plan, including the regulatory framework key resource management issues, the evidence base, consultation, information and analysis undertaken) and evaluation of the options.

4. The section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of a total of 119 submission points and 19 further submissions points; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2).

5. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for the chapter:

    - General/Whole Chapter;
    - Overview;
    - Objective;
    - Policies;
    - Rules;

6. This Recommendation Report follows this same structure of the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

7. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions

[1] Te Tai o Poutini Plan – Section 32 Report 7: Noise, Light, Signs, Earthworks and Temporary Activities (See https://ttpp.nz/proposed-ttpp-plan/section-32-reports/).

[2] Te Tai o Poutini Plan Section 42A Officer's Report Signs - Ngā Tohu (See https://ttpp.nz/wp-content/uploads/2024/07/TTPP-s42A-Signs.pdf)

and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

8. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

9. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

   (a) The Panel has adopted the reasoning and recommendation of the s42A Report to retain the provision as notified; or

   (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

   (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

10. Where there is a recommended change to a notified provision of the TTPP, it is because:

   (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

   (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

   (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

   (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

11. Where there may be a different recommendation between the s42A Report and the Reporting Officer's reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

12. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

13. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

14. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any minor amendments.

1.2. Terminology in this Report

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

TTPP	Te Tai o Poutini Plan
BDC	Buller District Council
DOC	Department of Conservation
Forest & Bird	Royal Forest & Bird Protection Society of NZ
GDC	Grey District Council
KiwiRail	KiwiRail Holdings Limited
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NPS	National Policy Statement
NZCPS	New Zealand Coastal Policy Statement
pTTPP	Proposed Te Tai Poutini Plan
Planning Standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RSI	Regionally Significant Infrastructure
SASM	Sites and Areas of Significance to Māori
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.3. Hearing Arrangements

16. A combined hearing with the Noise Chapter was held on 4 September 2024 at the West Coast Regional Council Chambers, 388 Main South Road, Greymouth. The one submitter who wished to speak on the Signs Chapter appeared by internet connection.

1.4. Appearances

17. The following submitters appeared at the hearing:

Section 42A Reporting Officer – Ms Lois Easton, Principal Consultant with Kererū Consultants

Waka Kotahi NZTA - Mr Stuart Pearson, Senior Planner[3]

1.5. Overview of submitter evidence received

18. No legal submissions were received in relation to the Signs Chapter.

19. A statement of evidence was received from Mr Stuart Pearson on behalf of Waka Kotahi NZTA.[4]

20. A statement of evidence was received from Mr Francis Costello on Behalf of Go Media Limited (S501) and was tabled at the hearing.[5]

21. A letter from Mr Martin Kennedy on behalf of Westpower Ltd[6] was received confirming acceptance of the proposed amendments to Objective SIGN-O1.

1.6. Right of Reply

22. Ms Easton provided a written Right of Reply (dated 17 September 2024).[7] This included additional recommended amendments to the provisions shown highlighted in yellow.

1.7. Procedural Steps and Issues

23. No pre-hearing conferences or clause 8AA meetings or expert witness conferencing was held in relation to this topic.

24. No procedural matters were raised at or after the hearing.

1.8. Site Visits

25. The Panel has undertaken site visits throughout the pTTPP process to inform hearings better when and where necessary.

26. No site visits were undertaken specifically in relation to the Signs Chapter.

[3] Waka Kotahi NZTA S450.005, S450.009, S450.173-S450.184
[4] Evidence of Stuart Pearson on behalf of Waka Kotahi NZ Transport Agency (6 August 2024)
[5] Statement of Evidence of Francis John Costello – Go Media Limited (S501) (6 August 2024)
[6] Martin Kennedy, Question from Commissioners related to Submissions and Further Submissions of Westpower to the Proposed Te Tai o Poutini Plan – Topic: Signs – Objective O1(2) (4 September 2024)
[7] Lois Easton Section 42A Author Right of Reply (See https://ttpp.nz/wp-content/uploads/2024/07/TTPP-s42A-Signs.pdf)

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

27. Sections 58 B- 58 J of the RMA (as inserted by the Resource Legislation Amendment Act 2017) have imposed National Planning Standards. The first National Planning Standards were developed and took effect in 2019. These impose a District Plan Structure Standard, whereby Signs are one of seven General District-Wide Matters chapters that need to be addressed under General District-Wide Matters in new District Plans (the others being Activities on the Surface of Water, Coastal Environment, Earthworks, Light, Noise, and Temporary Activities). General District-Wide matters itself is one of seven sections that need to be addressed under Part 2: District Wide Matters (the others being Strategic Direction, Energy, Infrastructure and Transport, Hazards and Risks, Historical and Cultural Values, Natural Environment Values and Subdivision).

28. Consistent with the National Planning Standards, Signs – Ngā Tohu is one of seven chapters included within the General District Wide Matters – Ngā Kaupapa ā-Rohe Whānui Section under Part 2: District Wide Matters - Ngā Kaupapa ā-Rohe Whānui of the pTTPP.

29. The Section 32 Report outlined the relevant statutory considerations applicable to signs and the relationships between the sections of the RMA and higher order documents.[8]

30. The s42A Report highlighted the relevant sections of the RMA (including Part 2, Sections 31, 32, 32AA, 74 and 75).[9] The relationship between the NZCPS, other NPS, the National Planning Standards and the RPS were also highlighted.

31. Clause 10 of the First Schedule of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, with either individual submissions or groups of submissions making similar requests. References to relevant submissions for the recommended changes to provisions are made in the footnotes.

32. The Planning Standards mandatory direction 7.36 requires that if provisions for managing signs are to be included, then they must be done so in the Signs Chapter under the General District Wide Matters Section. Mandatory direction 7.38 requires that chapters within the General District Wide Matters Section itself must be included alphabetically. The Panel is satisfied the Plan structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. SIGNS

2.1. SIGN General/Whole Chapter

Submissions and Further Submissions

33. Six submission points and one further submission point relating to general matters or the whole Signs Chapter were summarised in the Table on page 6 of the s42A Report. Four submission points supported the provisions as notified,[10] one opposed the provisions,[11] one

[8] Te Tai o Poutini Plan – Section 32 Report 7: Noise, Light, Signs, Earthworks and Temporary Activities (See https://ttpp.nz/proposed-ttpp-plan/section-32-reports/).
[9] Lois Easton Section 42A Author Right of Reply (See https://ttpp.nz/wp-content/uploads/2024/07/TTPP-s42A-Signs.pdf)
[10] Westland District Council S181.031, David Marshall S347.005, Waka Kotahi NZTA S450.005 & S450.009
[11] Greenstone Retreat S459.004

submission sought amendments,[12] and one further submission opposed an amendment being sought.[13]

34. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

35. The s42A Report did not support GDC's (S608.087) request to remove references to Sites and Areas of Significance to Māori (**SASM**) and the overlays chapters of the Plan given this gives effect to RMA section 6 matters of national importance.

36. The s42A Report did not support a case-by-case review of the rules as sought by Greenstone Retreat (S459.004). It noted the rules in the pTTPP were less restrictive than those in the operative plans for Buller and Westland District Councils and were similar in stringency to those in the operative Grey District Plan.

Hearing and Submitter Evidence/Statements

37. No evidence was provided at the hearing in relation to general matters.

Reporting Officer Reply Evidence

38. In Reply, Ms Easton responded to two questions from the Panel and responded to Mr Kennedy for Westpower. These responses are dealt with under the respective provisions below.

39. The Panel questioned where else in the Plan (other than the Signs Chapter itself) the term '*Formed Legal Road*' is used. Ms Easton confirmed that this term was only used in the Signs Chapter but noted that the section 42A Reports for both the Natural Character of the Margins of Waterbodies and the Coastal Environment Chapters recommended that the term be defined. Ms Easton considered that a definition of the term would be useful and recommended including it under the Definitions -Ngā Tautuhinga Chapter of the Interpretation - Ngā Whakamāramatanga section of the Plan.

Hearing Panel's Evaluation

40. The Panel agrees with Ms Easton that it is not appropriate to remove references to overlays or to remove all references to SASM in the Signs Chapter, given that this gives effect to RMA s6 matters of national importance.

41. The Panel consider there is scope for adding a definition for '*formed legal road*'.

Hearing Panel's Recommendation

42. No changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or to the Signs Chapter as a whole.

2.2. SIGN Overview

Submissions and Further Submissions

[12] Grey District Council S608.087
[13] Poutini Ngāi Tahu FS41.023

43. No submissions points and no further submission point relating to the Overview specifically were received.

Recommendation

44. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that there are no changes to the SIGN Overview, as follows:

Overview

Signs are an important method of providing community, consumer and destination information and safety messages and traffic controls, they include a wide range of type and scale including large billboards; free standing signs attached to or painted onto buildings, illuminated and/or moving signs and digital displays.

Signs are generally anticipated in commercially focussed areas such as the Town Centre Zone and Neighbourhood Centre Zone, Settlement Centre Precinct and in the General Industrial Zone, where they are used to advertise products and services that are available on the site on which the sign is located. However, if not carefully managed, signs have the potential to cause visual clutter and undermine the character and amenity values of an area.

To ensure signs are compatible with an area, their scale number, illumination, motion and placement are matters that are managed through Te Tai o Poutini Plan. This chapter contains the provisions that control signs and includes provisions which manage signage that advertises services or products which are not directly related to or associated with the activity undertaken on the site upon which the sign is located.

Other relevant Te Tai Poutini Plan provisions.
It is important to note that in addition to the zone chapters, other Part 2: District-wide Matters chapters may contain provisions that are relevant to signs, in particular the specific Overlay Chapters referred to within this chapter such as Historic Heritage and Sites and Areas of Significance to Māori.

2.3. SIGN Objective

Submissions and Further Submissions

45. Seven submission points relating to Objective SIGN-O1 were summarised in the Table on page 7 of the s42A Report. Five submission points supported the wording as notified,[14] one submission point supported in part[15] and one submission point sought an amendment to the wording.[16]

46. The Panel adopts these summaries and has considered the relevant submissions.

Section 42A Report

[14] Foodstuffs S464.050, Grey District Council S608.678, Te Mana Ora/Te Whatu Ora S190.550, Waka Kotahi NZTA S450.173. Buller District Council S538.344
[15] Go Media Limited S501.002
[16] Westpower Limited S547.491

47. The s42A Report noted the five submission points in support of Objective SIGN-O1.

48. The s42A Report supported the submission point from Go Media, seeking the deletion of the reference to visual and amenity effects, and considered the proposed amendments largely addresses the e Westpower submission point.

49. The s42A Report supported Westpower's submission to amend the provision so the proposed signage is compatible with the character and amenity values of the surrounding area, acknowledging the current wording was clumsy, but did support deleting reference to visual effects.

50. The s42A Report recommended the following amendments to SIGN-O1:

> *Signs contribute to the social, cultural and economic wellbeing of the West Coast/Te Tai o Poutini while:*
>
> *1. Supporting the needs of business, infrastructure and community activities;*
>
> *2. Ensuring that <u>any proposed signage is compatible with</u> the character, <u>visual</u> and amenity values of the surrounding area, <u>and that these</u> are maintained or enhanced ~~and protected from any adverse visual and amenity effects~~: and*
>
> *3. Maintaining public safety.*

<u>Hearing and Submitter Evidence/Statements</u>

51. Mr Kennedy (for Westpower), Mr Pearson (for Waka Kotahi NZTA) and Mr Costello (for Go Media Ltd) indicated support for the s42A Report's recommended amendments to SIGN-O1.

<u>Reporting Officer Reply Evidence</u>

52. No further amendments to SIGN-O1 were recommended in Reply.

<u>Hearing Panel's Evaluation</u>

53. The Panel note the support from submitters for Ms Easton's recommended amendments to Objective SIGN-O1 and accepts these amendments are appropriate for the reasons given in the s42A Report.

<u>Hearing Panel's Recommendation</u>

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

SIGN – O1
Signs contribute to the social, cultural and economic wellbeing of the West Coast/Te Tai Poutini while: 1. Supporting the needs of business, infrastructure and community activities;

2. Ensuring that **any proposed signage is compatible with** the character**, visual** and amenity values of the surrounding area, **and that these** are maintained or enhanced~~ and protected from any adverse visual and amenity effects~~; and[17]

3. Maintaining public safety.

2.4. SIGN Policies

Submissions and Further Submissions

55. One submission point relating to the policies was received supporting the retention of the policies as notified.[18]

56. Three submissions were received to SIGN-P1 supporting the retention of the policy as notified.[19]

57. Two submissions were received supporting to retain SIGN-P2 as notified,[20] two submissions sought amendments to the Policy,[21] one further Submission sought to allow amendment sought[22] and two further submissions sought to disallow an amendment being sought.[23]

58. Four submissions were received in relation to SIGN-P3 supporting to retain the Policy as notified[24] and one further submission supporting the policy in part.[25]

59. One submission was received supporting to retain SIGN-P4 as notified.[26]

60. Two submission points were received supporting SIGN-P5 as notified,[27] one submission point sought to amend the policy,[28] and one further submission sought to disallow the amendment being sought.[29]

61. One submission point was received supporting to retain SIGN-P6 as notified,[30] two submission points sought amendments to the policy,[31] and one further submission point was received supporting and amendment.[32]

Section 42A Report

62. In relation to **SIGN-P2**, the s42A Report supported the requested amendments sought by Westpower to bring the reference to adverse effects to the front of the policy; and considered the submission point by Foodstuffs (South Island) Properties Limited and Foodstuffs South

[17] Westpower Limited S547.491 and Go Media Limited S501.002
[18] Buller District Council S538.345
[19] Grey District Council S608.679, Te Mana Ora/te Whatu Ora S190.551, Waka Kotahi NZTA S450.174
[20] Te Mana Ora/Te Whata Ora S190.552, Waka Kotahi NZTA S450.175
[21] Foodstuffs S464.051, Westpower S547.492
[22] Martin & Co and Lumberland Building FS140.026
[23] Frida Inta FS223.0010, Buller Conservation Group FS224.0010
[24] Grey DC S608.660, KiwiRail S442.089, Te Mana Ora/Te Whatu Ora S190.553, Waka Kotahi NZTA S450.176
[25] Go Media Ltd FS102.001
[26] Te Mana Ora/Te Whatu Ora S190.554
[27] Te Mana Ora/Te Whatu Ora S190.555
[28] Go Media Ltd S501.003
[29] Waka Kotahi NZTA FS62.013
[30] Te Mana Ora/Te Whatu Ora S190.556
[31] Buller Conservation Group S552.157, Frida Inta S553.157
[32] Poutini Ngāi Tahu FS41.075

Island Limited to add the word '*unacceptable*' but recommended that adding '*significant*' would be more appropriate wording.

63. The s42A Report agreed with the submission from Go Media Limited that there was no guidance in relation to offsite advertising but, recommended an alternative to amending SIGN-P5. Ms Easton considered that there is a need for an additional policy to address this issue and proposed a new Policy SIGN-P7 to address the submitter's concerns.

64. The s42A Report supported the request from the Buller Conservation Group and Frida Inta to correct the wording of SIGN-P6 so that this is not drafted as an objective.

65. The s42A report recommended the following amendments to the SIGN policies:

> *SIGN-P2*
>
> *Ensure that the significant adverse effects, including cumulative effects of signs on the landscape, natural character and amenity values of residential areas, settlements, rural areas, open space and outstanding natural landscapes and features are avoided remedied or mitigated. ~~protected from adverse visual and amenity effects from large areas or numbers of signs.~~*
>
> *SIGN-P6*
>
> *~~To s~~Support the use of bilingual signage and the use of traditional Poutini Ngāi Tahu place names within the district.*
>
> *New Policy SIGN-P7*
>
> *Avoid new off-site signs in Rural and Residential Zones and ensure that off-site signs in all other zones maintain transport safety and are compatible with the character and visual amenity values of the surrounding area, particularly where they are visible from any Residential or Rural Zone*

Hearing and Submitter Evidence/Statements

66. Mr Pearson (for Waka Kotahi NZTA) supported retaining SIGN-P1, SIGN-P3, and SIGN-P5 as notified.

67. No other evidence was presented at the hearing relating to the policies.

Reporting Officer Reply Evidence

68. In response to the questions raised by the Panel relating to the use of '*avoid*' in new Policy SIGN-P7, Ms Easton agreed its use was not correct because it supported a restricted discretionary activity rule, rather than non-complying activity rule. She supported replacing '*Avoid*' with '*Strongly discourage'*. She noted that the intent was for this new policy to apply to all Rural Zones, including Rural Lifestyle and Settlement Zones, and therefore considered it necessary to amend it to clarify this.

69. In relation to SIGN-P6, Ms Easton considered that '*West Coast districts*' would be more appropriate than the word '*District*' in this policy but recommended using '*West Coast'* because this was the most common phraseology used throughout the Plan. She noted there were no submissions relating to this matter but considered this could be addressed as a clause 16(2) amendment.

Hearing Panel's Evaluation

70. The Panel accepts Ms Easton's recommended amendments to SIGN-P2, SIGN-P6 and new SIGN-P7, for the reasons set out in the s42A Report and in Reply. However, the Panel considers adding '*significant*' to SIGN-P2 is not appropriate, given the reference to outstanding natural landscapes and features. We also note this was not sought by Westpower. The Panel also considers '*Discourage*' in new SIGN-P7 is appropriate without needing the qualifier '*strongly*'.

Hearing Panel's Recommendation

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

SIGN - P1
Enable a diversity of sign types that provide for effective communication of government, business and community information and whilst maintaining public safety, access needs and the overall character of the area.
SIGN – P2
Ensure **that** the **adverse effects, including cumulative effects of signs on the** landscape, natural character and amenity values of residential areas, settlements, rural areas, open space and outstanding natural landscapes and features are **avoided, remedied or mitigated.**~~Protected from adverse visual and amenity effects from large areas or number of signs.~~ [33]
SIGN – P3
Ensure that signs do not adversely affect traffic safety of all road users including motorists, cyclists, pedestrians, or obstruct roads or footpaths.
SIGN - P4
Enable temporary signage subject to meeting basic activity and built form standards.
SIGN – P5
Ensure signs relating to a particular activity or/use of land or buildings on the site are located at the site of that activity land or building.
SIGN – P6
~~To s~~**S**upport[34] the use of bilingual signage and the use of traditional Poutini Ngāi Tahu place names within the ~~District~~**West Coast/Te Tai o Poutini**. [35]
SIGN – P7

[33] Westpower Limited S547.492
[34] Buller Conservation Group S552.157 and Frida Inta S553.157
[35] Clause 16(2) of First Schedule of RMA.

Discourage new off-site signs in all RURZ - Rural and RESZ - Residential Zones and ensure that off-site signs in all other zones maintain transport safety and are compatible with the character and visual amenity values of the surrounding area, particularly where they are visible from any RESZ - Residential or RURZ - Rural Zone. [36]

2.5. SIGN Rules - General

Submissions and Further Submissions

72. The s42A Report summarised four submission points in relation to the rules **as a whole** in the Table on page 11. One submission point sought to clarify the rules,[37] one submission point sought an activity-specific rule to enable billboards, including digital billboards and non-site related advertising in the TTPP provisions,[38] and two submission points sought an additional provision.[39]

73. Thirteen submission points and three further submission points were received in relation to **SIGN-R1**. Two submission points sought to retain the rule as notified,[40] three submissions supported the rule in part,[41] five submission points sought amendments to the rule,[42] three submission points opposed the rule[43] or opposed the rule in part[44] and three further submission points supported a proposed amendment to the rule.[45]

74. Five submission points were received in relation to **SIGN-R2**. Three submission points sought to retain the rule as notified,[46] one submission point supported the rule in part and sought an amendment,[47] and one submission point sought an amendment to the proposed rule.[48]

75. Three submission points were received in relation to **SIGN-R3**. Two submission points sought to retain the rule as notified[49] and one submission point opposed the rule in part and sought an amendment.[50]

76. Four submission points were received in relation to **SIGN-R4**. Two submission points sought to retain the rule as notified,[51] one submission point supported the rule in part,[52] and one submission point opposed the rule in part.[53]

[36] Go Media Limited S501.003
[37] Margaret Montgomery S446.082
[38] Go Media Limited S501.001
[39] Buller Conservation Group S552.062 and Frida Inta S553.062
[40] KiwiRail S442.090 and Te Manu Ora/Te Whatu Ora S190.557
[41] Waka Kotahi NZTA S450.178, Buller District Council S538.346, Grey District Council S608.681
[42] Davies Ogilvie & Partners S465.029, S465.030, S456.031, Griffen & Smith Ltd S253.012, Go Media Limited S501.007, Greenstone Retreat S459.009
[43] Go Media Limited S501.008 and Greenstone Retreat S459.008
[44] Stephen Page S270.004
[45] Buller District Council FS149.031, FS149.032, FS149.033, FS149.034, Westpower Ltd FS222.070 and FS222.071
[46] Buller District Council S538.347, Te Manu Ora/Te Whatu Ora S190.558 and Waka Kotahi NZTA S450.179
[47] Grey District Council S608.682
[48] KiwiRail S442.091
[49] Greenstone Retreat S459.005 and Te Manu Ora/Te Whatu Ora S190.559
[50] Buller District Council S538.348
[51] Greenstone Retreat S459.006 and Te Mana Ora/Te Whatu Ora S190.560
[52] Waka Kotahi NZTA S450.180
[53] Buller District Council S538.349

77. Three submission points were received in relation to **SIGN-R5**. One submission point sought to retain the rule as notified,[54] one submission point opposed the rule and sought to have it deleted,[55] and one submission point opposed the rule in part and sought an amendment.[56]

78. Two submission points were received in relation to **SIGN-R6**. Both submission points sought to retain the rule as notified.[57]

79. Three submission points were received in relation to **SIGN-R7**. Two submission points sought to retain the rule as notified,[58] and one submission points sought amendments to the rule.[59]

80. Three submission points were received in relation to **SIGN-R8**. One submission point sought to retain the rule as notified,[60] one submission point sought to amend the rule,[61] and one submission point supported the rule in part, subject to amendments.[62]

81. Two submission points were received in relation to **SIGN-R9**. both submission points sought to retain the rule as notified.[63]

82. Two submission points were received in relation to **SIGN-R18**. both submission points sought to retain the rule as notified.[64]

83. Six submission points and three further submission points were received in relation to **SIGN-R19.** One submission point sought to retain the rule as notified,[65] two submission points supported the rule in part and sought amendments to the rule,[66] one submission point opposed the rule in part,[67] two submission points sought amendments to the rule,[68] two further submission points opposed an amendment sought,[69] and one further submission point sought to allow an amendment sought.[70]

Section 42A Reports

84. The s42A Report highlighted submissions that sought changes to the rules as a whole and recommended a range of amendments based on specific submissions. Ms Easton did not support the submission seeking to enable billboards and non-site related advertising in the TTPP provisions because the general approach for signs in the pTTPP is to focus on the property the sign is located on. Ms Easton did not support additional restrictions on signage in areas of high natural value given she considered this was covered by discretionary activity Rule SIGN-R22.

SIGN-R1 General Permitted Activity Performance Standards-All Zones

[54] Te Mana Ora/Te Whatu Ora S190.561
[55] Greenstone Retreat S459.007
[56] Buller District Council S538.350
[57] Buller District Council S538.352, Te Mana Ora/Te Whatu Ora S190.562
[58] Buller District Council S538,352, Te Mana Ora/Te Whatu Ora S160.536
[59] Go Media Limited S501.005
[60] Buller District Council S538.353
[61] Greenstone Retreat S459.010
[62] Te Manu Ora/Te Whatu Ora S190.564
[63] Buller District Council S538.354 and Te Mau Ora/Te Whatu Ora S190.565
[64] Buller District Council S538.363 and Te Mana Ora/Te Whatu Ora S190.574
[65] Te Mana Ora/Te Whatu Ora S190.575
[66] Grey District Council S608.685 and Waka Kotahi NZTA S450.183
[67] Buller DC S538.364
[68] Westpower Ltd S547.493, S547.494
[69] Go Media Ltd FS102.003, FS102.002
[70] Go Media Ltd FS102.005

85. The s42A Report supported the BDC's request for a definition for '*Transport Corridor'* and recommended adding the following definition:

> *Means, in relation to the SIGN Chapter, any formed legal road and the Designated railway corridor.*

86. The s42A Report supported the following requests for amendments to the standards relating to the rule, including:

(a) A new sub clause in clause (6) to include '*Digital or LED light components*'

(b) Relacing '*Exceed with*' with '*Be smaller than*' in clause (10) and adding '*with a posted speed limit of 70 km or more*' at the end; and

(c) Relacing '*Exceed*' with '*Be smaller than*' in clause (11) and deleting sub clause (i).

87. The s42A Report did not support the other amendments sought by submitters as Ms Easton considered these were unnecessary and were covered in other rules, including Waka Kotahi NZTA's request to include additional performance standards.

88. The s42A Report considered the response to the BDC submission (S538.346) addressed the concerns raised in the GDC submission (608.681) regarding the reference to the *'transport corridor'* with the proposed definition referred to above. It did not support the submission from Stephen Page (S270.004) seeking to reduce the minimum size of the lettering allowed on signs because this was a significant matter in terms of road safety.

SIGN-R2 Traffic and Railway Signs - All Zones

89. The s42A Report supported the submission point from GDC (S608.682) seeking a definition for '*formed legal road*' and recommended adding the following definition:

> *Means, a legal road that has been physically constructed and includes gravelling, metalling, sealing or permanently surfacing the road.*

90. The s42A Report also supported the submission from KiwiRail (S442.091) requesting to delete the reference to '*NZ Railways Corporation*' as KiwiRail is the operator and responsible for safety and signage.

SIGN-R3 Official Signs that are not Traffic and Railway Signs – All Zones

91. The s42A Report supported the submission point from BDC (S538.348) seeking an additional standard exempting signs required to meet health and safety obligations from the six word limit.

SIGN-R4 Temporary Signs- All Zones

92. The s42A Report did not support the submission point from Waka Kotahi NZTA (S450.180) seeking an advice note referring people to the Waka Kotahi NZTA General Election Sign guidance because it considered advice notes generally do not refer to third-party guidance. It supported the submission point from BDC (S538.349) seeking a reduction for the maximum height allowable from 4m above ground level to 2.5m.

SIGN-R5 Community Signs-All Zones

93. The s42A Report did not support the submission point from Greenstone Retreat (S459.007) opposing the rule and seeking to have it deleted. It supported the same amendment to the maximum allowable height as recommended to SIGN-R4 in response to the BDC submission.

SIGN-R7 Interpretation signs on the site of a Scheduled Feature in Schedules 1-4 or Schedule 6- All Zones.

94. The s42A Report did not support the submission point from Go Media Limited seeking to delete the maximum sign provisions or significantly increase them. It considered that a $3m^2$ sign, 4m high, is sufficient as a permitted activity.

SIGN-R8 Footpath Signs-All Zones

95. The s42A Report did not support the submission from Greenstone Retreat (S459.010) opposing the standard requiring a 2m-wide clear space for pedestrians. It noted the sizing of footpaths was for pedestrian use, with two people walking side by side (a mother pushing a pram and holding the hand of a second child) and a disabled person who requires the 2m width.

96. The s42A Report supported the request from Te Mana Ora (S190.564) for an amendment that directs that signs are located at the outer edge of the footpath because sight- impaired people tend to use the part of the footpath closer to buildings. It did not support the parts of the submission seeking an additional standard for outdoor dining, as this is covered by sign bylaws by each council. It also did not support the introduction of a performance standard that states the sign does not compromise pedestrian safety because it was ambiguous and difficult to implement.

SIGN-R19 Signs which do not meet Permitted Activity standards not subject to Rule-SIGN R18

97. The s42A Report supported the submission point from BDC (S538.364) opposing the inclusion of the limited notification clause for this rule and noted that limited notification clauses are no longer provided for under the RMA.

98. The s42A Report supported the submission points from GDC (S608.685) and Waka Kotahi NZTA (S450.183) seeking an additional matter of discretion be included around the content of the sign. It noted this was a key matter given it would include things, such as font size and number of words, which were important matters for traffic safety.

99. The s42A Report did not support the submission points form Westpower (S547.493 and (S547.494) seeking additional matters of discretion relating to the '*technical, locational, functional or operational constraints'* of the activity given these matters were not relevant to signs.

2.6. SIGN Rules – Specific Zones

Submissions and Further Submissions

100. Two submission points were received relating to **SIGN-R10** seeking to retain the Rule as notified.[71]

[71] Buller District Council S538.355 and Te Mana Ora/Te Whatu Ora 190.566

101. Two submission points were received relating to **SIGN-R11** seeking to retain the Rule as notified.[72]

102. Two submission points were received relating to **SIGN-R12** seeking to retain the Rule as notified.[73]

103. Two submission points were received relating to **SIGN-R13** seeking to retain the Rule as notified,[74] and three submission points were received seeking amendments to Rule as notified,[75] and one submission point opposed the Rule as notified.[76]

104. Two submission points were received relating to **SIGN-R14** seeking to retain the Rule as notified.[77]

105. Two submission points were received relating to **SIGN-R15** seeking to retain the Rule as notified,[78] and three submission point sought amendments to the notified Rule.[79]

106. Two submission points were received relating to **SIGN-R16** seeking to retain the Rule as notified.[80]

107. Two submission points were received relating to **SIGN-R17** seeking to retain the Rule as notified,[81] six submission points were received seeking amendments to the notified rule,[82] and two further submission points were received supporting the proposed amendments to the Rule.[83]

108. Two submission points were received relating to **SIGN-R20** seeking to retain the Rule as notified.[84]

109. Two submission points were received relating to **SIGN-R21** seeking to retain the Rule as notified.[85]

110. Two submission points were received relating to **SIGN-R22** seeking to retain the Rule as notified,[86] one further submission points supported the submissions to retain the Rule as notified,[87] and one submission point sought to delete the Rule.[88]

Section 42A Report

[72] Buller District Council S538.356 and Te Mana Ora/Te Whatu Ora S190.567
[73] Buller District Council S538.357 and Te Mana Ora/Te Whatu Ora S190.568
[74] Buller District Council S538.358 and Te Mana Ora/Te Whatu Ora S190.569
[75] Greenstone Retreat S459.011, Grey District Council S608.683 and Waka Kotahi NZTA S450.181
[76] Stephen Page S270.003
[77] Buller District Council S538.359 and Te Mana Ora/Te Whatu Ora S190.570
[78] Buller District Council S538.360 and Te Mana Ora/Te Whatu Ora S190.571
[79] Grey District Council S608.088, S608.844 and Waka Kotahi NZTA S450.182
[80] Buller District Council S538.361 and Te Mana Ora/Te Whatu Ora S190.572
[81] Buller District Council S538.362 and Te Mana Ora/Te Whatu Ora S190.573
[82] Grey District Council S608.089, Foodstuffs S464.009, S464.052 and Go Media Ltd S501.004, S501.006, S501.009
[83] Martin & Co and Lumberland Building Market FS140.027 and Westpower Ltd FS222.0113
[84] Buller District Council S538.365 and Te Mana Ora/Te Whatu Ora S190.576
[85] Buller District Council S538.366 and Te Mana Ora/Te Whatu Ora S190.577
[86] Buller District Council S538.367 and Te Mana Ora/Te Whatu Ora S190.578
[87] Go Media Ltd FS102.004
[88] Greenstone Retreat S459.012

111. In relation to **SIGN-R13,** the s42A Report supported the submissions from GDC (S608.683) and Waka Kotahi NZTA (S450.181) seeking to delete the reference to '*adjoining site'* from the rule due to the potential impacts on traffic safety that could arise from this.

112. The s42A Report did not support the submission points from Stephen Page (S270.003) and Greenstone Retreat (S459.011) requesting to allow signs regardless of whether it relates to the property on which it is located. It considered that this would be inconsistent with the policy direction of the chapter to avoid the proliferation of signs unrelated to properties where the activity is located.

113. The s42A Report also supported the deletion of *'adjoining site'* from Rule **SIGN-R15** for the reasons outlined in relation to SIGN-R13. It also supported GDC's (S608.088) request to increase the maximum size of the sign from $2m^2$ to $3m^2$ which is the common size of a sheet of plywood.

114. In relation to **SIGN-R17**, the s42A Report supported the request from GDC (608.089) to amend the rule to make it clear that signs attached to the face of a building must be '*no larger'* than the specified size.

115. The s42A Report did not support the submission points from Foodstuffs (S464.009 and S464.052) and Go Media Limited (S501.006) seeking an increase in the maximum size of signage per activity by removing the reference to a maximum $3m^2$ (the Panel notes this was incorrectly referenced in the s42 Report as $3m^3$). It did not support adding '*where practicable*' because it considered this was inappropriate in a permitted activity standard. Ms Easton considered setting the maximum size, as notified, was appropriate because of the potential for adverse visual effects from a proliferation of signage on a building; and concluded a resource consent process for larger signs was appropriate.

116. The s42A Report did not support the submission points from Go Media Limited (S501.004 and S501.009) seeking to provide a rule for off-site advertising and to delete clause (1) of the Rule. It noted the intention of the policy framework was to manage the visual effects of signs and avoid the proliferation of signs that can lead to cumulative visual effects.

Hearing and Submitter Evidence/Statements

117. Mr Pearson confirmed that overall, he accepted the s42A Report recommendation, except for minor changes to SIGN-R1(11(i), which he noted was still outstanding.

118. Mr Costello's tabled statement indicated his preference was to have SIGN-R1 deleted in its entirety but accepted the limitation applying to higher speed areas.

Reporting Officer Reply Evidence

119. In Reply, Ms Easton supported the proposed amendment to Rule SIGN-R1(11)(i)1 as proposed by Mr Pearson.

120. Ms Easton addressed questions from the Panel in relation to off-site signage. She recommended adding '*For signs with Digital or LED components, maintenance requirements, management of light spill, duration of images and fail-safe mechanisms in the event of a malfunction*' to the matters of discretion in SIGN-R18.

121. Ms Easton responded to the Panel's query regarding government regulation around the size of election signs and advised the maximum size of an election sign is $3m^2$.

122. Ms Easton also responded to the Panel's question, whether lowering the maximum height from 4m to 2.5m would cause concerns regarding graffiti, and advised there was no available information that linked the height of signs to risk of graffiti. She noted that it was arguable that a 4m high sign may be more appealing for graffiti, as it would be potentially more visible from a distance.

123. Ms Easton checked how other district plans referenced KiwiRail in relation to signs rules and advised it was common to refer to KiwiRail, (and also New Zealand Railways Corporation/Kiwi Rail) but considered it would equally appropriate to refer to a generic '*Railway Operator*'.

Hearing Panel's Evaluation

124. The Panel agrees with Ms Easton's recommended amendments to the Rules as sought by various submitters in their submissions and further submissions in relation to the SIGN Chapter. However, we have made minor corrections and reworded Rule SIGN-R4(3) to clarify the sign should be erected '*before the start of construction activity*'.

Hearing Panel's Recommendation

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

Signs – Ngā Tohu
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.
Permitted Activities
SIGN - R1 General Permitted Activity Performance Standards-All Zones
Where Activity Status is Permitted All signs shall not: 1. Project over the road or be located within a transport corridor; 2. Obstruct the line of sight of any corner, bend, intersection or vehicle or rail crossing; 3. Obstruct, obscure or impair the view of any traffic or railway sign or signal; 4. Physically obstruct or impede traffic, trains or pedestrians; and 5. Resemble or likely to be confused with any traffic sign or signal; 6. Have: i. Reflective materials, ii. Flashing, revolving or intermittent light, iii. Sound effects, ~~or~~

iv. Animated, trivisual, inflatable or aerial components; **or**[89]
v. **Digital or LED light components;**[90]

7. Be affixed to vehicles or trailers and parked in a location visible from a public place. This does not apply to advertising incidental to the primary use of the vehicle or trailer;
8. Exceed the height requirements for buildings in the relevant zone;
9. Be of a colour or size which could be confused with a traffic signal;
10. ~~Exceed~~ **Be smaller than**[91] ~~with~~ the following minimum lettering size and character requirements:
    i. 120mm minimum lettering size where facing any road with a posted speed limit of less than 70km/h;
    ii. 160mm minimum lettering size where facing any road with a posted speed limit of 70km/h or more;
    iii. Have a maximum of 6 words and/or symbols with a maximum of 40 characters per sign whe**re**~~n~~[92] facing any road **with a posted speed limit of 70km/h or more; and**[93]
11. ~~Exceed~~ **Be smaller than**[94] the following separation distances between signs where these are located within 10 metres of a road:
    ~~i. 60m separation distances between signs facing a road with a posted speed limit of 70km/h~~[95]
    i~~i~~. 70m separation distances between signs facing a road with a spotted speed limit of 7~~1~~**0**[96] - 80km/h; **and**[97]
    i~~iii~~.80m separation distances between signs facing a road with a posted speed limit of 80km/h.

Advice Note:
Any sign located within the road corridor of a State Highway may require approval from New Zealand Transport Agency- Waka Kotahi as the landowner and network utility operator. Activity status where compliance not achieved: Restricted Discretionary

Activity status where compliance not achieved: Restricted Discretionary

SIGN - R2 Traffic and Railway Signs-All Zones

Activity Status Permitted
Where:

1. The sign is required by Waka Kotahi - NZ Transport Agency and is located within a road reserve; or
2. The sign is required by NZ Railways Corporation/Kiwi**R**~~r~~ail[98] and is located within a rail corridor; or
3. The sign is required by the Council and is located within a road reserve or road corridor for a formed legal road.

Activity status where compliance not achieved: Controlled

[89] Clause 16(2) of First Schedule of RMA
[90] Waka Kotahi NZTA S450.178
[91] Waka Kotahi NZTA S450.178
[92] Clause 16(2) of First Schedule of RMA
[93] Waka Kotahi NZTA S450.178
[94] Waka Kotahi NZTA S450.178
[95] Waka Kotahi NZTA S450.178
[96] Waka Kotahi NZTA S450.178
[97] Clause 16(2) of First Schedule of RMA
[98] Clause 16(2) of First Schedule of RMA

SIGN - R3	**Official Signs that are not Traffic and Railway Signs - All Zones**

Activity Status Permitted
Where:

1. The sign is required to meet legislative requirements such as health and safety legislation; or
2. The sign provides information relating to public safety or wayfinding, such as equipment use, property entrances or for security purposes, and is no larger than is reasonably necessary to convey the information; and
3. All performance standards of Rule Sign-R1 are complied with**, the exception being that signs required to meet health and safety obligations are not subject to the six-word limit.** [99]

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R4	**Temporary Signs - All Zones**

Activity Status Permitted
Where:

1. These are for community events and the sign is erected no earlier than **six**~~6~~[100] months before the event and is removed with **seven**~~7~~[101] days of the event **ending,** [102] or
2. These are for temporary activities and the sign is erected no earlier than **one**~~1~~[103] month before the activity and is removed within **seven**~~7~~[104] days of the activity **ending**;[105] or
3. These are for construction sites and the sign is erected no earlier than **six**~~6~~[106] months before the ~~event~~ **start of the construction activity**[107] and is removed within **seven**~~7~~[108] days of the construction activity ending ~~event~~; or
4. These are for land/premises for sale or lease and once the property is sold or let the sign is removed within **seven**~~7~~[109] days; or
5. These are for electioneering where the sign is erected no more than **nine**~~9~~[110] weeks before the election to which it relates and is removed within **one**~~1~~[111] day of the election day, unless otherwise required by statute; and
6. There is a maximum of one sign per road frontage;
7. The maximum sign face area is $3m^2$;
8. The maximum height measure from ground level is ~~4~~**2.5m;** and[112]
9. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R5	**Community Signs - All Zones**

Activity Status Permitted
Where:

[99] Buller District Council S538.348
[100] Clause 16(2) of First Schedule of RMA
[101] Clause 16(2) of First Schedule of RMA
[102] Buller District Council S538.349
[103] Clause 16(2) of First Schedule of RMA
[104] Clause 16(2) of First Schedule of RMA
[105] Buller District Council S538.349
[106] Clause 16(2) of First Schedule of RMA
[107] Buller District Council S538.349
[108] Clause 16(2) of First Schedule of RMA
[109] Clause 16(2) of First Schedule of RMA
[110] Clause 16(2) of First Schedule of RMA
[111] Clause 16(2) of First Schedule of RMA
[112] Buller District Council S538.349

1. There is a maximum of one sign per site;
2. The maximum sign face area is 2m^2;
3. The maximum height measured from ground level is 4**2.5**m[113]; and
4. All performance standards for Rule SIGN-R1 are complied with.

Activity status where compliance not achieved: Restricted discretionary

SIGN - R6	**Signs not visible from a road, publicly accessible space, RESZ - Residential, SETZ - Settlement or OSRZ - Open Space and Recreation Zone - All Zones.**

Activity Status Permitted

Activity status where compliance not achieved: N/A

SIGN-R7	**Interpretation signs on the site of a Scheduled Feature in Schedules One-Four~~1-4~~[114] or Schedule Six~~6~~[115] - All Zones**

Activity Status Permitted
Where:
Where:
1. The maximum sign face area of each sign is 3m^2;
2. The maximum sign height measured from ground level is 4m; and
3. Performance standards for Rule SIGN - R1 are complied with.

Activity status where compliance not achieved: Restricted discretionary

Advice Note:
For signs located on or within Scheduled features compliance with the relevant rules for earthworks, buildings and structures may mean a resource consent is required.

SIGN - R8	**Footpath Signs- All Zones**

Activity Status Permitted
Where:
1. The sign is placed on the footpath immediately in front of the premises to which it relates;
2. A consistent 2m wide clear space for pedestrians on the footpath is maintained **between the sign and the internal boundary on the footpath**;[116]
3. The sign is removed from the footpath at the completion of the day's trading and not returned until the start of the next day's trading;
4. The sign is not displayed or attached to any public structure or traffic control device in a public place; and
5. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R9	**Verandah Signs - All Zones**

Activity Status Permitted

[113] Buller District Council S538.350
[114] Clause 16(2) of First Schedule of RMA
[115] Clause 16(2) of First Schedule of RMA
[116] Te Mana Ora S190.564

Where:
1. The sign is under the verandah, on top of the verandah or within the verandah fascia;
2. The sign relates to an activity occurring on the site;
3. All performance standards for Rule SIGN - R1 are complied with;
4. There is a maximum of one under-verandah, one verandah fascia sign and one above verandah sign per premises per road frontage;
5. Any under-verandah sign must:
a. Provide a clearance of at least 2.5m from the footpath to the bottom of the sign;
b. Have a maximum height of 0.6m and a maximum depth of 0.25m;
c. Be setback 0.5m from the kerb of the road; and
d. Be mounted at right angles to the kerb line.
6. Any sign on a verandah fascia must be contained entirely within the verandah fascia;
7. Any sign above the verandah must:
a. Not exceed 1.2m in height above the fascia;
b. Not project beyond the face of the verandah; and
c. Be setback 0.5m from the kerb of the road.

Activity Status where compliance not achieved: Restricted Discretionary

Permitted Activities - Specific Zones

SIGN - R10 Signs in the MPZ - Māori Purpose Zone

Activity Status Permitted
Where:
1. These are erected with the approval of the relevant Poutini Ngāi Tahu Rūnanga; and
2. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R11 Signs in the AIRPZ - Airport Zone

Activity Status Permitted
Where:
1. These are erected by the airport/aerodrome/heliport controlling authority and relate to the purpose of the zone; and
2. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R12 Signs in the RESZ - Residential Zones

Activity status Permitted
Where:
1. The sign relates to an activity occurring on the site;
2. There is a maximum of one sign per site;
3. There is a maximum sign face of $1m^2$; and
4. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Discretionary

SIGN - R13	**Signs in the SETZ - Settlement outside of the SETZ - PREC2 Settlement Centre Precinct and SETZ - PREC3 - Coastal Settlement Precinct**

Activity Status Permitted
Where:
1. The sign relates to an activity occurring on the site ~~or an adjoining site~~; [117]
2. There is a maximum of one sign per site;
3. There is a maximum sign face of $2m^2$; and
4. All performance standards for Rule SIGN-R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R14	**Signs in the SETZ - PREC3 - Settlement Zone - Coastal Settlement Precinct**

Activity Status Permitted
Where:
1. The sign relates to an activity occurring on the site;
2. There is a maximum of one sign per site;
3. There is a maximum sign face of $1m^2$; and
4. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Discretionary

SIGN - R15	**Signs in the GRUZ-General Rural Zone, RLZ-Rural Lifestyle Zone, FUZ-Future Urban Zone, MINZ - Mineral Extraction Zone and BCZ - Buller Coalfield Zone**

Activity Status Permitted
Where:
1. The sign relates to an activity occurring on the site ~~or an adjoining site~~; [118]
2. There is a maximum of one sign per road frontage of the site;
3. There is a maximum sign face of ~~2~~**3**m^2; [119] and
4. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R16	**Signs in any OSRC- Open Space and Recreation Zone or the STADZ - Stadium Zone**

Activity Status Permitted
Where:
The sign is located in an OSRZ - Open Space and Recreation Zone; and
1. The sign is:
a. Ancillary to a conservation, recreation or community activity; or
b. For commercial sponsorship of a recreation activity; and
2. All performance standards for Rule SIGN – R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R17	**Signs in any CMUZ - Commercial and Mixed Use Zone, any INZ - Industrial Zone, the PORTZ - Port Zone or a SETZ – PREC2 - Settlement Centre Precinct**

[117] Waka Kotahi NZTA S450.181
[118] Waka Kotahi NZTA S450.182 and Grey District Council S608.684
[119] Grey District Council S608.088

Activity Status Permitted
Where:
1. Signs must relate to an activity occurring on the site;
2. Signs are not directed towards residential or rural areas;
3. Signs attached to the structure or face of the building must **be no larger than**[120] a maximum of 10% of the area of the building façade or 3m^2, whichever is the lessor; and
4. All performance standards for Rule SIGN-R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

Controlled Activities

SIGN - R18 Traffic and Railway Signs not meeting Permitted Activity Standards-All Zones

Activity Status Controlled
Matters of control are:
a. The location of the sign;
b. The size and height of the sign; and
c. The management of effects on road and footpath user safety.

Activity status where compliance not achieved: N/A

Restricted Discretionary Activities

SIGN - R19 Signs which do not meet Permitted Activity standards not subject to Rule SIGN - R18

Activity Status Restricted Discretionary
Where:
1. The sign is not located in a RESZ-Residential Zone or a SETZ-PREC2-Coastal Settlement Precinct; and

2. The sign is not located in, on or within a Scheduled Natural or Cultural feature identified in Schedules **One-Eight**~~1-8~~[121] except the following Sites and Areas of Significance to Māori:

~~i.~~SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 59 Māwhera Pa 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Reserve; **and**[122] SASM 197 Ōkuru.

Discretion is restricted to:
a. The location of the sign;
b. **The content of the sign;** [123]
c. The design materials and appearance of the sign and/or support structure and their effects on visual amenity;
d. The size and height of the sign;

[120] Grey District Council S608.089
[121] Clause 16(2) of First Schedule of RMA
[122] Clause 16(2) of First Schedule of RMA
[123] Grey District Council S608.685 and Waka Kotahi S450.183

e. For temporary signs, the length of time the sign is in place;
f. Effects on road and footpath user safety; ~~and~~[124]
g. **Effects on traffic safety**; ~~and~~[125]
h. **For signs with digital or LED light components, maintenance requirements, management of light spill, duration of images and fail-safe mechanisms in the event of malfunction; and**[126]
a. The relationship of the sign with existing signage on the site and in the surrounding area.

~~Notification~~

~~Where a sign is visible from a state highway and does not meet the Performance standards in rule SIGN-R1 then the application will be Limited Notified to NZ Transport Agency Waka Kotahi and may Be publicly notified~~[127]

Activity Status where compliance not achieved: Discretionary



Sharon McGarry

Hearings Panel – Chair



Anton Becker

Hearings Panel Member



Maria Bartlett

Hearings Panel Member

Date: 5 September 2025

[124] Clause 16(2) of First Schedule of RMA
[125] Waka Kotahi NZTA S450.178
[126] Waka Kotahi NZTA S450.178
[127] Buller District Council S538.364

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Overview

Signs are an important method of providing community, consumer and destination information and safety messages and traffic controls, they include a wide range of type and scale including large billboards; free standing signs attached to or painted onto buildings, illuminated and/or moving signs and digital displays.

Signs are generally anticipated in commercially focussed areas such as the Town Centre Zone and Neighbourhood Centre Zone, Settlement Centre Precinct and in the General Industrial Zone, where they are used to advertise products and services that are available on the site on which the sign is located. However, if not carefully managed, signs have the potential to cause visual clutter and undermine the character and amenity values of an area.

To ensure signs are compatible with an area, their scale number, illumination, motion and placement are matters that are managed through Te Tai o Poutini Plan. This chapter contains the provisions that control signs and includes provisions which manage signage that advertises services or products which are not directly related to or associated with the activity undertaken on the site upon which the sign is located.

Other relevant Te Tai Poutini Plan provisions.

It is important to note that in addition to the zone chapters, other Part 2: District-wide Matters chapters may contain provisions that are relevant to signs, in particular the specific Overlay Chapters referred to within this chapter such as Historic Heritage and Sites and Areas of Significance to Māori.

SIGN – O1

Signs contribute to the social, cultural and economic wellbeing of the West Coast/Te Tai Poutini while:

1. Supporting the needs of business, infrastructure and community activities;
2. Ensuring that **any proposed signage is compatible with** the character**, visual** and amenity values of the surrounding area, **and that these** are maintained or enhanced~~ and protected from any adverse visual and amenity effects~~; and
3. Maintaining public safety.

SIGN - P1

Enable a diversity of sign types that provide for effective communication of government, business and community information and whilst maintaining public safety, access needs and the overall character of the area.

SIGN – P2

Ensure **that** the **adverse effects, including cumulative effects of signs on the** landscape, natural character and amenity values of residential areas, settlements, rural areas, open space and outstanding natural landscapes and features are **avoided, remedied or mitigated.**~~Protected from adverse visual and amenity effects from large areas or number of signs.~~

SIGN – P3

Ensure that signs do not adversely affect traffic safety of all road users including motorists, cyclists, pedestrians, or obstruct roads or footpaths.
SIGN - P4
Enable temporary signage subject to meeting basic activity and built form standards.
SIGN – P5
Ensure signs relating to a particular activity or/use of land or buildings on the site are located at the site of that activity land or building.
SIGN – P6
~~To s~~**S**upport[128] the use of bilingual signage and the use of traditional Poutini Ngāi Tahu place names within the ~~District~~**West Coast/Te Tai o Poutini**.
SIGN – P7
Discourage new off-site signs in all RURZ - Rural and RESZ - Residential Zones and ensure that off-site signs in all other zones maintain transport safety and are compatible with the character and visual amenity values of the surrounding area, particularly where they are visible from any RESZ - Residential or RURZ - Rural Zone.

Signs – Ngā Tohu
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach
Permitted Activitie
SIGN - R1 General Permitted Activity Performance Standards-All Zones
Where Activity Status is Permitted All signs shall not: 1. Project over the road or be located within a transport corridor; 2. Obstruct the line of sight of any corner, bend, intersection or vehicle or rail crossing; 3. Obstruct, obscure or impair the view of any traffic or railway sign or signal; 4. Physically obstruct or impede traffic, trains or pedestrians; and 5. Resemble or likely to be confused with any traffic sign or signal; 6. Have: i. Reflective materials, ii. Flashing, revolving or intermittent light, iii. Sound effects, ~~or~~ iv. Animated, trivisual, inflatable or aerial components; **or**[129] v. **Digital or LED light components;**

[128] Buller Conservation Group S552.157 and Frida Inta S553.157
[129] Clause 16(2) of First Schedule of RMA

7. Be affixed to vehicles or trailers and parked in a location visible from a public place. This does not apply to advertising incidental to the primary use of the vehicle or trailer;
8. Exceed the height requirements for buildings in the relevant zone;
9. Be of a colour or size which could be confused with a traffic signal;
10. ~~Exceed~~ **Be smaller than** ~~with~~ the following minimum lettering size and character requirements:
    i. 120mm minimum lettering size where facing any road with a posted speed limit of less than 70km/h;
    ii. 160mm minimum lettering size where facing any road with a posted speed limit of 70km/h or more;
    iii. Have a maximum of 6 words and/or symbols with a maximum of 40 characters per sign whe**re**~~n~~ facing any road **with a posted speed limit of 70km/h or more; and**
11. ~~Exceed~~ **Be smaller than** the following separation distances between signs where these are located within 10 metres of a road:
    ~~i. 60m separation distances between signs facing a road with a posted speed limit of 70km/h~~
    ~~i~~**i**~~i~~. 70m separation distances between signs facing a road with a spotted speed limit of 7~~1~~**0** - 80km/h; **and**
    ~~i~~**i**~~iii~~.80m separation distances between signs facing a road with a posted speed limit of 80km/h.

Advice Note:

Any sign located within the road corridor of a State Highway may require approval from New Zealand Transport Agency- Waka Kotahi as the landowner and network utility operator. Activity status where compliance not achieved: Restricted Discretionary

Activity status where compliance not achieved: Restricted Discretionary

SIGN - R2 Traffic and Railway Signs-All Zones

Activity Status Permitted

Where:

1. The sign is required by Waka Kotahi - NZ Transport Agency and is located within a road reserve; or
2. The sign is required by NZ Railways Corporation/Kiwi**R**~~r~~ail and is located within a rail corridor; or
3. The sign is required by the Council and is located within a road reserve or road corridor for a formed legal road.

Activity status where compliance not achieved: Controlled

SIGN - R3 Official Signs that are not Traffic and Railway Signs - All Zones

Activity Status Permitted

Where:

1. The sign is required to meet legislative requirements such as health and safety legislation; or
2. The sign provides information relating to public safety or wayfinding, such as equipment use, property entrances or for security purposes, and is no larger than is reasonably necessary to convey the information; and

3. All performance standards of Rule Sign-R1 are complied with**, the exception being that signs required to meet health and safety obligations are not subject to the six-word limit.**

Activity Status where compliance not achieved:	Restricted Discretionary
SIGN - R4	**Temporary Signs - All Zones**
Activity Status Permitted Where: 1. These are for community events and the sign is erected no earlier than **six**~~6~~ months before the event and is removed with **seven**~~7~~ days of the event **ending,** or 2. These are for temporary activities and the sign is erected no earlier than **one**~~1~~ month before the activity and is removed within **seven**~~7~~ days of the activity **ending**; or 3. These are for construction sites and the sign is erected no earlier than **six**~~6~~ months before the ~~event~~ **start of the construction activity**and is removed within **seven**~~7~~ days of the construction activity ending ~~event~~; or 4. These are for land/premises for sale or lease and once the property is sold or let the sign is removed within **seven**~~7~~days; or 5. These are for electioneering where the sign is erected no more than **nine**~~9~~weeks before the election to which it relates and is removed within **one**~~1~~ day of the election day, unless otherwise required by statute; and 6. There is a maximum of one sign per road frontage; 7. The maximum sign face area is $3m^2$; 8. The maximum height measure from ground level is ~~4~~**2.5m;** and 9. All performance standards for Rule SIGN - R1 are complied with.	
Activity Status where compliance not achieved:	Restricted Discretionary
SIGN - R5	**Community Signs - All Zones**
Activity Status Permitted Where: 1. There is a maximum of one sign per site; 2. The maximum sign face area is $2m^2$; 3. The maximum height measured from ground level is ~~4~~**2.5**m and 4. All performance standards for Rule SIGN-R1 are complied with	
Activity status where compliance not achieved:	Restricted discretionary
SIGN - R6	**Signs not visible from a road, publicly accessible space, RESZ - Residential, SETZ - Settlement or OSRZ - Open Space and Recreation Zone - All Zones.**
Activity Status Permitted	
Activity status where compliance not achieved:	N/A
SIGN-R7	**Interpretation signs on the site of a Scheduled Feature in Schedules One-Four~~1-4~~or Schedule Six~~6~~ - All Zones**
Activity Status Permitted **Where:**	

1. The maximum sign face area of each sign is $3m^2$;
2. The maximum sign height measured from ground level is 4m; and
3. Performance standards for Rule SIGN – R1 are complied with.

Activity status where compliance not achieved: Restricted discretionary

Advice Note:

For signs located on or within Scheduled features compliance with the relevant rules for earthworks, buildings and structures may mean a resource consent is required.

SIGN - R8 Footpath Signs- All Zones

Activity Status Permitted

Where:

1. The sign is placed on the footpath immediately in front of the premises to which it relates;
2. A consistent 2m wide clear space for pedestrians on the footpath is maintained **between the sign and the internal boundary on the footpath**;
3. The sign is removed from the footpath at the completion of the day's trading and not returned until the start of the next day's trading;
4. The sign is not displayed or attached to any public structure or traffic control device in a public place; and
5. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R9 Verandah Signs - All Zones

Activity Status Permitted

Where:

1. The sign is under the verandah, on top of the verandah or within the verandah fascia;
2. The sign relates to an activity occurring on the site ;
3. All performance standards for Rule SIGN – R1 are complied with;
4. There is a maximum of one under-verandah, one verandah fascia sign and one above verandah sign per premises per roadfrontage;
5. Any under-verandah sign must:

    a. Provide a clearance of at least 2.5m from the footpath to the bottom of the sign;
    b. Have a maximum height of 0.6m and a maximum depth of 0.25m;
    c. Be setback 0.5m from the kerb of the road; and
    d. Be mounted at right angles to the kerb line.

6. Any sign on a verandah fascia must be contained entirely within the verandah fascia;

7. Any sign above the verandah must:

a. Not exceed 1.2m in height above the fascia;

b. Not project beyond the face of the verandah; and

c. Be setback 0.5m from the kerb of the road.

Activity Status where compliance not achieved: Restricted Discretionary

Permitted Activities - Specific Zones

SIGN - R10 Signs in the MPZ - Māori Purpose Zone

Activity Status Permitted

Where:

1. These are erected with the approval of the relevant Poutini Ngāi Tahu Rūnanga and
2. All performance standards for Rule SIGN – R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R11 Signs in the AIRPZ - Airport Zone

Activity Status Permitted

Where:

1. These are erected by the airport/aerodrome/heliport controlling authority and relate to the purpose of the zone; and
2. All performance standards for Rule SIGN – R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R12 Signs in the RESZ - Residential Zones

Activity status Permitted

Where:

1. The sign relates to an activity occurring on the sign;
2. There is a maximum of one sign per sign;
3. There is a maximum sign face of $1m^2$; and
4. All performance standards for Rule SIGN – R1are complied with.

Activity Status where compliance not achieved: Discretionary

SIGN - R13 Signs in the SETZ - Settlement outside of the SETZ - PREC2 Settlement Centre Precinct and SETZ - PREC3 - Coastal Settlement Precinct

Activity Status Permitted

Where:

1. The sign relates to an activity occurring on the site ~~or an adjoining site~~;
2. There is a maximum of one sign per site;
3. There is a maximum sign face of $2m^2$; and
4. All performance standards for Rule SIGN-R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R14 Signs in the SETZ - PREC3 - Settlement Zone - Coastal Settlement Precinct

Activity Status Permitted

Where:

1. The sign relates to an activity occurring on the site;
2. There is a maximum of one sign per site;
3. There is a maximum sign face of $1m^2$; and
4. All performance standards for Rule SIGN – R1 are complied with.

Activity Status where compliance not achieved: Discretionary

SIGN - R15 Signs in the GRUZ-General Rural Zone, RLZ-Rural Lifestyle Zone, FUZ-Future Urban Zone, MINZ - Mineral Extraction Zone and BCZ - Buller Coalfield Zone

Activity Status Permitted

Where:

1. The sign relates to an activity occurring on the site ~~or an adjoining site~~;
2. There is a maximum of one sign per road frontage of the site;
3. There is a maximum sign face of ~~2~~**3**m^2; and
4. All performance standards for Rule SIGN - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R16 Signs in any OSRC- Open Space and Recreation Zone or the STADZ - Stadium Zone

Activity Status Permitted

Where:

The sign is located in an OSRZ - Open Space and Recreation Zone; and

1. The sign is:
a. Ancillary to a conservation, recreation or community activity; or
b. For commercial sponsorship of a recreation activity; and
2. All performance standards for Rule SIGN – R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

SIGN - R17 Signs in any CMUZ - Commercial and Mixed Use Zone, any INZ - Industrial Zone, the PORTZ - Port Zone or a SETZ – PREC2 - Settlement Centre Precinct

Activity Status Permitted

Where:

1. Signs must relate to an activity occurring on the site;
2. Signs are not directed towards residential or rural areas;
3. Signs attached to the structure or face of the building must **be no larger than** a maximum of 10% of the area of the building façade or $3m^2$, whichever is the lessor; and
4. All performance standards for Rule SIGN-R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

Controlled Activities

SIGN - R18 Traffic and Railway Signs not meeting Permitted Activity Standards-All Zones

Activity Status Controlled

Matters of control are:

a. The location of the sign;

b. The size and height of the sign; and

c. The management of effects on road and footpath user safety.

Activity status where compliance not achieved: N/A

Restricted Discretionary Activities

SIGN - R19 Signs which do not meet Permitted Activity standards not subject to Rule SIGN - R18

Activity Status Restricted Discretionary

Where:

1. The sign is not located in a RESZ-Residential Zone or a SETZ-PREC2-Coastal Settlement Precinct; and
2. The sign is not located in, on or within a Scheduled Natural or Cultural feature identified in Schedules **One-Eight** ~~1-8~~ except the following Sites and Areas of Significance to Māori:

~~i.~~SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 59 Māwhera Pa 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park;

SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Reserve; **and** SASM 197 Ōkuru.

Discretion is restricted to:

a. The location of the sign;

b. **The content of the sign;**

c. The design materials and appearance of the sign and/or support structure and their effects on visual amenity;

d. The size and height of the sign;

e. For temporary signs, the length of time the sign is in place;

f. Effects on road and footpath user safety; ~~and~~

g. **Effects on traffic safety**; ~~and~~

h. **For signs with digital or LED light components, maintenance requirements, management of light spill, duration of images and fail-safe mechanisms in the event of malfunction; and**

b. The relationship of the sign with existing signage on the site and in the surrounding area.

~~Notification~~

~~Where a sign is visible from a state highway and does not meet the Performance standards in rule SIGN-R1 then the application will be Limited Notified to NZ Transport Agency-Waka Kotahi and may Be publicly notified~~

Activity Status where compliance not achieved: Discretionary

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report
Sites and Areas of Significance to Māori
- Ngā Wāhi Tāpua ki te Māori

Hearing Dates: 30 April, 1 May and 2 May 2024,

9 October 2024 and 18 November 2024

HEARING PANEL

Dean Chrystal (Chair)

Maria Bartlett

Paul Rogers

Anton Becker

Sharon McGarry

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APPENDICES

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Appendix 2 – Recommendations for Schedule Three (SCHED 3)– Sites and Areas of Significance to Māori, SASM Maps and Appendices

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Sites and Areas of Significance to Māori - Ngā Wāhi Tāpu ki te Māori (**SASM**) Chapter of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section in Part 2, Schedule Three in Part 4 and the planning maps, including the Pounamu Management Area and Aotea Management Area overlays.

3. The Section 32 Report[1] provided an evaluation of the options for the management of sites and areas of significance to Māori through the combined Plan, including the regulatory framework key resource management issues, the evidence base (research and basis for identifying Sites and Areas of Significance to Māori), consultation, information and analysis undertaken) and evaluation of options. The Section 32 Report distinguishes SASM from archaeological sites, which are separately addressed in relation to the Historic Heritage Ngā Tuku Ihotanga Chapter of the plan, although there are archaeological sites within SASMs. Sites and areas of significance to Māori are a subset of "historic heritage" within the RMA definition[2] and therefore the Hearings Panel ('**the Panel'**) recognise a close relationship between the SASM and Historic Heritage chapters, although they are required to be separated in accordance with planning standards[3]. SASM are also considered by the Panel as recognising and providing for matters of national importance under the RMA s6(e) and s(f)), as well as RMA s7(a) and RMA s8.

4. The Section 32 Report identifies the key resource management issue to be protection of Poutini Ngāi Tahu cultural landscapes and taonga, with specific reference to pounamu and aotea stone; and recognition that only Poutini Ngāi Tahu can identify impacts of activities on their taonga. The Section 32 Report records that SASM provisions were developed collaboratively with Poutini Ngāi Tahu. Sites and areas incorporated in the notified pTTPP as SASM (according to the Section 32) cover: wāhi tapu or sacred sites; Māori reserve lands; pā, kāinga, gardens and other occupation areas; mahinga kai and waterway sites; as well as significant maunga (mountains) and ridgelines identified as ancestors in the landscape. The Section 32 Report does not consider Māori other than Poutini Ngāi Tahu in relation to this topic.

5. The Section 42A Officer's Report[4] ('**s42A Report'**), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Four Historical and Cultural Values – Ngā Uara ā-Ahurea, ā-Hītori Hoki - Historic Heritage Ngā Tuku Ihotanga - Notable Trees Ngā Rākau Whakamaumahara – Sites and Areas of Significance to Māori Ngā Wāhi Tāpua ki te Māori

[2] RMA Section 2, **historic heritage** - … (b)(iii)

[3] National Planning Standards, November 2019, Section 4 District Plan Structure Standard Table 4 and Section 7 District-wide Matters Standard, 15 and 17

[4] Te Tai o Poutini Plan Section 42A Officer's Report: Sites and Areas of Significance to Māori Ngā Wāhi Tāpua ki te Māori

Appendix 1 and the recommendation on all submissions as to either accept, accept in part or reject in Appendix 2).

6. Ms Easton subsequently provided an Addendum s42A Report[5], which responded to the submission and evidence of Mr Graeme Walsh (S664), whose submission had been missed in the Summary of Submissions and therefore had not be assessed in the s42A Report, prior to the initial hearing.

7. Ms Easton also provided a supplementary s42A Report[6] for the hearing held in Franz Josef where the topic of SASM was also covered in relation to the submission and evidence of Skyline Enterprises Limited (S250) in relation to SASM 145.

8. The s42A Report and Addendum assessed a total of 1,057 submissions points and 581 further submissions points on the Sites and Area of Significance to Māori Chapter, including Schedule Three and the planning maps. These reports provided summaries of all of the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report and Addendum) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report and Addendum). A section 32AA evaluation for all the recommended changes was provided at the end of the s42A Report.

9. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for the chapter:

    - Definitions
    - General/Whole Chapter;
    - Overview;
    - Objective;
    - Policies;
    - Rules; and
    - Schedules Three and the associated Planning Maps.

10. This Recommendation Report largely follows the same structure as the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report and Addendum analysis and recommendations, submitter evidence and statements, the Reporting Officer's reply evidence and the responses to Minutes, before providing our evaluation and recommendation.

11. This Recommendation Report should be read in conjunction with the s42A Report and Addendum Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the recommendations and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the

[5] Addendum to s42A Report: Sites and Areas of Significance to Māori Report and Appendices, 2 July 2024
[6] Te Tai o Poutini Plan Section 42A Officer's Report Franz Josef Area, 19 August 2024

Plan, the tracked change version of the Plan provisions that form part of the Panel's recommendations in this Recommendations Report must prevail.

12. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

13. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum Report to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

14. Where there is a recommended change to a notified provision of the TTPP, it is because:

    (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Reports or Addendum to change the provision to that recommended in the original s42A Report; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

    (d) A consequential change has been necessary following on from a recommendation in either (a), (b) or (c).

15. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

16. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

17. If any changes are recommended to the provisions (since the Section 32 Report was completed) a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

18. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

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

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
Fish & Game	West Coast Fish and Game Council
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
Hort NZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
Māwhera Inc	The Proprietors of Māwhera Incorporation
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESCF	National Environmental Standard for Commercial Forestry
NTCSA	Ngāi Tahu Claims Settlement Act 1998
NZCPS	New Zealand Coastal Policy Statement
Planning Standards	National Planning Standards

Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan
REG	Renewable Electricity Generation
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RSI	Regionally Significant Infrastructure
SASM	Sites and Areas of Significance to Māori
Te Tumu Paeroa	The Office if the Māori Trustee
Transpower	Transpower New Zealand Limited
TTPP Committee	Te Tai o Poutini Plan Committee
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
WMS	WMS Group (HQ) Limited and WMS Land Co. Limited

1.3. Procedural Steps and Issues

20. A number of procedural matters arose in relation to the decision-making process for the SASM Chapter of the Plan, including:

- correction of an administrative error in the notified SASM mapping and duplication in a number of SASM rules;
- an error in the Summary of Submissions that missed the submission of Mr Graeme Walsh (S664);
- consideration of section 42 of the RMA and protection of sensitive information in relation to the submissions and evidence of Ridgeline 3 Investments Limited (S127) and Poutini Ngāi Tahu (S620); and
- conferring of legal counsel and subsequent planning witness conferencing, on the matter of approval or certification as part of a permitted activity process.

21. On 12 August 2022, after notification of the Plan, Ms Easton recommended to the Chair of the Te Tai o Poutini Plan Committee (**TTPP Committee**) that changes be made to the notified plan under clause 16 of Schedule 1 of the RMA in order to correct mapping errors

affecting SASM. She advised the TTPP Committee, in conjunction with legal advice, that errors were the result of shortening timeframes to notify the Plan and that it was important to correct these because the SASM Chapter provisions had immediate legal effect at the time of notification. She noted the errors were in the e-Plan maps, which missed 23 SASM that were included as part of the printed and pdf copies of the notified Plan. In addition, she advised that a technical issue arose when transferring GIS files from the Ngāi Tahu system to the West Coast Regional Council (**WCRC**) system hosting the Plan, which then created the wrong shape for 39 SASM (an ellipse instead of a circle). Ms Easton advised 37 SASM had been corrected with no new landowners being affected and six SASM were corrected in a way that reduced the number of landowners affected. She noted these amendments were duly made by the TTPP Committee without a further Schedule 1 process. The Panel have not compared the original notified Plan with the corrected maps, unless as part of a recommendation on a particular submission made on the notified Plan.

22. On 25 August 2022, after notification of the Plan, Ms Easton recommended to the Chair of the TTPP Committee that amendments be made under clause 16, Schedule 1 of the RMA to rules SASM-R15, SASM-R16, SASM-R17 and SASM-R18 on the basis that there would be no change to activity status for activities in Residential, Commercial and Mixed Use Zones that were already non-complying in those zones (i.e. mineral extraction, plantation forestry/shelterbelts/woodlots, a range of waste management and hazardous facilities, and activities on upper slopes/ridgelines/peaks of ancestral maunga). Legal Counsel advised the TTPP Committee that there was a risk if these activities changed status to a lower activity classification as a consequence of hearings on the Residential, Commercial and Mixed Use Zones. Changes were duly made by the TTPP Committee under clause 16, amending the notified Plan so that SASM-R15, SASM-R16, SASM-R17 and SASM-R18 no longer apply in Residential, Commercial and Mixed Use Zones. The Panel confirm that there has been no change in the status of these activities as a consequence of our recommendations on the Residential, Commercial and Mixed Use Zones such that the risk identified by legal counsel for the TTPP Committee does not arise.

23. On 10 May 2024, after the initial hearing of the SASM Chapter, an Addendum to the Summary of Submissions was notified to allow further submissions on the submission of Mr Graeme Walsh (S664) on the SASM Chapter. Mr Walsh's submission was missing from the original Summary of Submissions notified on 28 April 2023. Submitters to the notified Plan had until 27 May 2024 to lodge a further submission on Mr Walsh's submission. Four submitters took the opportunity to lodge further submissions. Mr Walsh presented to the Panel at a resumed hearing on 18 November 2024.

24. Prior to the hearing, the Panel issued a minute (Minute 24, dated 28 April 2024) responding to the request of Mr Mark Dixon, director of Ridgeline 3 Investments Limited (S127), for a confidentiality agreement in relation to his evidence on the SASM Chapter. Minute 24 outlined section 42 provisions for protecting sensitive information in RMA hearing processes, excluding the public from access to that information, and the time limited nature of protection for commercially sensitive material, which may become available at the close of proceedings. Minute 24 advised the Panel considered the test of serious offence to tikanga Māori in section 42(a) had not been met by the submitter. In terms of unreasonable prejudice to a commercial position (section 42(b), the minute also conveyed that insufficient evidence had been provided for the Panel to establish such prejudice. Opportunity was given for the submitter to supply further evidence prior to the hearing.

25. The Panel received evidence from the submitter on 30 April 2024. This evidence did not change the assessment regarding application of section 42 in the circumstances. Nothing

further was provided by the submitter following the issuing of Minute 25 on 1 May 2024, although the minute offered further opportunity to provide evidence in support of the request. Material provided to the Panel in support of the Ridgeline 3 Investments Limited submission was made publicly available from 8 May 2024, in accordance with Minute 25.

26. Minute 24 also raised the matter of "silent files", as referenced in the evidence of Mr Paul Madgwick on behalf of Poutini Ngāi Tahu. In particular, the minute raised the need to be able to test evidence, whilst respecting the reasons for protecting specific details around sites and areas included within silent files. Minute 24 signalled the need to discuss silent files in an open forum, in order to assist submitters who had submitted on affected SASM sites and areas. The Panel invited Poutini Ngāi Tahu to make an application under section 42 of the RMA if there was an identified need to protect sensitive information in relation to silent files.

27. Poutini Ngāi Tahu responded to Minute 24 with a Memorandum of Counsel on 29 April 2024 stating that all silent files identified as SASM in the Plan were wāhi tapu[7], with five being the subject of submissions (SASM 41, SASM 42, SASM 122, SASM 135 and SASM 199). The Memorandum advised that all information Poutini Ngāi Tahu are comfortable sharing in public regarding these five SASM was contained in Appendix 1 to the evidence of Mr Paul Madgwick. Ms Sarah Scott requested on behalf of Poutini Ngāi Tahu that a public excluded session be utilised in the event that the Panel considered it necessary to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu, in accordance with section 42 of the RMA. The Panel did not adopt a public excluded session in order to question Mr Madgwick at the hearing, working instead with the publicly available information contained in Mr Madgwick's evidence.

28. Mr McEnaney presented evidence to the Panel on behalf of Grey District Council (**GDC**) on 1 May 2024, as a planner and as an advocate for the position of the Council. The Panel considered this distinction, in light of legal submissions, and weighed aspects of his evidence accordingly.

29. Following the hearing at Arahura Marae, the Panel issued directions (in Minute 26 dated 8 May 2024) that legal counsel for the TTPP Committee, Poutini Ngāi Tahu and GDC confer to resolve, as far as possible, conflicting advice provided to the Panel on lawful options for a permitted activity, due to matters arising from the SASM Chapter provisions. This advice was provided, as requested by the Panel, on 7 June 2024. Receipt of this combined legal advice led to the Panel issuing Minute 37 (dated 13 August 2024) which directed planner caucusing amongst those involved in the SASM hearing. The planners were directed to utilise the outcome of the conference of legal counsel in order to provide permitted activity rule recommendations, as well as consider policies and methods in the SASM Chapter. A joint witness statement (**JWS**) was received from the planners on 10 September 2024.

1.4. Hearing Arrangements

30. The initial hearing was held over three days at Arahura Marae, 1 Old Christchurch Road, Arahura, from 30 April to 2 May 2024. Presentations were made to the Panel both in person and remotely by internet connection. Mr Francois Tumahai, Tumuaki of Te Rūnanga o Ngāti Waewae, led a mihi at the outset of the hearing to welcome participants. A number of

[7] There are 21 silent files in total, roughly 10% of all identified SASMs, including: SASM 26, SASM 34, SASM 38, SASM 41, SASM 42, SASM 49, SASM 53, SASM 64, SASM 71, SASM 80, SASM 122, SASM 127, SASM 130, SASM 135, SASM 155, SASM 162, SASM 165, SASM 168, SASM 175, SASM 199 and SASM 207. Silent files are subject to a variety of SASM rules, or in some cases no rules in the SASM chapter.

whānau and kaimahi were on site to support the presentations made on behalf of Poutini Ngāi Tahu, and to look after (manaaki) participants at the hearing.

31. At the marae hearing, the s42A Reporting Officer Ms Easton began with an Introductory Planning Statement outlining the topic and her response to written material provided by submitters ahead of the hearing, including any amendments to her recommendations in the s42A Report.

32. Legal counsel on behalf of TTPP Committee, Ms Lucy de Latour, appeared at the hearing on 2 May 2024 to assist the Panel in relation to the proposal for written approval or certification by Poutini Ngāi Tahu as a standard or condition for a permitted activity status.

33. Following the hearing, Ms Easton provided her Addendum to the s42A Report (dated 2 July 2024) with her recommendations on the submission of Mr Graeme Walsh and further submissions received on his submission points.

34. Ms Easton also provided a supplementary s42A Report (dated 19 August 2024) on matters relevant to the Franz Josef area prior to the hearing held in Franz Josef on 8 and 9 October 2024. Submissions and evidence on SASM 145 were considered in her supplementary report and at that hearing.

35. The Panel received a written Right of Reply from Ms Easton on 25 October 2024, which was not further updated.

36. During the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter hearing in Westport on 18 November 2024, there was a presentation in person from Mr Walsh, where he spoke to his submission on the SASM Chapter. Ms Easton advised the Panel at the hearing that her recommendations had not changed following Mr Walsh's presentation.

1.5. Appearances

37. The following participants appeared at the hearing:

Poutini Ngāi Tahu (S620)

- Mr Paul Madgwick, Chairman of Te Rūnanga o Makaawhio
- Ms Sarah Scott, Legal Counsel
- Rachel Pull, Senior Environmental Advisor
- Phillipa Lynch, Poutini Environmental General Manager

Mr Ian Stewart (S124) for themself

Mr Ken McTigue (S551) for themself

Te Kinga/Iveagh Bay Residents and Ratepayers Association (S531)

- Mr Grant Moreton
- Mr John Hanning

Mr Tangi Weepu (S630) for themself, whānau and tūpuna

Mr Peter Kennedy (S418) for Angela Sweetman (Trustee) and Patrick William Kennedy

The Proprietors of Māwhera Incorporation (S621)

- Mr Hemi Meihana Retara/James Mason Russell

Mr George and Mrs Caryl Coates (S415) for themselves

Ms Inger Perkins (S274) for Herenga ā Nuku Aotearoa, the Outdoor Access Commission

Ms Mary Stewart (S222) for themself

Westpower Limited (S547)

- Mr Martin Kennedy, Planner

Mr Julian Hall (S400) for themself

Mr James Sutherland for Federated Farmers West Coast (S524)

Grey District Council (S608)

- Ms Kristy Rusher, Legal Counsel
- Mr Michael McEnaney, Planner

Skyline Enterprises Limited (S250)

- Ms Rosie Hill, Legal Counsel
- Mr Sean Dent, Planner
- Ms Nikki Smetham, Landscape Architect

Mr Graeme Walsh (S664) for themself

1.6. Overview of submitter evidence received

38. For those appearing at the hearing, legal submissions were received from Ms Sarah Scott for Poutini Ngāi Tahu (dated 16 April 2024) and Ms Kristy Rusher for Grey District Council (dated 24 April 2024). In addition, at the Franz Josef hearing a synopsis of legal submissions was received from Ms Rosie Hill for Skyline Enterprises Limited (dated 23 September 2024).

39. For those appearing at the hearing the following evidence and/or statements were received:

    (a) Mr Paul Madgwick, cultural expert for Poutini Ngāi Tahu (dated 5 April 2024);

    (b) Ms Rachael Pull, Planner for Poutini Ngāi Tahu (evidence dated 5 April 2024 and statement dated 30 April 2024);

    (c) Ms Phillipa Lynch, Poutini Environmental General Manager (written approval process)

    (d) Mr Ian Stewart of Taramakau, aerial maps of the Taramakau River;

    (e) Mr Grant Moreton and Mr John Hanning, Chairman and Secretary of the Te Kinga/Iveagh Bay Residents and Ratepayers Association (statement of 30 April 2024);

    (f) Mr Peter Kennedy of Totara Flat (statement of 30 April 2024);

(g) Mr Hemi Meihana Retara/James Mason Russell, Chairman of the Committee of Management of The Proprietors of Māwhera Incorporation (Māwhera Inc) (statement of 30 April 2024);

(h) Mr George & Mrs Caryl Coates of Nikau Deer Farm Limited, Barrytown (statement of 30 April 2024)

(i) Ms Inger Perkins, regional field advisor for Herenga ā Nuku Aotearoa, the Outdoor Access Commission (statement of 1 May 2024)

(j) Ms Mary Stewart of Karamea (statement of 1 May 2024, and a statement in support of Ms Stewart's submission from Mr Hamish Macbeth of Karamea;

(k) Mr Martin Kennedy, Planner for Westpower Limited (evidence dated 27 March 2024);

(l) Mr Julian Hall, Greymouth landowner (statement of 1 May 2024);

(m) Mr James Sutherland, policy advisor for Federated Farmers West Coast (evidence dated 27 March 2024);

(n) Mr Michael McEnaney, Environmental Planning Team Leader for Grey District Council (evidence dated 10 April 2024); and

(o) Mr Sean Dent, Planner for Skyline Enterprises Limited (evidence dated 9 September 2024).

40. Following the receipt of the s42A Report:

(a) Mr Mark Dixon, director of Ridgeline 3 Investments Limited (S127), provided a statement of evidence dated 23 April 2024 and another for the 1 May 2024 hearing outlining his concerns that SASM 104, SASM 107, SASM 109, SASM 112, SASM 116, SASM 117 and SASM 121 and the Pounamu Management Overlay would interfere with his rights associated with land in the upper Arahura River valley. He provided a map showing the location of the three land parcels and documents describing the history of the land dating back to 1876, including associated mining privileges. He sought to protect sensitive information under section 42(1)(a) of the Act and did not further elaborate regarding the basis of his concerns or appear at the hearing, once he was made aware of the limitations on protection of sensitive information. The materials he provided to the Panel are part of the record of the hearing, having been publicly released on 8 May 2024.

(b) Mr Dean Van Mierlo, legal counsel, provided a letter dated 17 April 2024 on behalf of West Coast Fish and Game Council ('**Fish & Game'**) (S302) stating that, in relation to the two submission points made by Fish & Game on the chapter provisions, the s42A Report position was accepted. Fish & Game confirmed it was satisfied that the definition of "*temporary activities*" did not include recreational activities; and that a case-by-case assessment would be undertaken when resource consent requirements were triggered. The letter also acknowledged other avenues to assist in protection of SASM through Te Rūnanga o Ngāi Tahu representation at the West Coast Fish & Game Council.

(c) Ms Frida Inta for herself and the Buller Conservation Group (S552 and S553) provided a statement dated 22 April 2024 that there were no additional comments she wished to make on the chapter; and noted that the "*Plantation Forestry*" definition was recommended for adoption, which she supported.

(d) Ms Lyn McIntosh (S469) provided a statement received by the Panel on 26 April 2024 that she had initially been advised that SASM 120 had been revised and did not interact with her property. She said it now appeared there's been an oversight, and her land was not corrected.

(e) Ms Stephanie Styles, a planner acting on behalf of Manawa Energy Limited ('**Manawa**') (S438) provided a statement (dated 27 March 2024) that indicated general support for identification of SASM. She noted that Manawa have a memorandum of partnership with Te Rūnanga o Ngāti Waewae. Her evidence identified that there were Manawa activities located within SASM 67 (the Arnold Scheme) and SASM 104, SASM 107 and SASM 121 (the Dillmans Scheme) which were affected by SASM rules. Ms Styles asserted that enabling provisions for renewable electricity generation (**REG**) in higher order documents should be reflected in SASM provisions, including SASM-P13, SASM-R2, SASM-R9 and SASM-R10. Ms Styles focussed on ensuring that the term "*regionally significant infrastructure*" (**RSI**) was used in the policy and rule framework because Manawa were not a "*network utility operator*", and this would ensure a more enabling pathway for Manawa activities, consistent with the importance of REG nationally and regionally.

(f) Mr Michael Snowden (S492) provided a short statement on 30 April 2024 reiterating his formal objection to SASM 197 at Okuru because it was drawn as an ellipse and appeared to be arbitrary. He expressed concern that the ellipse did not differentiate between indigenous vegetation cover and pasture.

(g) Ms Alex Booker provided a letter on behalf of WMS Group (HQ) Limited and WMS Land Co. Limited (**WMS**) (S599) dated 21 March 2024 withdrawing their submission points on SASM 151 and SASM 179 (S599.155 and S599.156 respectively), which were requesting a review of the accuracy of the areas identified on the planning maps. The letter also supported the change to activity status of Rule SASM-R15 from non-complying to discretionary, in relation to submission S599.047.

41. Te Tumu Paeroa – the Office of the Māori Trustee (S440) were scheduled to speak to the Panel virtually during the marae hearing but did not appear. No written materials were provided to the Panel. Poutini Ngāi Tahu advised that discussions were ongoing with Te Tumu Paeroa outside of the hearing in efforts to resolve points of difference.

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

(a) Mr Peter Langford (S615) supplied a short statement opposing the SASM affecting Māori Point Terrace in Karamea (dated 4 May 2024). However, the Panel notes Mr Langford's original submission did not contain a submission point on the SASM Chapter; and

(b) Mr Mark Dixon (S127) responded to queries raised about "Victorian title" and the relevance of this subject to his submission and evidence provided (8 May 2024), indicating that he could prove the existence of such title in relation to the three land parcels owned by Ridgeline 3 Investments Limited.

43. Minute 26 issued by the Panel on 8 May 2024, in addition to directing procedural matters to do with legal counsel and planner conferencing, also sought a legal opinion from Ms de Latour on the definition of "Victorian title". The Panel received a request from Ms Scott as part of joint advice from legal counsel in response to Minute 26 (dated 7 June 2024) to also be able to provide a response on the matter of Victorian title (although the matter was later resolved to the satisfaction of Poutini Ngāi Tahu such that no further advice was provided). Ms de

Latour provided her response to the Panel on 6 June 2024 regarding the nature of Victorian title and whether it was capable of being defined for the purposes of the TTPP. She identified that land transferred from Crown ownership prior to 1913 fell in to the category of "Victorian title", and that the Crown could only vest what it owned at the time of the Pounamu Vesting Act 1996 when pounamu was vested with Te Rūnanga o Ngāi Tahu. She advised that minerals other than gold, silver, uranium or petroleum, which are reserved to the Crown, may be affected by Victorian title. Ms de Latour explained that a landowner may seek to prove ownership rights to minerals other than Crown minerals in cases where Victorian title applies. She offered a definition of "Victorian title" based on the Mining Act 1971 and its elements in continuation through the Crown Minerals Act 1991. Overall, the advice of Ms de Latour tied "Victorian title" to the matter of mineral ownership as a feature of land ownership over time.

Written Approval

44. Ms de Latour, counsel for the TTPP Committee, confirmed in the joint legal advice in response to Minute 26 (dated 7 June 2024) that her position had not changed since the Memorandum of Counsel (dated 23 November 2023) that indicated: "*a permitted activity rule must not reserve by subjective formulation a discretion to decide whether an activity is a permitted activity*". In this respect Ms de Latour did not support a permitted activity rule that reserved discretion to a third party by way of written approval.

45. Ms Sarah Scott, counsel for Poutini Ngāi Tahu, agreed on the principles outlined in Ms de Latour's Memorandum of 23 November 2023 but differed in her assessment that a written approval rule could be drafted that met the criteria set out for a permitted activity. Her conclusion was based upon mana whenua being best placed to identify impacts of a proposal on the physical and cultural environment valued by them, such that a Ngāi Tahu cultural expert was the appropriate person to determine whether an activity would have an adverse effect on the Poutini Ngāi Tahu values associated with each SASM site or area. Ms Scott saw this as no different to an assessment by an acoustic expert, for example. She considered that it would need to be clear in the rule that an approval was based on a binary condition, either the proposed activity would or would not have adverse effects on Poutini Ngāi Tahu values associated with a SASM.

46. Ms Kristy Rusher, counsel for GDC, also agreed with the principles outlined in Ms de Latour's memorandum of 23 November 2023. However, she did not consider it good practice to define a regulatory framework based on a control that requires certification of the absence of an adverse effect. She considered that an assessment that effects on a SASM were "*less than minor*" would constitute the exercise of a discretion and therefore would be contrary to the principles set out in Ms de Latour's memorandum. Her preference was for the regulatory controls to be more precise with regards to triggers for resource consent.

47. As an alternative to a written approval approach, legal counsel for the TTPP Committee considered that certification requirements could be lawfully included in planning documents. Principles were identified, in addition to those outlined in Ms de Latour's Memorandum of 23 November 2023. These principles included that a certification requirement could not reserve an unlawful discretion as to whether the activity is permitted or not, or leave the classification to the discretion of the consent authority. A requirement for written approval could be distinguished from a requirement for certification in principle, provided a council did not need to make an evaluative judgement as to the sufficiency of measures to achieve outcomes in order to be a permitted activity. Ms de Latour found that certification decisions could be made by a person using their skills and experience, but that the making of a substantive decision could not be delegated. Ms de Latour advised that a permitted activity rule requiring

certification would need to be carefully formulated to ensure that the principles, as a whole, could be met. A range of examples of certification rules were provided in Appendix 1 to the joint response of legal counsel, including district plan permitted activity rules, although no examples were found in relation to effects on mana whenua values. In that respect, the approach being proposed was described as "novel", but also no less appropriate than other examples in Appendix 1 to the Memorandum of Counsel. A key consideration emphasised by Ms de Latour was that certification could not require an assessment of degree of effect, but only the presence or absence of an effect.

48. Ms Scott advised that a permitted activity rule requiring certification could be drafted to achieve the binary condition and further principles outlined by Ms de Latour. Ms Scott observed that certification criteria would need to be included in the Plan to support such a rule and should be developed with Poutini Ngāi Tahu. She also emphasised that there should be no delegation of decision-making enabled by the drafting, and considered that refinement of SASM boundaries had assisted in narrowing what would be captured by permitted activity rules or trigger requirement for a resource consent.

49. Ms Rusher recorded broad agreement with Ms de Latour and Ms Scott, however, she considered that it was a matter for the Panel to determine whether a regulatory control was needed to manage effects of activities on a SASM, and that this role could not be passed to an entity that is not a consent authority by way of a rule.

50. Legal counsel further considered section 33 and section 34A of the RMA and the potential for transfer of powers or delegation of functions to Poutini Ngāi Tahu to assist in the matter. While powers and functions may be transferred to an iwi authority in accordance with these sections of the Act, counsel could not determine which powers or functions could be usefully transferred to assist. The principles to guide a permitted activity rule would still need to be met, regardless of which entity held the status of the consent authority. Ms de Latour also identified that the Panel do not have delegations to direct such a transfer. Ms Scott and Ms Rusher both agreed with the points made by Ms de Latour in relation to transfer of powers and functions.

51. Following the advice of legal counsel, planning experts that included Ms Easton for the TTPP Committee, Mr Kennedy for Westpower, Ms Styles for Manawa, Ms Pull for Poutini Ngāi Tahu and Mr McEnaney for GDC undertook video conferencing on 27 August 2024 and 10 September 2024 in response to Minute 26 and Minute 37 and provided a joint witness statement (**JWS**) dated 10 September 2024. The planning witnesses indicated a preference for the Ōtorohanga District Plan example of a permitted activity rule requiring certification, which was included in Appendix 1 of the joint statement of legal counsel. Rule wording and criteria were drafted collectively and attached to the JWS.

Minimise

52. In addition, the planners considered the question of use of the term "*minimise*" in policy, however, the JWS records no agreed position could be reached. Ms Easton considered it to be a commonly used term, looking at other plan examples. Ms Styles considered that it needed a definition if it was to be used as a term, and that "*where practicable*" as an addition was supported if it was used. Mr Kennedy did not support use of the term and sought consistency across policies. Mr McEnaney preferred "*avoid, remedy or mitigate*" but was open to use of "*minimise*" if it was defined. Ms Pull considered it to be appropriate, particularly in cases where a policy linked to discretionary activity status. When looking at

specific policies, all but Mr Kennedy supported use of the term "*minimise*" in policies SASM-P8 and SASM-P9.

Policy and Method

53. When considering Policy SASM-P4 as notified, all the planners agreed that the policy would be better positioned as a method, with some redrafting, and saw links with SASM-O2, SASM-P1, SASM-P9, SASM-P14 and SASM-P15. The planners collectively drafted new Method SASM-M4 and recommended that Policy SASM-P4 be deleted. The planners did not progress a potential linkage from SASM-P2 into methods, which was a put forward by Federated Farmers West Coast, but in the absence of a planner participating on behalf of that submitter the matter was left unexplored in the JWS.

SASM Discussions

54. Minute 37 (dated 13 August 2024), aside from procedural directions for planner conferencing, included a request for Poutini Ngāi Tahu to provide details of further discussions that had been undertaken with submitters and the outcomes of those discussions. This further information was provided on 16 September 2024 and included a summary of all reviews of SASM boundaries in response to submissions and evidence. Four SASM were reviewed that resulted in no change to boundaries (SASM 6, SASM 42, SASM 79 and SASM 218). Poutini Ngāi Tahu recommended amendment to the boundary of SASM 96 where it intersects with the property of Mr Ian Stewart (S124) in response to river channel changes in that location. Following review and consideration of submitter evidence, Poutini Ngāi Tahu agreed that there were errors in SASM 34 and SASM 36, resulting in withdrawal of submission points FS41.583 and FS41.576 and consideration of a plan change to correctly map these SASM.

Te Tumu Paeroa Submission

55. Te Tumu Paeroa provided a letter to the Panel dated 22 August 2024, following on from a joint statement to the Panel from Te Tumu Paeroa and Poutini Ngāi Tahu dated 14 August 2024. The letter from Te Tumu Paeroa formally withdrew a number of submission points, including on SASM-O2, SASM-P5, SASM-P14, SASM-P15, SASM-R5 and on the mapped extent of SASM 18, SASM 133, SASM 149, SASM 151, SASM 153, SASM 158, SASM 178, SASM 179, SASM 180, SASM 181 and SASM 183[8].

56. The joint statement from Te Tumu Paeroa and Poutini Ngāi Tahu dated 14 August 2024 agreed that submission point S440.053 regarding the mapped extent of particular SASM would be withdrawn, except in relation to SASM 157. The joint statement recorded points of agreement, including in relation to the challenges faced by Māori freehold landowners that limit the use and development of their whenua. The Plan was acknowledged by both parties as one method to help address those challenges by enabling use and development of Māori land. The Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**) was also cited jointly as including Crown recognition of Ngāi Tahu as "*the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui*". The joint statement records that the matter of inclusion of Māori landowners within plan provisions remained a point of disagreement, although there was agreement reached that provisions should enable use of Māori land. A further point of disagreement remained in terms of restrictions on use of SASM 157, which was administered by the Māori Trustee.

[8] Submissions points S440.017, S440.018, S440.019, S440.020, S440.021 and S440.053 respectively

57. Ngāti Māhaki (represented by Te Rūnanga o Makaawhio) provided information attached as Appendix B to the joint statement from Te Tumu Paeroa and Poutini Ngāi Tahu outlining the differences between SASM 157 and SASM 158, to explain why less restrictions were proposed in the rule framework affecting SASM 158 compared with SASM 157. This information records that SASM 158 was a more modified site than SASM 157, and that SASM 157 was a much older pā site and ancient urupā, with trees on site that were used for snaring and spearing birds, including some virgin forest. It noted SASM 157 had experienced some damage as a consequence of track clearing which caused concern for Ngāti Māhaki and highlighted the need for greater controls on activities affecting the area.

1.7. Right of Reply

58. Ms Easton provided a written Right of Reply (dated 25 October 2024), which included an updated Appendix 1 showing tracked changes to the notified provisions. She subsequently updated her Appendix 1 on 11 November 2024 to reflect both her Right of Reply and the outcome of the planners' joint witness statement of 10 September 2024.

59. Ms Easton's Right of Reply included responses to questions from the Panel, including a scan of district plans and their approach to SASM chapter provisions, following the promulgation of the National Planning Standards ('**Planning Standards**'). She advised that there are 534 privately owned land titles affected by SASM rules. She considered use of the term "*avoid*" in SASM-P6, SASM-P8, SASM-P12, and SASM-P15 and its relationship with activity status, which variously led to non-complying or discretionary classifications. She provided a definition of "*landfill*", "*cleanfill area*" and "*cleanfill material*", and further considered the definition of "*cultural landscape*". She responded to the matter of maintaining public access, as well as inclusion of the term "*access*" in relation to Ngāi Tahu access to valued sites or areas. She considered the inclusion of minerals within the definition of "*cultural materials*" and any consequential relationship with the Crown Minerals Act 1991. She considered "*network utility structures"* as compared to "*network utility infrastructure*" within the chapter provisions, and in particular SASM-P13 and SASM-R9, SASM-R10 and SASM-R13, as well as the use of "*regionally significant infrastructure*" in these same rules. She confirmed her recommended amendments to Rule SASM-R6 and the '*Other Relevant Te Tai o Poutini Plan Provisions*' section.

60. Ms Easton advised that there was nothing in particular in the iwi management plans pertaining to pounamu management that needed to be reflected in the SASM Chapter or Pounamu Management Area overlay. She concluded that there was no need to refer to "Victorian title" or include a definition in the Plan because such title was confirmed by legal counsel as being about ownership and potential extraction rights rather than a matter of Ngāi Tahu cultural values held in relation to pounamu. Ms Easton further considered Policy SASM-P8 and the matter of "*operational need*" and "*more than minor*" adverse effects as a reference in policy. She also addressed the term "*ahikāroa*" as it appears in the Glossary. She recommended changes to Rule SASM-R4 in relation to indigenous vegetation clearance and considered use of the phrase "*buildings and structures*" rather than just "*structures*" as a matter of consistency across the Plan.

61. Ms Easton amended some of her recommendations in light of the response of Poutini Ngāi Tahu to Minute 37, and in light of the withdrawal of submission points by Te Tumu Paeroa. She corrected an error in Table SASM-T1 and considered the application of Advice Note (2) to Rule SASM-R5 in terms of the regularity of certification. She addressed the question of how archaeological sites outside of SASM were managed. Ms Easton advised, as a consequence of issues raised by Ms Pull (recorded in the JWS), that the Panel would need to take care to

rationalise terminology around infrastructure across the Plan because of the multitude of terms in use, not all of which are defined in the Plan.

1.8. Site Visits

62. The Panel undertook a number of sites visits over the course of the hearing process, from Karamea to Jacksons Bay. Each part of the coast that the Panel visited was viewed with various overlays in mind, including SASM overlays, and in particular locations where submissions raised concerns about the presence of overlays or the boundaries of those overlays.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

63. This section of the report considers the requirements for preparation of a district plan, as relevant to the SASM Chapter, particularly section 73, section 74 and section 75 of the RMA, with reference to the Memorandum of Counsel from Ms de Latour dated 13 October 2024.

64. The Panel have considered the role of the SASM Chapter in assisting Buller District Council, Grey District Council and Westland District Council ('**the Councils**') to carry out their functions under section 31 of the Act, including integrated management, and any need to identify responsibilities of each local authority in relation to the chapter, in accordance with section 80 of the Act.

65. The Panel relies on the Section 32 Report[9], which records how the Mana Whakahono ā Rohe agreement[10] guided the development of the Plan, and the management of Poutini Ngāi Tahu Heritage, including through the provisions of the SASM Chapter, in accordance with the Act[11].

66. The SASM Chapter is particularly relevant to Section 8 of the RMA and the need to take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi. The West Coast Regional Policy Statement (**RPS**), which must be given effect to in decision-making on the Plan, identifies rangatiratanga as a relevant principle[12]. The Mana Whakaono ā Rohe agreement between Poutini Ngāi Tahu and the WCRC, which the Plan must be prepared in accordance with under Schedule 1, Clause 1A of the RMA (as a consequence of WCRC involvement on the TTPP Committee), includes reference to the Treaty principles of partnership, mutual benefit, informed decisions and active protection in its Appendix 2. The Panel has taken these principles into account when making recommendations on the SASM Chapter, particularly considering that the provisions have been developed in partnership with Poutini Ngāi Tahu, the information available on identified SASM provides for informed decision-making, and the provisions of the chapter respect rangatiratanga and provide for active protection of identified SASM. Rangatiratanga has been asserted by submitters other than Poutini Ngāi Tahu, including Māori land owners within the district, which is considered in the context of relevant submissions and evidence, with reference to section 6(e), section 7(a) and section 8 of the RMA, and higher order instruments under the Act, as well as relevant Treaty settlement legislation and legislation guiding the management of Māori land.

67. The inclusion of a SASM Chapter in the Plan gives effect to the Planning Standards[13] that require the following matters to be located in a SASM chapter where they are addressed:

[9] Section 11.2.7, p57
[10] Mana Whakahono ā Rohe Resource Management Act Iwi Participation Arrangement, October 2020
[11] Section 73 and Schedule 1, Clause 1A
[12] Resource Management Issues of Significance to Poutini Ngāi Tahu, overview of key values, principles and practices, 2. Rangatiratanga, p11
[13] Section 7 District-wide Matters Standard, 17, p33, in accordance with section 75(3)(ba)

descriptions of sites and areas (with agreement by Māori for inclusion); provisions to manage sites and areas; an agreed process for identification of sites and areas; a description of any regulatory processes for identification; and a schedule listing the general location of sites and areas. The Panel notes that descriptions of sites and areas have been agreed for inclusion with Poutini Ngāi Tahu (as outlined in evidence of Poutini Ngāi Tahu), provisions have been developed to manage them, there was a process for their identification (as outlined in the Section 32 Report) and a schedule has been developed listing their general location (Schedule Three), in conjunction with mapping. A further method has also been proposed to guide future inclusion of SASM in the Plan, new Method SASM-M2.

68. The Panel has given effect to higher order documents to the extent relevant to the provisions of the SASM Chapter in reaching its recommendations. In doing so, we observe that identified SASM occur across a broad range of environments on the West Coast, inland and coastal, highly modified and more pristine environments, such that there are a number of national direction instruments relevant to their management.

69. In particular, the recommended provisions of the SASM Chapter manage any potential subdivision, use of development of land within SASM, some of which qualifies as "*specified Māori land"* as defined in the National Policy Statement for Highly Productive Land (**NPSHPL**) and may also include areas of highly productive land (e.g. SASM 43). Where this intersection occurs, the NPSHPL does not require protection of the highly productive land from subdivision, use or development[14]. Māori land owner priorities for management of SASM land in those circumstances take precedence, as provided for in the Panel's recommended provisions for the SASM Chapter.

70. Identified SASM may qualify as "*specified Māori land*" under the National Policy Statement for Indigenous Biodiversity (**NPSIB**) and may also contain areas of significant indigenous vegetation and significant habitats of indigenous fauna that require protection from inappropriate subdivision, use and development (section 6(c) of the RMA), and qualify as "*significant natural areas*" (**SNA**), as defined in the NPSIB. Clause 3.18 of the NPSIB applies in those circumstances, which is considered by the Panel as part of recommending provisions in the ECO Chapter. The Panel are satisfied that provisions of the SASM Chapter are consistent with giving effect to the NPSIB where significant areas of indigenous vegetation and habitats are present, in particular clause 1.5(3)(f), the definition of mātauranga Māori and clause 3.3 of the NPSIB, and in conjunction with the provisions of the ECO Chapter.

71. Some identified SASM encompass waterbodies (e.g. SASM 67), which is considered by the Panel to be consistent with giving effect to the National Policy Statement for Freshwater Management (**NPSFM**), in particular clause 1.3(4), clause 3.2(2)(d) and clause 3.5(4). The Panel received evidence that the Plan provisions can also assist to meet the Resource Management (Stock Exclusion) Regulations 2020 that support the NPSFM wherever rules manage fencing activities.

72. The Panel received submissions and evidence on application of the National Policy Statement for Renewable Electricity (**NPSREG**) in the context of the SASM Chapter, in particular from Manawa (S438). The NPSREG recognises in its preamble that there is potential for conflict between renewable electricity generation and the relationship of Māori with their taonga and their role of kaitiaki. Some SASM are sites and areas where renewable electricity generation infrastructure is present (e.g. SASM 104). The Panel are satisfied that the SASM Chapter and any recommended amendments detailed below and in Appendix 1 appropriately give effect

[14] Clause 3.9(2)(d) and the definition of "specified Māori land" on p5 of the NPSHPL

to the NPSREG, addressing potential conflict with renewable electricity providers, as discussed in relation to particular provisions subject to submissions and evidence from Manawa.

73. The Panel received submissions and evidence on application of the National Policy Statement on Electricity Transmission (**NPSET**) in the context of the SASM Chapter, in particular from Transpower New Zealand Limited ('**Transpower**')(S299). National Grid infrastructure (e.g. transmission lines) may be present in sites and areas identified as SASM. The NPSET does not specifically address relationship of National Grid infrastructure with sites and areas of significant to Māori. The Panel are satisfied that recommended chapter provisions appropriately give effect to the NPSET, as identified in the submission of Transpower (S299.024), and as considered in response to Transpower requests for amendment to provisions.

74. The National Policy Statement for Urban Development (**NPSUD**) is relevant to SASM identified in urban environments, particularly in the Greymouth central business district (CBD) which was developed on the site of the original Māwhera pā[15]. The Grey District is a 'Tier 3' local authority under the NPSUD, as identified in the Section 32 Report[16]. The Panel are satisfied that recommended SASM Chapter provisions appropriately give effect to the NPSUD, in particular Policy 1(a)(ii), Policy 9 and clause 3.14.

75. Many identified SASM are located within the coastal environment such that the New Zealand Coastal Policy Statement (**NZCPS**) is pertinent to their management. The Panel are satisfied that the provisions of the SASM Chapter assist in giving effect to the NZCPS, in particular Objective 3, Policy 2 (especially (g)(ii)), Policy 15 (to some extent) and Policy 19(3)(c), relevant to consideration of public access matters in the coastal environment.

76. The Panel have considered matters of consistency with the Water Conservation (Buller River) Order 2001 (**Buller WCO**) and the National Water Conservation (Grey River) Order 1991 (**Grey WCO**) that arise in relation to the SASM Chapter. The Buller WCO in Schedule 1 records waters to be retained in their natural state due to outstanding eel fisheries, native fisheries, blue duck habitat and wild and scenic values. There are a number of SASM identified along the Buller River associated with nohoanga (traditional encampments and mahinga kai gathering sites), Māori Reserve lands, and pā sites[17], which relate to the availability of harvestable resources in those areas, such as those described in the Buller WCO. The Grey WCO is primarily concerned with particular outstanding scenic features, the outstanding natural characteristic of an incised river gorge with meandering pattern, retention of particular waters in a natural state, and others to be partially retained in a natural state[18]. There are a number of identified SASM along the Grey River that are not within the waters protected by the Grey WCO. Recommended SASM Chapter provisions are considered by the Panel to be complementary to both WCO and therefore are not inconsistent with them.

77. The Panel have considered the need to give effect to the West Coast Regional Policy Statement (**RPS**) through the provisions of the SASM Chapter. The RPS records, with reference to "*taonga*" in Section 3[19] that the term "*cultural landscapes*" is an inclusive expression for taonga sites and areas, which is relevant to consideration of sites and areas of significance to Māori. As part of building resilient and sustainable communities, the RPS contains an objective to recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes,

[15] As described in the notified Plan description of the Grey District (p8) and descriptions of SASM 56, SASM 57, SASM 58 and SASM 59
[16] Te Tai o Poutini Plan – Section 32 Evaluation – Report One – Overview and Strategic Directions, Section 2.25, p7
[17] For example, SASM 21, SASM 23 and SASM 25 in the upper reaches of the river
[18] National Water Conservation (Grey River) Order 1991, Clauses 3, 4 and 5
[19] Resource Management Issues of Significance to Poutini Ngāi Tahu, brief overview of key values, principles and practices, 7. Taonga, p11

which is supported by policy requiring appropriate identification of cultural landscapes, and management of the effects of activities in a way that provides for the cultural relationships of Poutini Ngāi Tahu. An associated method directs that district councils will consult with Poutini Ngāi Tahu about appropriate provision for cultural landscapes in district plans[20]. The Panel is satisfied that the process for identification of SASM by Poutini Ngāi Tahu (in collaboration with the Councils through the TTPP Committee) as described in the evidence of Mr Madgwick and the Section 32 Report, and the proposals for management of them through provisions in the SASM Chapter, are consistent with the RPS objective, policy and method in relation to cultural landscapes. Identified SASM include cultural landscapes, or taonga sites and areas, as described in the evidence of Mr Madgwick, which is accepted by the Panel. The Plan also identifies a range of SASM other than cultural landscapes, consistent with objectives, policies and methods for historic heritage[21]. The RPS has therefore been given effect to in the Panel's recommendations for the SASM Chapter provisions.

78. The Panel did not receive any submissions or evidence to suggest that the SASM Chapter provisions were in any way inconsistent with operative or proposed regional plans. Evidence was received to improve alignment in particular instances, which the Panel recommends in the context of specific provisions.

79. The Panel received evidence of the relevance of the Paparoa National Park Management Plan 2017 to the relationship of Poutini Ngāi Tahu with SASM in the Paparoa area. We also received evidence regarding the Waitaiki Historic Reserve Management Plan and its relevance to understanding the pounamu traditions associated with SASM.

80. The Panel understand that identified SASM are generally distinct and separate from listed items on the Historic Places Register/Rārangi Kōrero, which are managed under the Historic Heritage Chapter of the Plan.

81. The Panel considers that there is a relationship between identified SASM and customary fisheries regulations[22] where the SASM are associated with mahinga kai harvest locations, such that management of the SASM is complementary to the purpose of those regulations.

82. Planning evidence variously referenced planning frameworks of other councils, including neighbouring territorial authorities. The Panel received evidence that Queenstown Lakes District Council has also mapped sites and areas of significance to Māori, including one that overlaps in to the Westland District Council (**WDC**) jurisdiction. The Panel recommendation is to incorporate this as an additional SASM in the Plan on the basis of submissions and evidence.

83. With reference to the National Adaptation Plan prepared in accordance with the Climate Change Response Act 2002, the Panel observe that management of SASM under the recommended provisions of the SASM Chapter is consistent with a climate change adaptation approach that works in partnership with Māori, elevates te ao Māori and mātauranga Māori, and empowers Māori in adaptation planning by Māori for Māori, in relation to sites and areas of significance to Poutini Ngāi Tahu that are vulnerable to the effects of climate change[23].

84. The Panel have considered the relationship of SASM Chapter provisions with the Pounamu Management Plans prepared by Ngāti Māhaki ki Makaawhio and Ngāti Waewae. The Panel relies on the involvement of Papatipu Rūnanga in developing the SASM Chapter, including the

[20] Section 4 Resilient and Sustainable Communities, Objective 5 and Policy 6, p15, explanation to the policies on p16, and Method 6, p17
[21] RPS Chapter 4, Objective 4, Policy 5
[22] Fisheries (South Island Customary Fishing) Regulations 1999
[23] Urutau, ka taurikura: Kia tū pakari a Aotearoa I ngā huringa āhuarangi – Adapt and thrive: Building a climate-resilient New Zealand – Aotearoa New Zealand's First National Adaptation Plan, p13

Pounamu Management Overlay and the Aotea Management Overlay, to reflect the aspirations of ngā hapū as expressed in those iwi management plans. Similarly, identification of SASM at Lake Māhinapua[24] has a relationship with Te Mahaere Whakahaere o Te Tāwhiri a Te Makō: Lake Māhinapua Management Plan. In that respect the Panel are confident that regard has been had to these iwi management plans during the development of the SASM Chapter. Recommendations of the Panel have not significantly altered the effect of notified provisions in relation to the Pounamu Management Overlay, the Aotea Management Overlay or the SASM at Lake Māhinapua.

85. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMENDATIONS

2. SITES AND AREAS OF SIGNIFICANCE TO MĀORI – NGĀ WĀHI TĀPUA KI TE MĀORI

86. The SASM Chapter, as a whole, attracted a significant number of submissions, the Panel considers in part due to the errors associated with the notified version of the SASM maps, of which there were 216 identified SASM at the time of notification. In addition, the draft version of the Plan shared with the public prior to notification did not contain the identified SASM so notification was the first public exposure of the location and number of SASM. The Panel understand from the Section 32 Report and evidence provided that this has had an impact on trust in the quality of information and confidence in the SASM Chapter amongst submitters to the Plan; and contributed to errors that have been sought to be corrected through submissions and evidence, particularly that of Poutini Ngāi Tahu but also some individual submitters.

87. The s42A Report begins by assessing submissions and evidence on the definitions relevant to the SASM Chapter. The Panel adopts this same approach within this general section of the report, considering submissions on definitions ahead of the whole of chapter submissions.

88. The Panel adopts the summaries in the s42A Report when considering the relevant submissions and further submissions received, unless otherwise described. It should be noted that the Panel has also revisited original submissions and further submissions to inform recommendations on the SASM chapter.

2.1. SASM General/Whole Chapter

Submissions and Further Submissions

89. There were three submissions received on the definition of "*cultural landscapes*" and no further submissions.

90. There were 36 submissions that sought additional definitions, which attracted eight further submissions predominantly in support, with one opposed in part. The definitions sought included "*landfill*", "waste disposal facilities", "*hazardous facilities*", "*wastewater treatment plant*", "*wastewater disposal facilities*", "*offensive industry*", "*plantation forest*", "*shelterbelt*", *"woodlot*", "*upper slopes*" and *"cultural material*".

[24] SASM 105, SASM 110 and SASM 111

91. There were 43 submission points on the chapter as a whole (eight supporting, one supporting in part, one neutral, one not stated, 13 requesting amendment and 19 opposed), and 21 further submission points variously supporting and opposed to the original submission points.

92. For those opposed, some simply requested deletion of the chapter, some opposed based on the effect on property owners, some sought engagement with landowners, some sought compensation, some were concerned about the accuracy of methodology or mapping, some tied their opposition to the Plan as a whole, and some thought it was a matter better dealt with by central government, the Māori Land Court or Treaty Settlement processes.[25]

93. For those seeking amendment, some wanted more details provided about the SASM and their values, clarity for landowners to understand what it means for activities, as well as an explanation of the relationship with Treaty settlements, or review of SASM boundaries.[26] In addition, recognition of the functional and operational needs of mining and limited use of terms such as "*avoid*", "*protect*", "*prevent*", "*minimise*", "*restrict*" and "*preserve*" because of their impact on the "gateway test" (presumably in relation to non-complying activities) was requested by mining companies.[27] The Proprietors of Māwhera Incorporation (Māwhera) also requested recognition of the owners of the Native Reserves within the boundaries of the Arahura Deed of Purchase.[28] Consideration was sought as to whether current statutory provisions would be sufficient to protect SASM.[29]

Section 42A Report Analysis and Recommendations

94. **Ms Easton** considered that the notified definition of "*cultural landscape*" could benefit from clarification as to the location of cultural landscapes, as was requested in the submissions of WMS (S599) and TiGa Minerals and Metals Limited (**TiGa**) (S493) who sought a schedule. She recommended a link to the schedule of outstanding natural landscapes (**ONL**) (Schedule Five), to record where there is an identified SASM located within an ONL.[30]

95. Ms Easton supported the requests for new definitions, with the exception of "*shelterbelt*", which she recommended be deleted where it appears in the provisions, negating the need for a definition. She utilised the definition of "*plantation forestry*" from the National Environmental Standard for Commercial Forestry (**NES-CF**). She also referred to the definition of "*offensive industries*" provided at the time of hearing submissions and evidence on the Introduction and General Provisions Chapter. Ms Easton otherwise developed definitions based on her understanding of their meaning and use within the SASM Chapter.

96. Ms Easton recommended rejecting the submissions in opposition on the basis that higher order instruments directed or supported the need for a SASM Chapter, including the RPS and section 6 of the RMA.

97. Ms Easton considered that no further review of the extent of SASM was necessary given the comprehensive review already undertaken by Poutini Ngāi Tahu, which resulted in only minor amendments compared with what was notified, including to SASM boundaries (e.g. the concern of Ms Charlotte Bradley-Peni (S370)). She responded to submitters that referred to

[25] G.E. and C.J. Coates (S415), Clare Gilroy (S341), Garry Livingstone (S201), Donna Mitchell (S107), Grey District Council (S608), Bernard Hands (S350), Taipo Dairies Limited (S520), Ann Bradley (S371), Stephen Page (S270), Paul Heal (S133), Kawhaka Creek Catchment Residence (S297), Scenic Hotel Group (S483), Neil Bradley (S298), Gerrit and Suzie Wolters (S308), Skyline Enterprises Limited (S250)

[26] Charlotte Bradley-Peni (S370), Greenstone Retreat (S459), Tangi Weepu (S630), Amy Paterson (S128), Toni Chittock (S61), Rodney Wright (S62), Michael Robson (S327)

[27] Rocky Mining Limited (S474) and Papahaua Resources Limited (S500)

[28] The Proprietors of Māwhera Incorporation (S621)

[29] Jennifer Lake (S323)

[30] This matter is further discussed in the Panel's recommendations on the Natural Features and Landscapes chapter

the potential for other Acts or processes outside of the RMA to look after SASM by pointing to the specific requirements of the RMA.

98. Ms Easton recognised the difficulties created as a result of SASM not being included in the draft Plan prior to notification. In response to submitters that sought direct engagement with landowners prior to SASM being included in the Plan, including GDC, Ms Easton noted that the full RMA Schedule 1 plan process had been followed and that there was no requirement in that schedule for direct engagement with affected landowners. However, she noted that landowners affected by SASM were notified by letter at the time of notification of the Plan, which was how mapping errors were identified (subsequently corrected under Schedule 1, Clause 16 of the RMA) because people who received letters raised queries with WCRC[31].

99. In response to submissions concerned about the impact on property rights, Ms Easton said that restrictions over private land were minimised during development of the Plan and often resulted in lower levels of restriction than other section 6 matters (e.g. outstanding natural landscapes and features) covered by overlays in the Plan. She noted that there was no compensation mechanism in the RMA and historic heritage values present within identified SASM required protection under the Act. In relation to property LIM reports, Ms Easton advised that this was not a district plan matter.

100. Ms Easton supported the submission of Mr Tangi Weepu (S630.001 and S630.002) as he sought to improve understanding around the values of Lake Māhinapua and ways to protect them. She noted that SASM 10 and SASM 11 are intended to achieve what Mr Weepu seeks.

101. In considering the submission of Skyline Enterprises Limited ('Skyline') (S250.003) Ms Easton observed that the location of proposed development, Franz Josef Glacier, would require assessment under a number of more restrictive provisions in other chapters of the Plan (e.g. ONL) compared with the SASM Chapter provisions. Ms Easton emphasised that the focus of the Chapter was on protecting SASM, rather than future development opportunities.[32]

102. Ms Easton supported submissions seeking further information about the methodology and basis for identifying SASM, which was not available in detail at the time of notification.

103. Ms Easton also supported the submission of Michael Robson (S327.002) who sought guidelines on what matters need to be considered in relation to a SASM and when consent would be needed. She proposed introduction of a Method in the Plan as a response to this concern, as follows:

> ***SASM – M1:***
>
> *Develop in partnership with Poutini Ngāi Tahu the following:*
>
> *(a) Which information and in what form shall information be available to the public on identified SASM sites and their values;*
> *(b) Written protocols on how to engage with Poutini Ngāi Tahu for resource consent or plan change applications; and*
> *(c) Guidance for the public in how to apply for a resource consent for an activity on a site containing an identified SASM.*

[31] West Coast Regional Council administered the hearing process on behalf of the TTPP Committee

[32] Ms Easton responded further to the Skyline proposal in her s42A Report for the hearing in Franz Josef (Te Tai o Poutini Plan Section 42A Officer's Report Franz Josef Area, 19 August 2024), p7-8, specifically in relation to SASM 145, on a similar basis as her s42A Report for the SASM Chapter

104. In response to the mining companies, Ms Easton pointed to the requirement under section 6(f) of the RMA to "*protect*" historic heritage from inappropriate subdivision, use and development, such that language indicating protection was suitable in the SASM Chapter provisions. She did not address the matter of "*functional or operational need*" generally, other than to acknowledge that the companies had made similar submissions on other chapters of the Plan, although she considers the point where it arises in relation to specific provisions of the SASM Chapter in response to particular submissions and evidence.

105. Ms Easton summarised the submission of Māwhera, in particular that the SASM are more accurately described as Sites and Areas of Significance "*to Poutini Ngāi Tahu*" rather than "*to Māori*" more broadly, and that Māwhera are distinct from Poutini Ngāi Tahu as defined in the Plan, as an incorporated group. She agreed that the chapter applied to sites and areas of significance to Poutini Ngāi Tahu, rather than Māori more broadly, and that the chapter title was governed by the requirements of the Planning Standards. She did not recommend any amendments as a consequence of the submission.

106. Additional methods Ms Easton proposed to include in the plan to support the objectives, policies and rules included:

> **SASM – M2**
>
> The TTPP Committee will consider the merits of inclusion of additional sites and areas of significance to Māori in the Plan as part of their regular monitoring of Plan implementation. Where Poutini Ngāi Tahu identify any further sites or areas they seek to be scheduled these will need to be accompanied by an appropriate cultural assessment that outlines the values of the site or area. Evidence of consultation with the owner of the area or site should also be provided. Where such an assessment and evidence of consultation and its outcomes is provided to the TTPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so schedule the site or area via a Committee initiated Plan Change.
>
> **SASM – M3**
>
> Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process for mineral extraction within the Pounamu and Aotea management area overlays.

107. These proposed methods are further discussed in this Report where they arise in relation to specific provisions, submissions and evidence.

Hearing and Submitter Evidence/Statements

108. Legal submissions from **Ms Sarah Scott** confirmed Poutini Ngāi Tahu as mana whenua within the West Coast/Te Tai o Poutini region and emphasised the inherited kaitiaki relationship of mana whenua within their takiwā, entailing an active exercise of rights and responsibilities in a manner beneficial to the resource and the environment. Ms Scott equated the identification of SASM as assisting Poutini Ngāi Tahu to fulfil kaitiaki responsibilities, as well as make council staff and consent applicants aware of activities that may impact on Poutini Ngāi Tahu values, such as mahinga kai. She described the SASM Chapter provisions as a "targeted approach" to each identified SASM, allowing for site and area specific responses in regulation, having assessed values at the plan-making stage rather than the resource consent stage. At the hearing she described this as a way of providing for appropriate subdivision, use and development. She alluded to the extensive expert assistance provided to the TTPP Committee by Poutini Ngāi Tahu in identifying, mapping and categorising SASM sites and areas in the Plan, at the request of the Committee.

109. Ms Scott reminded the Panel of the foundations of Ngāi Tahu tribal structure, the role of rūnanga and the origins and outcomes of Treaty Settlement, as outlined in legal submissions at the outset of the hearing process, as well as Part 2 requirements and National Planning Standards. Altogether she noted that section 6(e), section 7(a) and section 8 are "*strong directions, to be borne in mind at every stage of the planning process*" in accordance with case law[33].

110. Ms Scott summarised the wide range of SASM identified, all illuminating aspects of Poutini Ngāi Tahu culture, traditions and intergenerational relationships, as set out in Mr Madgwick's evidence.

111. Ms Scott stated that removing SASM from the Plan, as requested by some submitters, was not an option available to the Panel because of the requirements of higher order documents and the purpose and principles in Part 2 of the RMA. She also outlined case law that reinforced rangatiratanga and the role of iwi or hapū in identifying values held in relationship with cultural landscapes and effects on them[34]. Ms Scott submitted that the significance of SASM was individual to Poutini Ngāi Tahu and any removal of them or amendment to their level of protection would need to be supported by Poutini Ngāi Tahu, with no potential to challenge the evidence provided as compared with other types of evidence.

112. Ms Scott outlined her initial position on the use of a permitted activity rule with a written approval or certification requirement, noting that the idea of certification was raised in submission by the New Zealand Defence Force (**NZDF**) in relation to temporary activities, which Poutini Ngāi Tahu supported. Ms Scott identified a number of rules in the plan that similarly relied on a written approval process as part of the permitted activity requirements[35]. She described a written approval requirement as pragmatic and available, as a means of overcoming the variability of SASM and potential effects on them, which would be hard to otherwise address in a permitted activity. While she acknowledged it would be *ultra vires* in the context of resource consent conditions, she found no similar hurdle in relation to a plan, and she considered there was case law in support of such an approach[36] and a number of district plan examples. Ms Scott determined that the matter of discretion by Council did not arise because the role of Council would be to simply to receive the written approval prior to commencement of an activity. She alluded to section 87B as an example where the RMA accommodated a written approval process. In comparison, she considered certification to be an undeveloped proposal and criteria would need to be included in the Plan.

113. Ms Scott addressed the matter of sensitivity in relation to silent files and submitted that Ngāi Tahu had a right not to publicly disclose details of cultural, spiritual and heritage values important to them.

114. Ms Scott responded to the evidence of GDC and the matter of consultation with affected landowners. She pointed to Schedule 1, Clause 3 of the RMA which contained mandatory consultation requirements and advised that there was no obligation on the Councils to consult with affected landowners. In her submission, neither was there any obligation to make a draft plan available to the public prior to notification. Ms Scott identified that opportunity to submit on the notified plan provides for public participation, and those affected by identified SASM could approach Poutini Ngāi Tahu. She highlighted the role of GDC on the TTPP Committee

[33] McGuire v Hastings District Council [2000] UKPC 43, [2002] 2 NZLR 577 at [21]. Recently cited in Environmental Protection Society Inc v Tauranga City Council [2021] 3 NZLR 882.
[34] Environmental Protection Society Inc v Tauranga City Council [2021] 3 NZLR 882 at [65] and SKP Incorporated v Auckland Council [2018] NZEnvC 81 at [157].
[35] For example, EW-R1, NOSZ-R1, ENG-R7 and OSZ-R1
[36] Population and Public Health Unit of the Northland District Health Board v Northland Regional Council [2021] NZEnvC 96

where concerns could be raised in that forum. She also challenged the evidence of Mr McEnaney for GDC, which references the Environment Court code of conduct for expert witnesses, but she questioned his adherence to that code because his evidence did not read as independent planning evidence, which she asserted should affect any weight given to it.

115. **Mr Paul Madgwick**, Poutini Ngāi Tahu, began his evidence with an explanation of his whakapapa, roles and background as a tribal historian.

116. Mr Madgwick listed the sources he drew from in preparing his evidence, both oral and written. He acknowledged the collaborative approach taken by the TTPP Committee in developing the Plan, including Poutini Ngāi Tahu representation on the committee, honouring the spirit of the Mana Whakahono ā Rohe agreement with WCRC and enabling expression of tino rangatiratanga, kaitiakitanga and mana motuhake. He emphasised Poutini Ngāi Tahu support for the Plan and the recommendations of the s42A Report. He reiterated legislative recognition of the mana whenua status of Poutini Ngāi Tahu, and their tino rangatiratanga and role as kaitiaki.

117. Mr Madgwick outlined the history of the Arahura Deed of 1860 and failure of the Crown to honour agreements in relation to reserve lands, schools and hospitals. He advised that some of the identified SASM were native reserves dating back to this time, constituting the only land left in Māori ownership after the Arahura purchase. He described migration of Poutini Ngāi Tahu whānau from the Māhwera Reserve at the location of the expanding town of Greymouth to Arahura, a process that occurred between 1860 and the early 1880s. He identified these circumstances as material to the Ngāi Tahu Treaty Settlement process and the resulting apology to Ngāi Tahu in the NTCSA. He raised the significance of affirmation by the Crown of the rangatiratanga of Ngāi Tahu. He described what rangatiratanga meant to him, that it was fundamental to identity as Poutini Ngāi Tahu, uninterrupted since before 1840, the right to freely live, govern, work and care for te taiao/the natural environment in a manner that dignifies tūpuna, and something to be protected and enhanced for future generations.

118. Mr Madgwick advised that kaitiaki are the people who practice kaitiakitanga because they hold the authority and responsibility to do so, as an inherited and intergenerational responsibility, linked to mahinga kai practice. He stated that identification of SASM assisted Poutini Ngāi Tahu to exercise kaitiaki responsibilities, and that Poutini Ngāi Tahu have a team of experienced RMA practitioners and cultural experts able to respond to RMA demands. He noted this enabled Poutini Ngāi Tahu to be able to respond to the request of the TTPP Committee to identify and digitally map SASM for inclusion in the Plan.

119. Mr Madgwick described SASM as important places that provide significant associations to cultural traditions, history or identity for Poutini Ngāi Tahu, including sacred sites and areas such as burial caves, urupā/cemetaries, battle sites, occupation sites such as kāinga/villages, pā and Māori reserves, as well as cultural landscapes such as significant maunga/mountains, ara tāwhito/trails, waka landing areas, nohoanga/temporary camp sites and important mahinga kai gathering areas. He stated that these needed to be protected as a matter of national importance. He described their potential destruction or damage as causing a loss of knowledge and connection to the past, identity, history and cultural traditions.

120. Mr Madgwick observed that in the past Heritage New Zealand/Pouhere Taonga (**HNZPT**) had better protected European heritage, and that often, planning documents only recorded New Zealand Archaeological Association (**NZAA**) or HNZPT archaeological sites. At the hearing, he explained that many SASM contained clusters of archaeological sites and that in those cases the SASM boundaries extend beyond the individual find locations, and that there are also

individual archaeological sites outside of SASM. He referred to deficiencies in existing district plans, with very limited record of culturally significant sites or archaeological sites and that what was there had been identified without Poutini Ngāi Tahu involvement. He noted that the TTPP Committee sought to use current best practice in the Plan development process, resulting in the request to Poutini Ngāi Tahu for assistance.

121. Mr Madgwick explained that identifying the SASM was a substantial piece of work requiring over 30 hui with rūnanga representatives, with a number of steps, including site visits. He commented on the mapping errors at the time of notification, indicating that they were largely the consequence of technological issues. He considered that the SASM were accurately mapped and no further changes would be required other than those requested in the Poutini Ngāi Tahu submission. He also noted that the exercise of identifying SASM also created Appendix Ten to the Plan, which picked up references from the existing district plans and recorded archaeological sites that have been confirmed as being of Māori origin.

122. Mr Madgwick's evidence outlined that the SASM identified reflected the migratory patterns of Poutini Ngāi Tahu, connected to the life cycles of animals and plants in the forests and rivers, and the concentration of use along the coastline due to an abundance of mahinga kai. He observed that European settlers often found the same locations desirable for similar reasons. He explained that there has been significant land modification, and that identifying SASM in modified locations provided for Poutini Ngāi Tahu to have their connections to ancestral lands recognised.

123. Mr Madgwick clarified that SASM include "*cultural landscapes*", which were described in Schedule Three as "*ancestors embedded in the landscape*". He acknowledged that the entire takiwā was important to Poutini Ngāi Tahu but this has not been mapped as a single cultural landscape. He explained the difficulties in using "western" planning terms that don't fit easily with a Te Ao Māori view and that categorising ancestral maunga was not consistent with how Poutini Ngāi Tahu think about relationships but that the information was provided to meet the needs of the planning system.

124. Mr Madgwick responded to submitter concerns that SASM should be removed from their properties because they had purchased land from either Māwhera Incorporation or The Māori Land Trustees (Te Tumu Paeroa and its predecessors) and it must therefore be of no cultural significance. He explained that Poutini Ngāi Tahu identified former Māori reserve sites as significant because they were chosen and reserved by tūpuna as places for occupation, kāinga, historic pā, urupā and other wāhi tapu or for mahinga kai. He indicated that there may have been a variety of reasons why land was sold, however, it was important that Ngāi Tahu whānui had their connection to ancestral lands recognised. He clarified that Poutini Ngāi Tahu would not routinely be seeking access to private land.

125. **Ms Rachael Pull**, Senior Environmental Advisor for Poutini Ngāi Tahu, assessed various definitions including some that were subject of submission points from Te Tumu Paeroa, which were subsequently withdrawn, and which were not included in the initial s42A Report assessment. Ms Pull referred to her evidence in the first hearing in relation to the term "*ancestral land*", which she did not consider needed a definition, and also in relation to "*cultural uses*", "*cultural purposes*", "*cultural activities*", which she recommended replacing with "*Māori purpose activities*" or "*Poutini Ngāi Tahu activities*" and confirmed that her position had not changed. She also addressed "*Poutini Ngāi Tahu land*", "*Poutini Ngāi Tahu members*" and "*Poutini Ngāi Tahu whānui*" in the first hearing and retained her position that reliance could be placed on the "*Poutini Ngāi Tahu*" definition in the Plan to understand these variations. She also did not support a definition for the term "*Te Rūnanga o Ngāi Tahu Land*",

which was not discussed in the s42A Report, indicating that "*specified Māori land*" would be considered in the ECO Chapter in relation to the NPS-IB. She did not support the introduction of the term "*Victorian title*" because she proposed changing the wording of Rule SASM-R7 where it was used.

126. In relation to "*cultural landscapes*", Ms Pull referred to her evidence for the Energy, Infrastructure and Transport chapters hearing where she noted that there was an extra sentence in the definition in the RPS compared with the Plan and no clarity as to why they are different. She pointed to the evidence of Mr Madgwick regarding the inclusion of some cultural landscapes within SASM.

127. Ms Pull recommended amendment to the proposed definition of "*cultural materials*" in the s42A Report to include minerals, as follows:

> **Cultural materials** means minerals, plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture.

128. In relation to "*hazardous facilities*", Ms Pull favoured drawing from the definition in the West Coast Land and Water Plan (WCLWP) for "*hazardous substances*", and the Hazardous Substances and New Organisms Act 1996 (HASNO), and using the term consistently across the plan. She recommended the definition read as follows:

> **Hazardous facilities** means in relation to Sites and Areas of Significance to Māori, activities that involve the manufacturing and disposal of hazardous substances including any substance
>
> (a) With one or more of the following intrinsic properties:
>
> (i) Explosiveness:
> (ii) Flammability:
> (iii) A capacity to oxidise:
> (iv) Corrosiveness:
> (v) Toxicity (including chronic toxicity):
> (vi) Ecotoxicity, with or without bioaccumulation; or
>
> (b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.
>
> Advice Note: Hazardous Facilities are also managed through the West Coast Regional Council and the Hazardous Substances and New Organisms Act 1996.

129. Ms Pull also supported utilising the definition of "*landfill*" from the WCLWP and using it consistently across the Plan, as follows:

> **Landfill** means any premises used for the lawful deposit or disposal of waste materials into or onto land.

130. She recommended considering the definitions of "*plantation forestry*", "*shelterbelt*" and "*woodlot*" in the context of the General Rural Zone.

131. In relation to "*Iwi/Papatipu Rūnanga Management Plan*", Ms Pull in her Appendix One pointed towards retaining the definition with amendments as sought in the Poutini Ngāi Tahu submission, which was not discussed in the s42A Report.

132. In relation to "*waste disposal facilities*", "*wastewater disposal facilities*" and "*wastewater treatment plant*", Ms Pull noted that the SASM Chapter was the only chapter in the Plan that referred to "*waste disposal facilities*" and "*wastewater disposal facilities*" and was unsure if the definitions were needed, although she supported clarification that domestic and farm related facilities would be excluded. She recommended review of the use of these terms.

133. Ms Pull raised concerns around ongoing confusion caused by inconsistent use of infrastructure terminology and favoured consistent use of the term "*Regionally Significant Infrastructure*".

134. Ms Pull supported the s42A analysis that sought to achieve consistency between the Historic Heritage Chapter and the SASM Chapter, however she emphasised the influence of section 6(e) and that Māori heritage typically requires more intervention than a more "hands off" approach to other kinds of historic heritage. She used mining as an example of an activity that needs to occur in a way that respects the relationship between mana whenua and taonga, including when pounamu and aotea are unearthed during operations, which has the potential to provide a source of stone for mana whenua.

135. Ms Pull considered that SASM are a tool that supports a range of matters of national importance and higher order documents.

136. Ms Pull went on to note that the SASM Chapter supports section 7(c) because there will be an assessment of the natural and physical qualities and characteristics that contribute to Poutini Ngāi Tahu historical and cultural identity, and similarly in relation to section 7(d). She highlighted, in relation to section 8, that the SASM Chapter provided for rangatiratanga, active protection and informed decision-making.

137. Ms Pull emphasised the high degree of support for the Plan in the Poutini Ngāi Tahu submission, and support for the recommendations of the s42A Report. She stated that the site-specific analysis that had enabled a targeted rule framework to apply to identified SASM meant that there was more clarity for plan users, which she considered to be an enabling framework for subdivision, use and development, appropriate to each site. She noted that this approach differed from other district planning frameworks that take a more standardised approach, with reliance on a resource consenting pathway.

138. Ms Pull supported the drafting of Method SASM-M1 in the s42A Report, on the basis that it will direct the Councils to work with Poutini Ngāi Tahu around implementation of the Plan rules, in order to appropriately balance clarity and information for the landowner and cultural sensitivity. Ms Pull alluded to issues arising when information provided in one context is used inappropriately in another context without checking with Poutini Ngāi Tahu, and concerns about intellectual property.

139. Ms Pull supported the new Tables SASM T1 to SASM-T8 that group SASM according to applicable rules and thought they would be most helpful embedded in the rules, with hyperlinks. She noted, however, that: Table SASM T1 was missing reference to SASM 127, SASM 133 and SASM 135; and that Table SASM- T2 was missing SASM 163 and SASM 216. Ms Pull supported use of the term "*Regionally Significant Infrastructure*" in Table SASM-T8.

140. In response to questions at the hearing, Ms Pull considered that the word "*avoid*" would be most suitable in policy where it then led to non-complying activity status in the rules, and that "*only allow*" would be better suited to policies that lead to discretionary activity status. Ms Pull also advised the Panel at the hearing that she considered "*minimise*" to mean reduce all

the way down, as far as practicable, which was different to "*reduce*" which could involve a reduction less than that.

141. **Mr Tangi Weepu** spoke to his basic written submission, with his oral evidence being the primary basis of his submission. He described his understanding of tino rangatiratanga and mana whenua, and asserted his right to speak on the basis of both. He described Te Tiriti o Waitangi as intending to preserve the social structure, and that therefore tino rangatiratanga was essential to his lived experience. He said that although statute assigned mana whenua to Papatipu Rūnanga, he was adamant that Papatipu Rūnanga did not speak for him, as mana whenua. He expressed his connection to Lake Māhinapua and his responsibility to care for the lake, for his tūpuna and his mokopuna, as well as his sadness that the site of so many deaths of his tūpuna in battle was treated as a recreational site.

142. **Mr Hemi Meihana Retara/James Mason Russell**, chairman of the Committee of Management of The Proprietors of Māwhera Incorporation (Māwhera Inc.) presented to the Panel in relation to the interests of the shareholding members of the incorporation, who own and manage lands reserved for Māori as a consequence of the Arahura Deed of Purchase in 1860. Mr Retara/Russell in his written statement described these reserve lands as ancestral land and that the owners are kaitiaki of that land. He indicated that the SASM should only refer to takata whenua of Te Tai o Poutini and not Māori generally. He pointed to tino rakatirataka over lands that were never acquired by the Crown and challenged kawanatanga as only applying to land purchased by the Crown.

143. Mr Retara/Russell explained that owners of 36 reserve lands amalgamated their interests in 1976. He asserted that neither the Plan nor the Mana Whakahono ā Rohe agreement reflected manawhenua status because neither included Māori reserve landowners who may not whakapapa to Ngāti Waewae or Ngāti Mahaki. He argued that the Papatipu Rūnanga representing Ngāti Waewae and Ngāti Mahaki did not have authority over reserve landowners, in accordance with tikaka Māori. Mr Retara/Russell stated that Te Rūnanga o Ngāi Tahu only had authority over assets gained through the Treaty Settlement process and the WAI 27 claim, and that all pounamu within the Arahura River catchment was vested in Māwhera Inc on 23 September 1997. Mr Retara/Russell emphasised that the lands and pounamu resources were managed for the benefit of the incorporated members, including in relation to cultural values, customary harvest or other cultural practices. He countered suggestion that land sold had no cultural values, explaining that a range of economic and valuation factors might influence sale of land but cultural values remain. He described Papatipu Rūnanga as also being incorporated societies representing their members. Mr Retara/Russell considered that Victorian title in relation to pounamu had been superseded when pounamu was vested with Te Rūnanga o Ngāi Tahu and Māwhera Inc.

144. At the hearing, Mr Retara/Russell indicated that some lands owned and managed by Māwhera Inc. would be subject to processes that required approval from Poutini Ngāi Tahu, as per the notified version of the Plan. He stated that tikanga over time has been that Ngāi Tahu does not interfere with organised groups of whānau that were set up prior to the finalisation of Te Kēreme, the Ngāi Tahu claim, such as Māwhera Inc.

145. **Mr George & Mrs Caryl Coates** of Nikau Deer Farm Limited, Barrytown sought removal of the SASM Chapter on the grounds of poor communication, inaccurate mapping, excessive rules, no quantitative section 32 analysis, no respect for freehold landowners (e.g. owners for 50 years and allowed archaeologists on in the 1970s), disregard for private property rights, the need for business flexibility, and the Government's intention to remove SASM. Mr & Mrs Coates pointed to the operative Grey District Plan implementation method and the need to

consult with and provide information to landowners. Concerns were also expressed about the rules having immediate legal effect; and impact on every day farming activities like trimming native vegetation, digging post holes, reinstating flood damaged drains, creek crossings, culverts, bridges and creek channels, cleaning out drains, filling in holes and laying gravel. They considered that there would be quantifiable economic effects due to the costs of consenting and devaluation of land (e.g. loss of $500,000 land value for not being able to subdivide their bush block), as well as costs that Poutini Ngāi Tahu would need to recoup for managing SASM. Mr & Mrs Coates indicated that dialogue between Poutini Ngāi Tahu and landowners would get further than rules in a plan that irritate landowners, and compensation should be given where restrictions were placed on use of land.

146. **Ms Inger Perkins**, regional field advisor for Herenga ā Nuku Aotearoa, the Outdoor Access Commission provided a written statement to the Panel at the time of her presentation. Ms Perkins explained the role of the Commission in providing leadership on outdoor access issues and advocating for free, certain, enduring and practical access to the outdoors. She requested that that existing legal access not be restricted as a consequence of SASM Chapter provisions and considered alternative public access could be provided where necessary to avoid sensitive cultural sites on a case by case basis. She could not identify an issue of this nature arising over the previous eight years. Ms Perkins indicated that review of the Walking Access Act 2008 resulted in improved response to Māori interests, including: a partnership approach; providing access for relevant Māori specifically; preserving Māori ownership and control where public access is provided; controlling authorities managing public access to sites of cultural significance in negotiation with Māori; improving code of behaviour on culturally sensitive sites; and working more closely with post-Settlement Māori to explore access opportunities.

147. **Mr Martin Kennedy**, planner for Westpower Limited (Westpower) focussed his evidence of remaining areas of difference between the s42A Report recommendations and Westpower submission points. Mr Kennedy supported use of the term "*regionally significant infrastructure*" within the provisions provided it captured infrastructure managed by Westpower.

148. **Mr Julian Hall**, Greymouth landowner, presented to the Panel regarding his concerns about SASM being placed over land that had been made freehold by Māwhera Inc. and sold within the last five years. He provided evidence of a transaction in 2021 where the Māori Land Court changed the status of land under its administration to general land. Although he understood that land within the Greymouth CBD would not be subject to rules, he was concerned about the potential for further restrictions to be placed on the area over time.

149. **Mr James Sutherland**, policy advisor for Federated Farmers West Coast, indicated support for Ms Easton's proposed Method SASM-M1. He cited the Mackenzie District Council process for Plan Change 24 as a good example of council and rūnaka communicating well with landowners about the introduction of SASM. Information was made available to the landowner without it being publicly available in order to help protect sites and areas from amateur archaeologists. He acknowledged that council resources may be constrained but more refined information and better communication with landowners would be beneficial. He expressed concern about impacts on existing use rights. He described the West Coast as a region that still had large swathes of land farmed intergenerationally so landowners understand about the need to protect land for the next generation. Mr Sutherland expressed concerns about the accuracy of the mapping.

150. **Ms Kristy Rusher**, legal counsel for GDC, presented to the Panel in support of the GDC position that the SASM Chapter not be adopted without further consultation. Ms Rusher acknowledged Poutini Ngāi Tahu as kaitiaki and the role of the SASM Chapter in assisting with the exercise of kaitiakitanga responsibility. She identified GDC as an affected landowner and a consent authority, and the evidence of Mr McEnaney as representing both GDC roles. Ms Rusher indicated GDC support for the structure of the Plan and the enabling of land use that does not impact on a SASM but expressed concern regarding the spatial extent of mapped SASM and provisions that set expectations of access to SASM sites on private land.

151. Ms Rusher emphasised that further consultation would resolve concerns regarding the spatial extent of SASM, and so the focus was on removal of the SASM overlay until further review and assessment has been undertaken to ensure accuracy. She stated that GDC sought a future plan change to introduce SASM. She compared this with the process for introduction of Significant Natural Areas (**SNA**) in the Grey District and indicated that landowners affected by SASM had been excluded from the process that was used to develop other chapters of the Plan. Ms Rusher pointed to obligations for consultation under the Local Government Act 2002 (LGA) in support of her position that consultation on the SASM Chapter had been inadequate prior to notification, regardless of the fact that the Schedule 1 process under the RMA had been followed. She highlighted GDC had the power to undertake further consultation.

152. Ms Rusher submitted that regulations should be expressed clearly and that restrictions on rights should be limited to the greatest degree possible to achieve a statutory purpose. She stated that outcomes under the regulatory framework should have a high degree of predictability or certainty. She considered that the imposition of a spatial area overlay on private property, which required resource consent when permitted activity conditions were not met, interfered with a landowner's peaceful enjoyment of their property to the fullest extent. She stated that the Plan should be in a form that is accurate, clear, certain and predictable, and that where there are uncertainties as to the location or spatial extent of a SASM or the significance to iwi is unknown or not communicated then it is not possible for a private landowner to use their land in a "respectful and considerate" manner. Ms Rusher proposed that the spatial extent of SASM should be the minimum area necessary to provide protection. Ms Rusher contended that no site visits had been undertaken on private land to confirm SASM and that there was evidence of errors and anomalies in the documentation. She pointed to reliance on oral history as a reason for further consultation. She submitted that it was justifiable to impose upon the free use of land to give effect to section 6(e) of the RMA, section 7(a) and (aa), and section 8. She also indicated that GDC consider it appropriate that resource consent is only required when there is an impact on the cultural significance of a SASM but expressed concern about the potential for "third party approval" in order to be a permitted activity.

153. Ms Rusher cited case law that confirmed that decision-makers must provide for connections of hapū with their ancestral lands of a *"cultural, spiritual and historical nature as well as other more tangible connections*"[37] and that the spiritual element of kaitiakitanga has been recognised in decisions of the Court of Appeal and the Supreme Court, such that the existence and significance of a belief that underpins identification of a SASM was a finding of fact for the decision-maker. She submitted, however, that the belief must be supported by consistent and credible evidence, particularly in relation to wāhi tapu. She pointed towards the late discovery of spatial mapping errors as pertinent to the reliability of evidence provided to the Panel in support of the spatial area of SASM. She highlighted SASM 218 Aromahana/Cobden Island as an example where GDC were not aware of the reason for identifying cultural

[37] Raikes v Hastings District Council [2023] NZCA 264 at para 16

significance. She supported the introduction of Methods SASM-M1 and SASM-M2 but considered that they did not cure the issues raised regarding the spatial extent of mapped SASM.

154. **Mr Michael McEnaney**, Environmental Planning Team Leader for GDC, advised the Panel that he presented his evidence on behalf of GDC as a regulatory authority and as a landowner affected by the Plan. He acknowledged the identification and protection of SASM was a matter of national importance and the influence of higher order documents such as the RPS and the Mana Whakahono ā Rohe agreement between WCRC and Poutini Ngāi Tahu. Mr McEnaney emphasised GDC's concerns with the consultation process, that the wording of policies, objectives and rules goes beyond what was required under the RMA in a way that affects private property rights and that information relied on to spatially identify SASM was not accurate or complete. He highlighted that GDC supported submitters, through further submissions, who advocated for private property rights and existing use rights.

155. Mr McEnaney included a timeline for the development of the SASM Chapter and described it as relatively compressed, and that documentary resources used by Poutini Ngāi Tahu were inaccurate or incomplete, alongside technical issues with the mapping. As a consequence, he said that some landowners had very late notice of the inclusion of their land within a SASM. He compared the process with the SNA process undertaken by GDC, which he said did not only rely on a desktop exercise, and considered site visits should be undertaken. He indicated that GDC wanted to be able to carry out its own verification exercise as concerns remain regarding the accuracy of spatial areas. Mr McEnaney considered that the same approach should be taken to all SASM as had been taken by Ms Easton to the introduction of the Cobden Island SASM. He considered that the spatial extent of SASM had tended towards over-estimation of sites and areas. He expressed concern that corrections to SASM would require a costly plan change process. He alluded to anger and mistrust from landowners who had been surprised by a SASM overlay on their property. Mr McEnaney supported the introduction of Method SASM-M1.

156. Mr McEnaney elaborated on the impact on GDC as a landowner, much of which he described as leased and undeveloped greenfield land. He noted GDC were concerned about the impact of broad overlays and their potential to impose significant constraints and costs.

Reporting Officer Reply Evidence

157. Ms Easton provided her Right of Reply on 25 October 2024 in response to questions from the Panel.

158. Ms Easton provided examples of SASM chapter approaches in other district plans that had been developed since the National Planning Standards 2019 ('the Planning Standards'), including Porirua, New Plymouth, Timaru, Selwyn, Waimakariri, Central Hawkes Bay and Northland. She noted New Plymouth had identified roughly seven times as many SASM and Northland roughly twice as many as the pTTPP. In contrast Porirua, Timaru and Waimakariri identified around 10-15% of the number in the pTTPP, and Central Hawkes Bay around a third of those identified on the West Coast. She noted a high degree of variability in approach to permitted activities and non-complying activities was evident, with Timaru, Selwyn and Waimakariri having variable rule responses depending on the type of SASM.

159. Ms Easton identified 534 privately owned titles that are subject to SASM rules.

160. Ms Easton identified the need for a consequential amendment arising from required use of the Planning Standards definition of "*landfill*", which relied on a further definition of "*cleanfill areas*" and "*cleanfill material*". Accordingly, she recommended the following additions to the Interpretation section of the Plan:

> **Landfill** means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.
>
> **Cleanfill areas** means an area used exclusively for the disposal of cleanfill material.
>
> **Cleanfill material** means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:
>
> a) combustible, putrescible, degradable or leachable components;
> b) hazardous substances and materials;
> c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices;
> d) medical and veterinary wastes, asbestos, and radioactive substances;
> e) contaminated soil and other contaminated materials; and
> f) liquid wastes.

161. Ms Easton did not believe there was scope to change the definition of "*cultural landscape*" from that in the notified Plan, when considering potential for use of the RPS definition. She relied on the evidence of Ms Pull for Poutini Ngāi Tahu and noted that Mr Madgwick clarified that cultural landscapes have now all been identified in SASM. She considered the RPS definition to be superseded by the development of SASM, of which cultural landscapes were a part.

162. Ms Easton identified the submission point of Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.006) as the only submission providing scope to address the matter of maintaining public access.

163. In considering the status of minerals, Ms Easton identified that the Crown Minerals Act 1991 does not regulate pounamu that has been vested with Ngāi Tahu or minerals that are within land subject to "Victorian title". She noted that restrictions do not apply under that Act in relation to minerals used for "*any reasonable agricultural, pastoral, domestic, roadmaking, or building purpose on land of which the person is an owner or occupier; or for any sand, shingle, or other natural material in the bed of a river or a lake or in the coastal marine area unless otherwise specified in a minerals programme*". Ms Easton considered that "*cultural materials*" other than aotea were likely to be covered by these exclusions, such as the gathering of hangi stones or pigments and dyes. She noted that Te Rūnanga o Makaawhio hold a mining permit under the Crown Minerals Act for the area where aotea stone is located, and that restrictions in the pTTPP on collection of aotea were not in conflict with the mining permit.

164. Ms Easton did not support use of the term "*network utility infrastructure*" as a replacement for "*network utility structure*" on a widespread basis as she considered that infrastructure could include below ground infrastructure and that activities not currently regulated would fall under the provisions if that were done.

165. Ms Easton responded to the Panel regarding guidance in the pounamu management plans of Ngāi Tahu. She summarised that the plans set out key principles for sustainable management of pounamu in each takiwā. Objectives in the plans include upholding pounamu as a taonga of each Rūnanga and providing for kaitiakitanga in relation to control, use, protection, extraction and management of pounamu within their takiwā for the best possible advocacy,

protection, service and performance to their respective hapū. The plans direct sustainable management of pounamu according to tikanga, including in relation to fossicking, customary collection and commercial extraction. Her overall analysis was that there was nothing in the plans that specifically needed to be pulled into the pTTPP.

166. Ms Easton agreed with the evidence of Ms Pull that the matter of ownership of pounamu was not as material to provisions as the cultural value of the stone, which is what the Plan is trying to manage. For that reason, she saw no need to use the term "*Victorian title*".

167. Ms Easton confirmed that the term "*ahikāroa*" was in the Glossary but noted it was shown as "*ahi kā roa*".

168. Ms Easton assessed various uses in the plan of "*structures*" versus "*buildings and structures*" and found no consistency. She indicated that "*structures*" tended to be referenced in relation to infrastructure, and that "*building and structures*" was common in the District-wide chapters of the Plan. She considered it appropriate for consistency to change "*structures*" to "*buildings and structures*" in the District-wide chapters where there were still some differences. However, she cautioned about referring to "*buildings and structures*" when rules refer only to "*buildings*" because this would be a substantial change to the meaning of the provision. She also did not support reference to "*minor structures*" being changed to "*minor buildings and structures*" where this occurs. She noted that "*buildings*" were included within the definition of "*structures*". She concluded that there was no further consequence of this analysis to the SASM Chapter because of the changes that she recommended to refer to "network utility infrastructure".

169. Ms Easton responded to the issue raised by Ms Pull in planner caucusing regarding the multiple terms used for infrastructure in the Plan. She recorded that the planners as a whole identified a multiplicity of terms, including "*critical infrastructure*", "*infrastructure*" (RMA definition), "*network utility operator*" (RMA definition), "*lifeline utilities*", "*network utilities*", "*network infrastructure*", "*network utility structures*", "*public network utilities*", "*reticulated network utility systems*" and "*temporary network utilities*", as well as terms supported in s42A Reports such as "*regionally significant infrastructure*" and "*network utility infrastructure*". Ms Easton recommended looking holistically across the Plan to resolve the appropriate terminology in each instance. Recommendations on the Energy and Infrastructure Chapters include recommendations on infrastructure definitions, referencing this evidence and evidence received in other hearings.

Hearing Panel's Evaluation

170. The Panel accept, based on the advice of legal counsel for the TTPP Committee and Poutini Ngāi Tahu, that the statutory basis for recommendations on the SASM Chapter includes recognition of Ngāi Tahu rangatiratanga; and that there is a direct relationship between this recognition of rangatiratanga and Ngāi Tahu tribal structure that establishes Papatipu Rūnanga, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, as having local authority. This position was recognised by Te Tumu Pāeroa in their joint statement with Poutini Ngāi Tahu dated 14 August 2024. The Panel do not find it an available pathway to determine any other party as having rangatiratanga status, based on the submissions and evidence received, which is considered by the Panel to be a matter better established by the Crown through Treaty Settlement processes. This finding is relevant to submissions and evidence from Māwhera Inc.

171. As discussed at the hearing with Mr Retara/Russell, presenting on behalf of Māwhera Inc., the Panel recommendations must be made within the bounds of relevant statutory instruments. The RMA references iwi and hapū, iwi authorities, Māori land owners, Māori generally, and tikanga in various sections of the Act. Mr Retara/Russell confirmed that shareholders of Māhwera Inc. are variously members that whakapapa to Kāti Waewae and Kāti Mahaaki, members that whakapapa to other Ngāi Tahu hapū represented by Papatipu Rūnanga, members that whakapapa to other iwi, and also include non-Maori members as a consequence of the history of whānau connected with original Māori reserve lands (e.g. intermarriage and succession).

172. The Panel finds that exploration of tikanga during the hearing is particularly relevant to recommendations on the SASM Chapter and the impact of provisions on owners of Māori land, including Māori reserve lands that were never sold to the Crown. The Panel accepts that the status of this land is different to other land held in freehold title. This is recognised in higher order instruments that refer to "*specified Māori land*" and that then allow for exceptions in the national direction on the basis of those differences. Such differences are also acknowledged in the joint statement of Te Tumu Pāeroa and Poutini Ngāi Tahu dated 14 August 2024. The Panel finds that in the specific case of Māwhera Inc., there is a distinct relationship between Te Rūnanga o Ngāi Tahu and Māwhera Inc., as illustrated in the Pounamu Vesting Act 1996 and in the Crown negotiation that Mr Retara/Russell described during Te Kēreme, the Ngāi Tahu Waitangi Tribunal claim process. The Panel do not consider it appropriate to make a determination as to the precise nature of tikanga involved between the parties but do determine that tikanga is a relevant factor when recommending provisions in the SASM Chapter. This finding is true in relation to Māwhera Inc. and to other owners of Māori freehold land. The Panel's understanding of this matter is applied in the context of discussions and recommendations on specific provisions, as relevant.

173. The Panel consider that there is a need to recognise the potential existence of "*Victorian title*" in some circumstances, which is included in the Overview to this chapter. However, consideration of Poutini Ngāi Tahu values is not dependent on ownership, in the event that such title can be proven. The Panel do not consider it necessary to include a definition of "*Victorian title*" in the Plan because in circumstances where it may apply, title owners will be familiar with its meaning.

174. The Panel find that, contrary to the primary briefs of evidence of Ms Easton and Poutini Ngāi Tahu, the mapped extent of SASM cannot be described as "*accurate and complete*" following the Schedule 1, Clause 16 amendments, as has been shown during the further exchanges of evidence at the hearing. However, we disagree with GDC and other submitters that cite further refinement of mapped areas as evidence that the SASM Chapter should be abandoned in its entirety. We consider such refinement and adjustment to be appropriate and typical of evidential exchange in a plan hearing process. The Panel acknowledge the advantage to users of the Plan of having clarity around which rules in the chapter, if any, apply in the context of a particular SASM, and the relationship of this level of detail with the values of each site and how they may be affected by various activities.

175. The Panel note that GDC has signalled intent to undertake further consultation with landowners affected by SASM within their district, which is a pathway open to them as part of their local government responsibilities. We consider that recommendations on the SASM Chapter provisions pertaining to particular SASM is not dependent on this process having occurred and does not interfere with the potential for that process to occur subsequent to decisions on the Plan. The Panel have recommended amendments to individual SASM based on the submissions and evidence received, and recommended removal of two SASM that will

need to be introduced to the Plan by way of a future plan change. Any additional SASM not recommended for adoption into the Plan will also need to be subject to a plan change process. In the event that further consultation is undertaken by GDC with affected landowners and any refinement is identified that has the support of Poutini Ngāi Tahu, this may also be dealt with by way of a plan change process.

176. In making this finding, the Panel accept that Poutini Ngāi Tahu are best placed to identify applicable cultural relationships, including the variety of relationships described across SASM. The Panel also find that Poutini Ngāi Tahu have been responsive to concerns raised by individual submitters, and to contrary evidence where that has impacted on cultural assessments undertaken, have recommended amendments depending on the specifics of each case. The Panel therefore have confidence that further refinement may be enabled if and when additional evidence comes to light on particular SASM.

177. The Panel accept the cultural expertise of Mr Madgwick, as outlined in the introduction to his evidence in chief, and those amongst Poutini Ngāi Tahu that supported the development of SASM, despite additional roles undertaken by Mr Madgwick. The Panel recognise that Mr Madgwick "wears a number of hats", which is not unusual for iwi and hapū representatives, including in this case a role on the TTPP Committee. The Panel consider it a matter for the TTPP Committee to reconcile any conflicts of interest between the role of Mr Madgwick as a cultural expert, on behalf of Poutini Ngāi Tahu as a submitter, and his role in decision-making on the TTPP Committee at the time of their decisions on our recommendations on the Plan.

178. The Panel also find that there are significant deficiencies in existing district plans when it comes to section 6(f) and section 6(e), including identification and protection of sites and areas of significance to Māori. We rely on directions in the National Planning Standards in support of introduction of the chapter and the clear need to improve upon the extent to which existing district plans give effect to higher order instruments. We therefore reject all submissions opposing the chapter as a whole. The Panel agree with Ms Easton that freehold land is affected by a range of provisions and overlays in the Plan, in full accordance with direction in higher order instruments, such that SASM Chapter provisions are no different. We note that existing use rights are unaffected, in accordance with the Act. The Panel therefore also reject all submissions seeking deletion of the chapter based on actual or perceived imposition on freehold land.

Definitions

179. The Panel recommend amendment to the notified definition of "*cultural landscapes*" based on evidence received that individual SASM have addressed cultural landscapes on a case-by-case basis. We acknowledge the evidence of Mr Madgwick that cultural landscapes will only be identified through SASM and will not otherwise apply in other chapters of the Plan. Submissions on this point are consequently accepted in part where they sought better understanding of the term "*cultural landscapes*" as applied in the Plan. We agree with Ms Easton's recommended amendment to the definition of "*cultural landscapes*" that introduces an advice note to the definition, linking SASM to landscapes where they occur within an ONL. The Panel consider that an addition to the definition is needed to reflect that cultural landscapes are identified within SASM.

180. The Panel have considered the definition proposed for "*cultural materials*", noting that Te Tumu Paeroa did not withdraw their submission point on this definition. The Panel prefer, rather than incorporating the word "*minerals*" in the description of "*cultural materials*" (as proposed by Ms Pull) to specifically include mention of hangi stones, pigments and dyes, aotea

and pounamu as referenced in evidence at the hearing. In reaching that conclusion the Panel is mindful of the different roles of the Crown Minerals Act 1991 and the RMA. The definition of "*cultural materials*" is therefore related to matters around ongoing access to those materials to protect cultural heritage and maintain cultural practices, and adverse effects on those materials, from a variety of activities managed under the jurisdiction of the Plan.

181. The Panel prefers the definition of "*hazardous facilities*" recommended by Ms Easton in her Right of Reply over the evidence of Ms Pull and submitters seeking reference to "*major hazard facilities*" because Ms Easton's recommendation is succinct, relies on the definition of "*hazardous substances*" in the Act without including the text in full, and is consistent with RPS definition referenced by Ms Pull. We agree with Ms Easton that the nature of effects on cultural values from such activities is not dependent on an assessment as to scale (e.g. "*major*" versus "*minor*" facilities). The Panel disagrees with Ms Easton regarding the need for the definition of "*hazardous facilities*" to only apply within the SASM Chapter and consider that where it is relevant to other chapters of the Plan it should similarly apply (e.g. references in relation to port activities). The Panel therefore variously accepts or rejects submission points based on this determination.

182. The Panel prefers Ms Easton's proposed definitions for "*landfill*", "*cleanfill*" and "*cleanfill materials*" in her Right of Reply over the definition recommended by Ms Pull, for the reason that Ms Easton has utilised the definitions in the Planning Standards, which must be given effect to in our recommendations.

183. The Panel consider use of the terms "*plantation forestry*" and "*woodlot*" in the context of the NES-CF. As with recommendations on the Rural Zones Chapter, the Panel rely on differentiation between "*commercial forestry*" and "*plantation forestry*", and "*woodlots*", when making recommendations on specific provisions, as discussed below in the context of each provision.

184. The Panel agree that no definition of the term "*shelterbelts*" is needed in relation to the SASM Chapter, based on recommended provisions.

185. The Panel agree with Ms Pull that rationalisation is required in relation to the definitions of "*waste disposal facilities*", "*wastewater treatment plants*" and "*wastewater disposal facilities*", and that our recommendation must give effect to the Planning Standards. The Panel note that "wastewater" in the Planning Standards includes sewerage, greywater, industrial and trade waste and that therefore the definition of "*wastewater treatment plants*" is inconsistent with those standards, referring to "*human wastewater*". The Panel consider that there is no need for the definition of "*wastewater disposal facilities*" on the basis that the only material difference between that definition and the notified definition of "*wastewater treatment plants*" is that it references disposal as well as treatment, and that one refers to "*facilities*" and the other "*plants*". There is no definition in the Planning Standards, the RPS or the WCLWP to assist. The Panel consider that the Plan should have a single definition across all chapters of the Plan and recommends a preferred definition. The Panel also consider that "*waste disposal facilities*" that are not "*wastewater disposal facilities*" are covered by the definition of "*landfill"* as recommended. The Panel also consider that the definition should align with reference in the definition of "*regionally significant infrastructure*".

186. The Panel recommend use of the term "*regionally significant infrastructure*" within SASM Chapter provisions as relevant given this is consistent with our recommendations on other parts of the Plan.

187. The Panel agree with the recommendation of Ms Easton in relation to providing a definition of "*upper slopes*" as requested by BDC (S538.003 and S538.184). However, we consider that the definition proposed in Ms Easton's Right of Reply should be utilised across the Plan, as relevant, and not just in the SASM Chapter.

Methods

188. The Panel acknowledge the support of submitters at the hearing for proposed **SASM-M1**. The final version of this method as recommended in Ms Easton's Right of Reply did not alter from her original s42A Report. The value of materials proposed to be developed through implementation of the method for the public and landowners affected by SASM is recognised by the Panel. Although there were no submissions that specifically sought such a method, we are satisfied that this mechanism falls within the wide scope of submissions, being somewhere between the Plan as notified and requests to delete SASM based on a lack of knowledge of their values or implications. The Panel consider SASM-M1 to be an appropriate response to those concerns raised by submitters and therefore accept those submissions in part. No refinement to the wording of the method was proposed in evidence of any party, however, we consider that amendment is required to improve readability and include reference to permitted activity processes that were thoroughly canvassed in the hearing.

189. The Panel did not receive evidence seeking to amend proposed **SASM-M2** following the s42A Report, and therefore the proposed provision remained unchanged at the time of Ms Easton's recommendations in her Right of Reply. The Panel do not consider it necessary to include proposed method SASM-M2 in the Plan because it essentially describes a variation or plan change process. The Panel acknowledge that these processes will be needed to amend individual SASMs or include new SASMs in the Plan, with standard procedures for those processes applying at the time. The proposed method, therefore, does not add anything useful, and any public communication around the process for amending SASMs or incorporating new SASMs can be managed outside of the Plan.

190. The Panel received very little evidence on proposed Method **SASM-M3** recommended by Ms Easton in her s42A Report in response to submissions and evidence on Rule SASM-R7, which remained unchanged in her Right of Reply and was not addressed in the JWS, despite that statement being directly concerned with the certification process for permitted activities. We consider that in light of the JWS recommendations, Method SASM-M3 is not required and SASM-M1, as recommended for amendment by the Panel, is sufficient.

191. The Panel agrees with submitters that sought clarification as to the meaning of "*access*" in the SASM Chapter provisions in terms of maintaining or enhancing Ngāi Tahu access to sites and areas. We agree with Ms Perkins for Herenga ā Nuku Aotearoa, that existing use rights are unaffected by the provisions and that there is a role for Herenga ā Nuku in relationship with Poutini Ngāi Tahu to ensure that, where needed, access arrangements are reconsidered on a case-by-case basis where SASM have been identified. We also support the outcome of the JWS that introduced a proposed Method **SASM-M4** to address the concerns of a number of submitters, including GDC, around the matter of access, and in recognition by the planners that Policy SASM-P4 was better suited as a method than a policy. However, the Panel prefer use of the language "*encourage*" in association with formal and informal mechanisms, rather than "*promote*". We accept the recommendation of the JWS without considering any need for further amendment to the proposed method, aside from numbering the method as SASM-M2 because of the recommendation of the Panel in relation to proposed methods SASM-M2 and SASM-M3.

Hearing Panel's Recommendation

192. The Panel recommend the SASM Chapter and Schedule Three are retained in the Plan, with amendments as discussed through this report in relation to specific provisions or SASM.

193. The Panel recommend that the term "*shelterbelts*" is not defined in the Plan.

194. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the to the **Interpretation and Glossary sections** of the Plan and the addition of the following **new methods after the SASM rules**:

Cleanfill area means an area used exclusively for the disposal of cleanfill material.[38]

Cleanfill material means virgin excavated materials including clay, gravel, sand, soil and rock that are free of:

a) combustible, putrescible, degradable or leachable components;

b) hazardous substances and materials;

c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices;

d) medical and veterinary wastes, asbestos, and radioactive substances;

e) contaminated soil and other contaminated materials; and

f) **liquid wastes.**[39]

Cultural landscape means broader geographical areas that hold significant value to Poutini Ngāi Tahu due to the concentration of wāhi tapu or taonga values, or the importance of the area to cultural traditions, history or identity~~.~~**, as identified as part of sSites and Areas of Significance to Māori.**

Advice Note: where Sites and Areas of Significance to Māori have been identified within outstanding natural landscapes the values associated with those sites and areas have been included within the descriptions in Schedule Five: Outstanding Natural Features and Landscapes – Te Rārangi Tuarima: Ngā Whenua Aotūroa Puru Rourou.[40]

Cultural materials means hangi stones, pigments and dyes, aotea and pounamu, plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture[41]

[38] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027
[39] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027
[40] WMS Group (HQ) Limited and WMS Land Co. Limited, S599.008
[41] Te Tumu Paeroa – the Office of the Māori Trustee, S440.010

Hazardous facilities means activities that involve the manufacturing and disposal of hazardous substances.[42]

Landfill means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.[43]

Upper slopes means the area within a 50 metre radius (measured on the horizontal plane) from the summit of the mountain or hill.[44]

Wastewater treatment facilities means municipal or community scale facilities for the treatment and disposal of wastewater, excluding domestic septic tank/on site and dairy shed effluent treatment and disposal facilities.[45]

~~**Ahikaroa**~~ **ahi kā roa** continuous occupation

SASM – M1:[46]

Councils to develop and provide, in partnership with Poutini Ngāi Tahu, the following:

a. written protocols to guide engagement with Poutini Ngāi Tahu for permitted activities (including the certification process), resource consents or plan change applications; and

b. guidance for the public on how to apply for a resource consent for an activity on a site containing an identified Site and Area of Significance to Māori;

c. information available for landowners of identified Sites and Areas of Significance to Māori and their values, including the nature and form of that information.

SASM – M2:[47]

The Councils in partnership with Poutini Ngāi Tahu will encourage the provision or development of access for Poutini Ngāi Tahu to identified Sites and Areas of Significance to Māori listed in Schedule Three through a range of methods, including:

a. Formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or

[42] Te Tai o Poutini Plan Committee S171.011, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027, Avery Brothers S609.003, Grey District Council S608.005, Peter Langford S615.003, Karamea Lime Company S614.003, Koiterangi Lime Co LTD S577.003, Catherine Smart-Simpson S564.006, William McLaughlin S567.042, Steve Croasdale S516.002, Geoff Volckman S563.003, Leonie Avery S507.003, Jared Avery S508.003, Kyle Avery S509.003, Avery Bros S510.003, Bradshaw Farms S511.003, Paul Avery S512.003, Brett Avery S513.003, Chris J Coll Surveying Limited S566.362, Chris & Jan Coll S558.362, Laura Coll McLaughlin S574.362, Buller District Council S538.003

[43] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027

[44] Buller District Council S538.003 and S538.184

[45] Te Tai o Poutini Plan Committee, S171.011

[46] A large number and variety of submission points were relied upon to support the introduction of SASM-M1 including Buller District Council 538.183, Michael Robson S327.002, Bernard Hands S350.001, Anne Chapman S425.002, Misato Nomura S151.004

[47] A number of submitters, including Grey District Council S608.016, Stephen Page S270.010, Horticulture New Zealand S486.026, Federated Farmers of New Zealand S524.050

b. **Informal arrangements or understanding between landowners and local Poutini Ngāi Tahu hapū and/or marae.**

2.2. SASM Overview

Submissions and Further Submissions

195. Eight submissions points relating to the Overview section of the SASM Chapter were summarised in a Table on pages 27-28 of the s42A Report, from three submitters (Poutini Ngāi Tahu (S620), Māwhera Inc (S621) and Forest & Bird (S560)). All submission points sought amendments to the wording in the Overview.

196. The Panel adopts these summaries and has considered the relevant submissions.

Section 42A Report

197. The s42A Report supported the submission point of Māwhera Inc. that sought clarification that all pounamu within the catchment of the Arahura River is vested with them (S621.019). Ms Easton supported the Poutini Ngāi Tahu submission in part (S620.113) because she recognised the complexity of pounamu ownership, which was simplified in the notified version of the Plan. Ms Easton noted there were three types of pounamu ownership, with Te Rūnanga o Ngāi Tahu, Māwhera Inc. and with landowners that can prove "*Victorian title*". She supported amending the wording of the Overview to reflect this situation, as follows:

> Pounamu and Aotea are taonga of Poutini Ngāi Tahu. Under the Pounamu Vesting Act, all pounamu owned by the Crown on the West Coast/Tai o Poutini **was vested in** ~~is owned by Poutini~~ Te Rūnanga o Ngāi Tahu. **In the case of the pounamu in the Arahura Catchment, this has in turn been vested in Māwhera Incorporation**. ~~Their presence~~ **Pounamu** is widespread across parts of the West Coast/Tai o Poutini.

198. Ms Easton noted the assertion of Māwhera Inc. that they have mana whenua status within Te Tai o Poutini (S621.017, S621.027, S621.918 and S621.020) and their request for wording changes in the Overview. She referred back to the Introduction and General Provisions s42A Report where she outlined that Poutini Ngāi Tahu, as defined in the Plan (Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio), are mana whenua as described in law. She agreed that members of Māwhera Inc. and other Māori landowners may whakapapa to Poutini Ngāi Tahu but that as entities they do not have mana whenua status in terms of the RMA definition.

199. Ms Easton considered the request of Māwhera Inc. that the chapter instead refer to "*Sites and Areas of Significance to Poutini Kāi Tahu Iwi*" and did not believe this was possible due to the mandatory directions in the Planning Standards. She agreed, however, that the chapter did not address sites and areas of significance to Māori generally and only identified sites and areas of significance to Poutini Ngāi Tahu, so she supported the submission in part.

200. Ms Easton supported the submission of Forest & Bird (S560.189) that sought the addition of a section similar to other chapters of the Plan that provided for cross-references to other chapters. She provided recommended wording in her Appendix 1 for the '*Other relevant Te Tai o Poutini Plan provisions*' section of the Overview that was missing from the notified Plan.

Hearing and Submitter Evidence/Statements

201. Poutini Ngāi Tahu and Māwhera Inc. both provided evidence at the hearing that is discussed in the SASM General/Whole Chapter section of this Report above, which influenced the recommendations on the Overview section in the s42A Report and Right of Reply.

Reporting Officer Reply Evidence

202. In her Right of Reply, Ms Easton updated her recommendation on the Other Relevant Te Tai o Poutini Plan Provisions section of the Overview to include reference to the Ecosystems and Biodiversity chapter, as follows:

> **Other relevant Te Tai o Poutini Plan provisions**
>
> It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant for sites and areas of significance to Māori, including:
> • Historic Heritage - the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One. It also contains Objectives and Policies that are also relevant to Sites and Areas of Significance to Māori.
> • Notable Trees - the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in this schedule due to their Poutini Ngāi Tahu values.
> • Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas significant.
> • Subdivision - the Subdivision Chapter contains provisions which relate to the subdivision of land with sites and areas of significance to Māori- in particular Rules SUB - R10 and SUB - R17;
> • Financial Contributions - the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where heritage items, including sites and areas of significance to Māori are protected.
> • Activities on the Surface of Water – the Activities on the Surface of Water chapter contains provisions for the surface of waterbodies. In some instances, activities are restricted on some waterbodies due to the potential impacts on Poutini Ngāi Tahu values.
> • Ecosystems and Biodiversity – The Ecosystems and Biodiversity Chapter contains provisions for the management of indigenous vegetation and biodiversity. This includes provisions relating to indigenous vegetation clearance in the coastal environment.
> • Appendix Ten - This appendix contains NZAA listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in this appendix for information purposes. Like all archaeological sites, these are protected under the Heritage New Zealand Pouhere Taonga Act 2014.

Hearing Panel's Evaluation

203. The Panel considers that a clear statement is required at the outset of the Overview section, in response to the submission from Māwhera Inc. (S621.021), to indicate that while the title of the chapter references "*Māori*" generally, the chapter only references sites and areas of significance to Poutini Ngāi Tahu. The Panel also considers that recognition of Māori freehold land within SASM is warranted.

204. The Panel agrees with Ms Easton that amendment is needed to the section of the Overview that discusses pounamu in response to the evidence from Māwhera Inc., Te Tumu Paeroa, and also submitters that sought to demonstrate "*Victorian title*". These matters are further discussed in relation to recommendations on the Pounamu Management Area overlay and the Aotea Management Area Overlay. The Panel has amended the wording to clarify the nature of the mining permit referenced in relation to aotea.

205. The Panel note that some mapped Sites and Areas of Significance to Māori in the plan extend in to the coastal marine area. The Panel therefore consider it important to make it clear that the jurisdiction of the Plan is limited to landward of the coastal marine area, above mean high water springs.

206. The Panel agrees with Ms Easton that a new section, similar to other chapters, be added to reference other relevant Te Tai o Poutini provisions; and that it should contain the wording proposed by Ms Easton, with the exception that the Panel also considers it important to reference Appendix Ten in relation to the Historic Heritage Chapter provisions, consistent with Panel recommendations on Appendix Ten which is discussed later in this Report. The Panel also recommends minor changes to the wording proposed by Ms Easton to improve readability.

Hearing Panel's Recommendation

207. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **SASM – Ngā Wāhi Tāpua ki Māori Overview**:

Overview

The Sites and Areas of Significance to Māori -Ngā Wāhi Tāpua ki te Māori Chapter only relates to identified sites and areas of significance to Poutini Ngāi Tahu. A number of sites and areas are Māori land[48].

The West Coast/Te Tai o Poutini Councils acknowledge Poutini Ngāi Tahu as mana whenua. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are the only elected and mandated bodies with authority to represent and administer to all Poutini Ngāi Tahu interests. The West Coast/Te Tai o Poutini Councils also acknowledge Te Rūnanga o Ngāi Tahu as the Iwi Authority with jurisdiction over the West Coast/Te Tai o Poutini. They have legal mandate to represent wider Ngāi Tahu whānui interests, and support the positions of Poutini Ngāi Tahu.

Poutini Ngāi Tahu live and travel extensively across the West Coast/Te Tai o Poutini ~~and,~~ and have historical and ongoing cultural connections with land and waterways throughout the area. There are a wide range of sites and areas of significance to Māori, these include:

- Cultural Landscapes - or areas of association. These are areas with significant associations to cultural traditions, history or identity and include ancestral maunga;
- Wāhi taonga – places that are treasured due to their high intrinsic values and their role in maintaining a balanced and robust ecosystem, sustaining quality of life and providing for the needs of present and future generations.
- Mahinga kai - Mahinga kai is central to the Poutini Ngai Tahu way of life. Mahinga kai includes the gathering of food and natural materials and the places where these resources are gathered. The mahinga kai custom of producing or procuring food resources from a range of resources throughout the region on a seasonal basis is a fundamental practice. Mahinga kai resources include kai/food, rokoa/medicine, other materials such as feathers and fibres;
- Wāhi tapu - sacred sites or areas held in reverence according to whakapapa. They may be associated with tāngata whenua creation stories, particular events or ceremonies, or valued resources, and include sites such as urupā, pā, tuhituhi o neherā, and tauranga waka;

[48] The Proprietors of Māwhera Incorporation S621.021

• Pounamu and Aotea management areas - Pounamu and Aotea are taonga of Poutini Ngāi Tahu. Under the Pounamu Vesting Act, all pounamu on the West Coast/Tai o Poutini ~~is owned by Poutini~~ **formerly owned by the Crown was vested in Te Rūnanga o**-Ngāi Tahu. **In the case of pounamu in the Arahura River catchment, this has in turn been vested in Māwhera Incorporation.**[49] ~~Their presence~~ **Pounamu** is widespread across parts of the West Coast/Tai o Poutini. Aotea is only found in the Makaawhio River, over which Te Rūnanga o Ngāi Tahu hold a statutory acknowledgement and Te Rūnanga o Makaawhio hold a ~~Crown M~~**m**ining ~~P~~**p**ermit **under the Crown Minerals Act 1991.**[50] **There may be circumstances where Victorian title applies to an area of land[51].**

In parallel with the process of identifying significant sites and areas, threats to the values of the sites and areas from a range of land use activities have been considered. Based on this, the approach to management of activities agreed with Poutini Ngāi Tahu is a layered approach with the following characteristics:

1. In some locations a resource consent is needed for a range of activities that could adversely affect cultural values of these areas. Different types of activities affect the different cultural values and some sites need a higher degree of management and oversight by Poutini Ngāi Tahu than others. Different rules relate to different Sites and Areas of Significance to Māori, and these are identified within the Rule, and cross referenced to the description in Schedule Three.
2. Across the region as a whole, policies and matters of discretion provide for consideration of effects on cultural values, particularly when consent is required for key activities with the potential to impact on cultural values, and there are also enabling provisions for customary harvest or other cultural practices of benefit to Poutini Ngāi Tahu.

Sites and Areas of Significance to Māori are listed and described in Schedule Three and mapped on the planning maps. Where mapped areas extend in to the coastal marine area, provisions of this plan only apply landward of the coastal marine area (mean high water springs).

Other relevant Te Tai o Poutini Plan provisions[52]

It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant to Sites and Areas of Significance to Māori, including:

• Historic Heritage – the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One. It also contains objectives and policies that are relevant to Sites and Areas of Significance to Māori and Appendix Ten. Appendix Ten contains New Zealand Archaeological Association listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in Appendix Ten for information purposes. Like all archaeological sites, these are protected under the Heritage New Zealand Pouhere Taonga Act 2014[53].
• Notable Trees – the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in Schedule Two due to their Poutini Ngāi Tahu values.

[49] The Proprietors of Māwhera Incorporation S621.019
[50] RMA First Schedule, Clause 16
[51] Ridgeline 3 Investments Limited S127.001
[52] Royal Forest & Bird Protection Society of New Zealand Inc S560.189
[53] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.100

• Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the outstanding landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas outstanding.
• Subdivision – the Subdivision Chapter contains provisions which relate to the subdivision of land within Sites and Areas of Significance to Māori, in particular rules SUB-R10 and SUB-R17.
• Financial Contributions – the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where heritage items, including Sites and Areas of Significance to Māori, are protected.
• Activities on the Surface of Water – the Activities on the Surface of Water Chapter contains provisions for the surface of waterbodies. In some instances, activities are restricted on some waterbodies due to the potential impacts on Poutini Ngāi Tahu values.
• Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains provisions for the management of indigenous vegetation and biodiversity. This includes provisions relating to indigenous vegetation clearance in the coastal environment.

2.3. SASM Objectives

Submissions and Further Submissions

208. On the SASM objectives as a whole there were a total of seven submissions points and no further submissions, with six in support and one seeking amendment.

209. In relation to Objective **SASM-O1,** there were four submissions points (one in support, two opposed and one seeking amendment) and three further submissions.

210. In relation to Objective **SASM-O2,** there were eight submissions points (two in support, three supporting in part, one opposed, one opposing in part, and one seeking amendment) and seven further submissions. Te Tumu Paeroa later withdrew their submission point (S440.017).

211. In relation to Objective **SASM-O3,** there were seven submissions points (two in support, one opposed, one opposing in part, and three seeking amendment) and eight further submissions.

212. All the submissions on SASM objectives were summarised in a table on pages 31-34 of the s42A Report. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

Section 42A Report

213. The s42A Report supported in part the submission of J P Parson (S335.001) that sought definitions to assist with interpretation of "*broad brush*" statements in the objectives. Ms Easton considered that detail was better suited to policies and rules, whereas objectives often contain broad statements of direction. She also supported the submitter's point that there needed to be appropriate engagement with rūnanga, which she linked to her recommendation for new Method SASM-M1.

214. In relation to Objective **SASM-O1**, Ms Easton did not support the submission of Stephen Page (S270.019) that requested the objective be written in English only. She considered that the two Te Reo Māori terms in the objective, tino rangatiratanga and kaitiakitanga, were well defined and understood in case law, in planning and general usage, and reflected Te Reo Māori as an official language of New Zealand. She also supported continued use of the terms because the concepts were more accurately communicated in Te Reo Māori than in English. Kristy Henderson (S125.005) and Helen Carter (S209.002) were similarly concerned with use

of the terms due to their potential impact on private property. Ms Easton noted identification and regulation of SASM was similar to other chapters of the Plan that regulated land use activities, particularly in relation to the protection of matters of national importance. She also considered that it was for Poutini Ngāi Tahu to determine impacts on cultural values and the terms were used in that context. She therefore did not recommend any changes to the objective in response to submissions.

215. In relation to Objective **SASM-O2**, Ms Easton did not support the submission of Stephen Page (S270.006) that sought recourse to the Māori Land Court in relation to access, maintenance and use of SASM because of direction in higher order instruments. In response to a number of submitters concerned about reference to "*access*"[54], she considered that there was consistency between Objective SASM-O2 and Objective PA-O1 in terms of thinking about access and how it is maintained or enhanced. She did not support excluding private land from the objective as she considered it necessary to provide a pathway for Māori to be able to maintain their relationships, whilst giving appropriate consideration to the rights and responsibilities of landowners. She favoured requiring agreement for access on private land. She did not recommend any changes to the objective in response to submissions.

216. In relation to Objective **SASM-O3**, Ms Easton responded to submitters concerned about how to interpret what is "*appropriate*" or "*inappropriate"* subdivision, use and development with reference to section 6 of the RMA and other objectives in the Plan, such as Objective ECO-O2. She pointed towards the policies and rules as expanding on the activities envisaged within SASM, particularly policies SASM-P10 through to SASM-P15; and therefore, did not support the submissions (Kirsty Henderson (S125.007) and Stephen Page (S270.007)). She also responded to mining companies[55] concerned that the objective may not provide an adequate consenting pathway where minerals coincide with SASM, particularly mineral sands in beach locations. The submitters sought that SASM be protected from effects rather than from activities, but Ms Easton reiterated that the wording proposed came directly from the RMA and section 6(f) in particular. Ms Easton did not recommend any changes to the objectives in response to submissions.

Hearing and Submitter Evidence/Statements

217. Ms Rusher, legal counsel for GDC, emphasised that protection did not mean that activity must not occur, but rather that it must be determined how to provide for the significance of the site without unreasonably restricting other activities. She noted GDC's concern regarding "*access*" referenced in the objectives and policies, which Ms Rusher submitted is not required to give effect to section 6(e), and sought removal of these references.

218. Mr McEnaney, for GDC, also raised concerns with use of the phrases "*access, maintain and use*" in the objectives and policies because it implied that a landowner must provide physical access to a SASM. He disagreed with the s42A Report that providing for a SASM as a matter of national significance required physical access. Mr McEnaney could not find other examples of district plans that provided for physical access in a SASM objective, although he acknowledged this was provided in some district plans at the policy level. His analysis of other district plans indicated a focus at the objective level on identification, protection and

[54] Helen Carter S209.003, Kirsty Henderson S125.006, Grey District Council S608.013, Horticulture New Zealand S486.025, Federated Farmers of New Zealand S524.048, and Te Tumu Paeroa S440.017, although this last submission point was later withdrawn

[55] WMS Group (HQ) Limited and WMS Land Co. Limited S599.036, TiGa Minerals and Metals Limited S493.032, and Birchfield Ross Mining Limited S604.021

recognition of SASM. He requested that all instances of "*access, maintain and use*" be replaced with "*recognise, protect and maintain*".

219. In relation to Objective **SASM-O1**, Mr McEnaney acknowledged recognition of Poutini Ngāi Tahu relationship with ancestral lands, higher order instruments and the importance of Poutini Ngāi Tahu involvement in decision-making where values are threatened. He sought the following changes in his Appendix 1:

> **SASM – O1**
>
> Sites and areas of significance to ~~Poutini Ngāi Tahu~~ Māori are identified, recognised and ~~identified~~ managed ~~and Poutini Ngāi Tahu are actively involved in decision making that affects their values to provide for tino rangatiratanga and kaitiakitanga~~, to ensure their long-term protection for future generations.

220. In relation to Objective **SASM-O2,** Ms Pull, for Poutini Ngāi Tahu, responded to the submission of Te Tumu Paeroa on SASM-O2, which was subsequently withdrawn through discussions between the parties. Ms Pull's recommendation, prior to formal withdrawal by Te Tumu Paeroa, was for the objective to state:

> **SASM - O2**
>
> Poutini Ngāi Tahu are enabled through formal and informal access arrangements with landowners, to maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.

Ms Pull considered "*enabled*" to be more respectful of private property rights, in conjunction with a process involving the formation of arrangements, which may be offered as part of a resource consent application, for example. She saw this as providing a clear connection to the landowner arrangements referred to in Policy SASM-P4.

221. Mr James Sutherland, for West Coast Federated Farmers, requested that access be granted with landowners' consent only, due to safety concerns associated with a working farm environment. He stressed the importance of building relationships between the parties, early engagement and transparency, and indicated that farmers are often happy to enable access under the right conditions.

222. Mr McEnaney, for GDC, reiterated opposition to providing for physical access to lands in private ownership. He considered that agreement with landowners was necessary, or that the objective should apply to public land only and link to Objective PA-O1. He indicated some consistency with Poutini Ngāi Tahu evidence. He sought the following changes in his Appendix 1:

> **SASM - O2**
>
> The relationship of Poutini Ngāi Tahu with sites and areas of significance to Māori is recognised and provided for and are involved in decision making that affects their values to provide for tino rangatiratanga and kaitiakitanga ~~are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes~~.

223. In relation to a new Objective **SASM-O3,** Mr McEnaney expressed support for the objective to protect SASM sites from inappropriate subdivision, use and development.

224. In relation to a new Objective **SASM-O4,** Mr McEnaney proposed the following wording in his Appendix 1, although he did not specifically address the new objective in the body of his evidence:

> **SASM O4**
>
> Develop partnership between the Council, landowners and tangata whenua in the management of sites and areas of significance.

Reporting Officer Reply Evidence

225. Ms Easton did not further address the objectives in her Right of Reply.

Hearing Panel's Evaluation

226. The Panel notes that GDC did not submit on objectives SASM-O1 and SASM-O3 specifically. However, Mr McEnaney's proposed changes to SASM-O2 from his Appendix 1 are akin to notified SASM-O1. On this basis, the Panel understand that GDC are comfortable with the wording of SASM-O1. Otherwise, the Panel has only considered the GDC submission on SASM-O2 and has not further assessed Mr McEnaney's proposed SASM-O4, although the Panel note that partnership approaches may be undertaken outside of and apart from the provisions of the Plan.

227. In relation to Objective **SASM-O1**, the Panel agrees with Ms Easton, including her reasoning, that no amendment is required to this objective in response to submissions and evidence.

228. In relation to Objective **SASM-O2**, the Panel prefer some amendment to the wording put forward by Ms Pull to address concerns from submitters about use of the term "*access*" in this objective. Ms Pull built on the wording first proposed by Te Tumu Paeroa, based on the submission point that has since been withdrawn. The Panel observe that Federated Farmers have requested amendment to the objective with regards to landowner agreement around any access to private property (S524.048) but did not provide any recommended wording. However, the Panel consider that amendment to the wording put forward by Ms Pull is appropriate to address Federated Farmers' submission point, in light of the evidence received from Mr Sutherland, and the submission point of Kirsty Henderson (S125.006). The Panel consider that reference to agreement with landowners provides a clear link to notified Policy SASM-P4, which is recommended to become new Method SASM-M2.

229. In relation to Objective **SASM-O3**, the Panel agrees with Ms Easton that no change is required to the objective in response to submissions and evidence, in particular because the objective is consistent with section 6(f) of the RMA.

Hearing Panel's Recommendation

230. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **SASM Objectives**:

SASM – O1	Sites and areas of significance to Poutini Ngāi Tahu are recognised and identified and Poutini Ngāi Tahu are actively involved in decision-making[56] that affects their values to provide for tino rangatiratanga and kaitiakitanga.
SASM – O2	Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes **with landowner agreement**[57].
SASM – O3	The values of sites and areas of significance to Māori and cultural landscapes are protected from inappropriate subdivision, use and development,[58] including inappropriate modification, demolition or destruction.

2.4. SASM Policies

Submissions and Further Submissions

231. On the SASM policies as a whole, there were a total of two submissions points in support.

232. In relation to Policy **SASM-P1,** there were 11 submissions points (six in support and five seeking amendments) and seven further submissions. The mining companies[59] sought that the wording change to indicate protection from "*significant adverse effects of*" inappropriate sub-division, use and development. GDC (S608.014) sought removal of reference to "*access*", while Westpower Limited (S547.204) sought addition of the word "*inappropriate*".

233. In relation to Policy **SASM-P2** there were nine submissions points (six in support, one supporting in part, one opposed and one seeking amendment) and no further submissions. Westpower Limited (S547.205) sought to remove clause (a), Stephen Page (S270.008) sought a clear process for identification of any further SASM, and Federated Farmers (S524.049) sought an explanation of the values of sites and areas.

234. In relation to Policy **SASM-P3** there were seven submissions points (five in support, one supporting in part, and one seeking amendment) and one further submission. HNZPT (S140.034) sought reference to an archaeological authority being issued by HNZPT, and that there would be no need to follow the Accidental Discovery Protocol when an authority was issued, which was opposed by Poutini Ngāi Tahu. Poutini Ngāi Tahu (S620.114) sought deletion of reference to "*urupā*" and addition of reference to "*taonga*".

235. In relation to Policy **SASM-P4** there were nine submissions points (eight in support and one opposed) and one further submission. Stephen Page (S270.010) sought clarification of the process if informal arrangements were unsuccessful.

236. In relation to Policy **SASM-P5** there were seven submissions points (five in support, one supporting in part[60], and one opposed) and one further submission, although Te Tumu Paeroa later withdrew their submission point (S440.018). Kristy Henderson (S125.008) sought clarification of what tino rangatiratanga and kaitiakitanga meant in relation to private landowners and particular SASM.

[56] RMA Schedule One.Clause 16
[57] Federated Farmers of New Zealand – West Coast S524.048, Kirsty Henderson S125.006
[58] RMA Schedule One.Clause 16
[59] WMS Group (HQ) S599.037, TiGa Minerals and Metals Limited S493.033 and Birchfield Ross Mining Limited S604.022
[60] Te Tumu Paeroa later withdrew this submission point

237. In relation to Policy **SASM-P6** there were 10 submissions points (five in support and five seeking amendment) and four further submissions. Minerals West Coast (S569.020) sought reference to "*or their authorised representatives or contractors*" in the policy, while the mining companies[61] sought to include the word "*intentional*".

238. In relation to Policy **SASM-P7** there were nine submissions points (two in support, one opposed and six seeking amendments) and eight further submissions. Kenneth Doig (S172.002) sought recognition of "*Victorian title*". Stephen Page (S270.011) sought clarity around what was "*inappropriate*" and what the values, interests and associations are. The mining companies[62] and GDC (S608.017) sought to change the word "*minimise*" to "*manage"*, while Westpower (S547.206) sought that "*minimise*" change to "*avoid, remedy or mitigate*".

239. In relation to Policy **SASM-P8** there were 10 submissions points (three in support, one opposing in part, and six seeking amendments) and eight further submissions. HNZPT (S140.038) sought reference to an archaeological authority being issued by HNZPT, and that the Accidental Discovery Protocol need not be followed when an authority is issued, and the Director General (S602.057) sought reference to engagement with HNZPT. GDC (S608.018) sought to change "*avoid*" to "*mitigate*". The mining companies[63] sought reference to "*operational need*", as did Transpower (S299.024). Westpower (S547.208) sought further amendments.

240. In relation to Policy **SASM-P9** there were four submissions points (two in support, one opposing in part, one opposed and one seeking amendment) and two further submissions. Westpower (S547.209) sought that "*minimise*" change to "*avoid, remedy or mitigate*" in sub-clause (a). GDC (S608.019) sought to change "*minimise*" to "*mitigate*".

241. In relation to Policy **SASM-P10** there were three submissions points (two in support and one seeking amendment) and no further submissions. The Director General (S602.058) sought to allow for land disturbance during the installation of fence posts. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.006) sought cross-referencing to ensure no loss of public access where it currently exists.

242. In relation to Policy **SASM-P11** there were six submissions points (one in support, one opposing in part, two opposed and two seeking amendments) and eight further submissions. The mining companies sought deletion of clause (a)[64] and Rocky Mining Ltd (S474.038) did not want a presumption of adverse effect in the policy. Kenneth Doig (S172.002) wanted recognition of "*Victorian title*". GDC (S608.020) sought deletion of all words after "*sites*" so that the policy stops before the words "*by avoiding*".

243. In relation to Policy **SASM-P12** there were three submissions points (one in support, one opposed and one seeking amendment) and two further submissions. The mining companies[65] sought deletion of the policy or amendment to exclude minerals prospecting, exploration and extraction.

244. In relation to Policy **SASM-P13** there were 14 submissions points (five in support, one supporting in part, two opposing in part, two opposed, and four seeking amendments) and

[61] WMS Group (HQ) S599.038, TiGa Minerals and Metals Limited S493.034, Birchfield Ross Mining Limited S604.023 and Birchfield Coal Mines Limited S601.030
[62] WMS Group S599.039, TiGa Minerals and Metals Limited S493.035, Birchfield Ross Mining Limited S604.024
[63] WMS Group (HQ) Limited and WMS Land Co. Limited S599.040, TiGa Minerals and Metals Limited S493.036, Birchfield Ross Mining Limited S604.025
[64] WMS Group (HQ) Limited and WMS Land Co. Limited S599.041, and TiGa Minerals and Metals Limited S493.037
[65] WMS Group (HQ) Limited and WMS Land Co. Limited S599.042, and TiGa Minerals and Metals Limited S493.038

seven further submissions. Frida Inta and the Buller Conservation Group (S553.056 and S552.056) sought reference to other rules around indigenous vegetation clearance in sub-clause (d). Fish & Game (S302.003) sought additional reference to lawful recreational and conservation activities. Kirsty Henderson (S125.004) sought clarification on what "*critical infrastructure*" meant, and Stephen Page (S270.012) sought clarification on access to private property and what the identified values were. Westpower (S547.210) sought to replace "*protected*" with "*maintained or potential effects managed*" and sought separate reference to "*existing energy activities*". GDC (S608.021) sought to delete all words after "*protected*". Manawa (S438.070) sought reference to "*regionally significant infrastructure*".

245. In relation to Policy **SASM-P14** there were 11 submissions points (six in support, one supporting in part[66], two opposed and two seeking amendments) and five further submissions, although Te Tumu Paeroa later withdrew their submission point. Kirsty Henderson (S125.002) sought deletion of the policy to allow for landowners and business owners to make improvement without undue cost or uncertainty. Helen Carter (S209.004) sought to exclude private land. Stephen Page (S270.013) sought to clarify what measures might arise from the policy and how access might occur. GDC (S608.022) sought to delete clause (d).

246. In relation to Policy **SASM-P15** there were 12 submissions points (seven in support, one supporting in part[67], two opposed and two seeking amendments) and seven further submissions, although Te Tumu Paeroa later withdrew their submission point. The mining companies[68] sought to delete the words "*any other*" from the policy. Kirsty Henderson (S125.003) sought deletion of the policy to allow for landowners and business owners to make improvement without undue cost or uncertainty. Westpower (S547.213) sought substantial amendments to the policy.

247. All the submissions on SASM policies were summarised in a table on pages 37-52 of the s42A Report. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

248. In relation to Policy **SASM-P1**, Ms Easton supported the submission of Westpower and recommended introduction of the word "*appropriate*" to the policy, which also partly supported the submissions of the mining companies. However, she did not support reference to "*significant adverse effects*" because this did not reflect section 6 of the Act.

249. In response to GDC's concerns around the term "access", Ms Easton considered that there should be agreement with landowners and therefore supported the submission in part.

250. She recommended that the policy be amended to read as follows:

> **SASM – P1**
>
> Protect Poutini Ngāi Tahu cultural landscapes from adverse effects of inappropriate subdivision, use and development while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu access and cultural use in agreement with affected landowners.

[66] Te Tumu Paeroa subsequently withdrew this submission point.
[67] Te Tumu Paeroa subsequently withdrew this submission point.
[68] WMS Group (HQ) Limited and WMS Land Co. Limited S599.043, and TiGa Minerals and Metals Limited S493.039

251. In relation to Policy **SASM-P2**, Ms Easton supported the submission of Mr Stephen Page (S270.008) and Federated Farmers (S524.049) that sought clarity around the process for identifying any further SASMs and including those in Schedule 3, and in response proposed a new method addressing the point, utilising similar wording as in the Historic Heritage chapter, as follows:

> **SASM – M2**
>
> The TTPP Committee will consider the merits of inclusion of additional sites and areas of significance to Māori in the Plan as part of their regular monitoring of Plan implementation. Where Poutini Ngāi Tahu identify any further sites or areas they seek to be scheduled these will need to be accompanied by an appropriate cultural assessment that outlines the values of the site or area. Evidence of consultation with the owner of the area or site should also be provided. Where such an assessment and evidence of consultation and its outcomes is provided to the TTPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so schedule the site or area via a Committee - initiated Plan Change.

252. Ms Easton noted that there were 24 different values identified for SASM in Schedule Three, which reflected the context specific nature of understanding what is present and how it might be affected.

253. In response to Westpower (S547.205) Ms Easton agreed that the policy should be focussed on identification rather than protection so recommended amendment to the policy as follows:

> **SASM – P2**
>
> Work with Poutini Ngāi Tahu to identify and list sites and areas of significance to Poutini Ngāi Tahu in Schedule Three ~~and protect the identified values of the sites and areas~~.

254. In relation to Policy **SASM-P3**, Ms Easton supported the submissions of HNZPT and Poutini Ngāi Tahu in part. She emphasised that SASM were not archaeological sites, although they may contain such sites. She considered that the submissions were best addressed through amendment to the Accidental Discovery Protocol, rather than the policy so she did not recommend any changes to SASM-P3 in response to submissions.

255. In relation to Policy **SASM-P4**, Ms Easton responded to the submission of Stephen Page by clarifying that it would not be the role of council to assist in landowner agreement and that it would be up to the parties to arrange. She also referred to new Method SASM-M1 in response to the submitter's concerns. She noted at the hearing that the language of the policy was supportive of access rather than compulsive.

256. In relation to Policy **SASM-P5**, Ms Easton responded to the concerns of Kristy Henderson by referring to the RMA definition of "*kaitiakitanga*" and she considered that guidance developed through new Method SASM-M1 would assist in addressing the concerns of the submitter.

257. In relation to Policy **SASM-P6**, Ms Easton supported in part the submission of Minerals West Coast, with reference to the further submission of Poutini Ngāi Tahu (SS41.265) but preferred the solution offered by Poutini Ngāi Tahu with the words "*avoid the unauthorised deliberate disturbance"* rather than the words "*or their authorised representatives or contractors*" as sought by Minerals West Coast. She therefore recommended amendment to the policy as follows:

SASM – P6

Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāī Tahu and avoid the unauthorised deliberate disturbance or removal of this resource by non-hapū members.

258. In relation to Policy **SASM-P7**, Ms Easton considered that the submission of Kenneth Doig in relation to "*Victorian title*" was better suited to a different policy. In response to Stephen Page, she referred to RMA section 6(f) and the word "*inappropriate*", which she noted was elaborated on in policies SASM-P10 to SASM-P12. She referred to Schedule Three in relation to values identified by Poutini Ngāi Tahu and considered that guidance developed through new Method SASM-M1 would assist. In terms of potential replacements for the word "*minimise"* Ms Easton dismissed them because she considered "*minimise*" related well to the requirement to "*protect*" under section 6(f). She therefore did not recommend any changes to Policy SASM-P7.

259. In relation to Policy **SASM-P8**, Ms Easton responded to the Director General's submission requesting wording that signalled engagement with HNZPT, which was not supported by HNZPT in further submission, so was not supported in the s42A Report. Ms Easton also referred to amendment to the Accidental Discovery Protocol as the appropriate response to HNZPT requested policy wording changes. Ms Easton supported additional reference to "*operational need*" as requested by the mining companies and Transpower, similar to recommendations in other chapters, but did not support further additions requested by Westpower. She also considered "*where practicable*" was too diluted in terms of the intent of the policy, in relation to Westpower requests, and that "*protect*" was the appropriate term to reflect the RMA, so overall, she only supported Westpower in part in relation to "*operational need*". She did not support the submission of GDC because she considered the use of "*avoid*" allowed for mitigation of any residual effects that could not be avoided in the wording of the policy. She recommended amendment to the policy as follows:

SASM – P8

Where an activity is proposed within any site or area of significance to Māori identified in Schedule Three ensure that:

a. Engagement with Poutini Ngāi Tahu occurs to ensure that effects of the activity on the values of the site or area are understood;

b. The accidental discovery protocol in Appendix Four is adopted for any earthworks;

c. Any adverse effects on identified values are avoided, unless it can be demonstrated that due to the functional needs or operational needs of the activity it is not possible to avoid all adverse effects; and …

260. In relation to Policy **SASM-P9**, Ms Easton supported the submission of Westpower to replace "*minimise*" with *"avoid, remedy or mitigate*" in the context of this policy because it was not protecting the sites themselves so can be less stringent. She also considered that indigenous biodiversity and waterbodies are subject to other provisions in the Plan. She therefore partially supported the submission of GDC, as follows:

SASM – P9

> Require that activities within identified sites and areas of significance to Poutini Ngāi Tahu that support taonga species and mahinga kai resources as identified in Schedule Three:
>
> a. ~~Minimise~~ Avoid, remedy or mitigate adverse effects on indigenous habitats and waterbodies;
> …

261. In relation to Policy **SASM-P10**, Ms Easton supported the submission of the Director General to include land disturbance for the installation of fence posts because there was potential to adversely affect the upper slopes and peaks of ancestral maunga. Ms Easton did not support the submission of Herenga ā Nuku Aotearoa Outdoor Access Commission because she did not consider that public access to culturally sensitive sites should continue if such access was inappropriate. She therefore considered that public access needed to be considered on a case-by-case basis. Ms Easton recommended the following wording changes to the policy:

> **SASM – P10**
>
> Restrict buildings, structures, forestry, network utility structures, installation of fence posts, mining and earthworks on the upper slopes and peaks of ancestral maunga as identified in Schedule Three.

262. In relation to Policy **SASM-P11**, Ms Easton did not support the submissions of the mining companies to have mining and quarrying removed as inappropriate activities because Poutini Ngāi Tahu had indicated that earthworks and land disturbance posed the greatest risks to cultural values within SASM. Ms Easton supported the submission of Kenneth Doig who referenced *"Victorian title*" but did not think that SASM-P11 was the right place to address the matter, which she considered would be best suited to a standalone policy in relation to the Pounamu Management Area and the Aotea Management Area. Ms Easton considered, in response to a further submission for the Fuel Companies (FS64.001), that "*or in close proximity to these areas*" was appropriate in the policy because it linked to SASM-R17. She partially supported the submission of GDC that sought to remove reference to "*avoid*" in the policy because mineral extraction was not an activity regulated by Rule SASM-R17; although she considered "*avoid"* was suitable in relation to the activities listed that are of considerable offence to tikanga. Ms Easton recommended the following amendments to the policy wording[69]:

> **SASM – P11**
>
> Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites and areas by avoiding the following activities in, or in close proximity to, these areas;
>
> ~~a. Mining and quarrying other than Poutini Ngāi Tahu collection of Pounamu and Aotea;~~ a~~b~~. Landfills and waste disposal facilities, hazardous facilities and offensive industries;
> b~~c~~. Intensive indoor primary production;
> c~~d~~. Cemeteries and crematoria; and
> d~~e~~. Wastewater treatment plants and disposal facilities

263. In relation to Policy **SASM-P12**, Ms Easton did not support the submission of the mining companies with reference to RMA section 6(f), stating that demolition or destruction was not protection, and did not recognise and provide for the relationship of Poutini Ngāi Tahu with

[69] Note that the s42A Report incorrectly labelled the policy "Policy 12", which was amended in Ms Easton's right of reply, but for the purposes of this report it is recorded as she intended

sites and areas (RMA section 6(e)). She therefore did not recommend any amendment to SASM-P12.

264. In relation to Policy **SASM-P13**, Ms Easton responded to the submissions of Frida Inta and the Buller Conservation Group by stating that the Plan was clear that the ECO Chapter provisions would apply and therefore nothing further was needed in the SASM policy. In response to Fish & Game, she considered that public access for a lawful conservation or recreational activity should be on a case-by-case basis to ensure appropriate respect for urupā and former battle sites. Ms Easton partially supported the submission of Kristy Henderson and the need for clear definitions in relation to infrastructure. In response to Stephen Page, Ms Easton clarified that a SASM did not create ownership rights and only regulated specific activities through the rules, which she considered were not particularly onerous. She explained that any activity not specifically regulated is a permitted activity. She also considered that new Method SASM-M1 would address some of the concerns of the submitter.

265. Ms Easton did not support the submission of Westpower that some level of effect must be envisaged by the list of appropriate activities therefore the word "*protect*" was too strong, because she considered that protection was still required under the RMA and as in other chapters, she did not support specific reference to "*energy activities*". She did not support GDC's request to delete the list of activities because she considered the list necessary so that the policy signals support for a range of permitted activities. She supported Manawa's request to incorporate reference to "*regionally significant infrastructure*". Her recommended amendments to SASM-P13 were as follows:

> **SASM – P13**
>
> Enable activities in sites and areas of significance to Poutini Ngāi Tahu included in Schedule Three where the cultural and spiritual values of the site or area are protected. This includes:
>
> a. Alterations to, demolitions and removal of existing buildings and structures;
> b. Maintenance, operation, repair and upgrading of existing network utility structures and ~~critical~~ regionally significant infrastructure;

266. In relation to Policy **SASM-P14**, Ms Easton responded to the submissions of Stephen Page and Kristy Henderson by stating that subdivision is not a permitted activity or automatic right on any land, regardless of the location. She considered that new Method SASM-M1 would assist landowners. Ms Easton also indicated, in response to Helen Carter and GDC, that the policy did not allow access as of right but provided for the possibility at the time of subdivision, which may be by way of an esplanade reserve for instance and that would allow for potential access to mahinga kai. She did not recommend any changes to the policy in response to submissions.

267. In relation to Policy **SASM-P15**, Ms Easton did not support the submission of Kristy Henderson because she considered the policy to be enabling of a range of permitted activities; and noted that restrictions were likely to be greater in other chapters of the Plan. She did not support the mining companies' submissions seeking removal of the words "*any other*" because she considered that the policy already achieved what the submitters were seeking to achieve in relation to functional and operational need. Ms Easton did not support the Westpower amendments, and particularly considered consistency with the Historic Heritage Chapter, finding similarities in wording between Policy SASM-P15 and Policy HH-P10. She found less restrictions on infrastructure in the SASM Chapter compared with the Historic Heritage Chapter. She responded to the submission of Te Tumu Paeroa (later withdrawn) that requested agreement with landowners where Poutini Ngāi Tahu access was to be maintained

or enhanced, and recommended amendment to the policy to reflect her support of that submission, as follows:

> **SASM – P15**
>
> Allow any other use and development on sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to: ….
>
> f. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, cultural activities and ahi kā roa <u>are made in agreement with affected landowners.</u>

268. In relation to a new policy, Ms Easton proposed **SASM-P16** to address submissions raised regarding the ownership of pounamu and aotea stone, as follows:

> **SASM – P16**
>
> Recognise that pounamu and aotea are significant cultural resources and where these are owned by Poutini Ngāi Tahu within the pounamu and aotea management overlays support Poutini Ngāi Tahu management of them.

<u>Hearing and Submitter Evidence</u>

269. In relation to the policies as a whole, Ms Pull **(**for Poutini Ngāi Tahu) responded to the submission of Te Tumu Paeroa on policies SASM-P5, SASM-P14 and SASM-P15, which were subsequently withdrawn through discussions between the parties. Prior to the withdrawal by Te Tumu Paeroa Ms Pull had recommended no change to SASM-P5, SASM-P14 or SASM-P15 in response to the submission. Ms Pull considered that reference to landowner arrangements would be unnecessary in any policy other than notified SASM-P4 because that policy would need to be considered in consenting processes alongside the others in the chapter.

270. Ms Pull indicated support for the use of an Accidental Discovery Protocol, as defined in the hearing on the Historic Heritage Chapter and linking this to SASM-P3, SASM-P8 and SASM-R2. She considered it would be valuable to agree on wording with HNZPT for the Protocol included in Appendix Four, which is further discussed in this Report in relation to the content of Appendix Four.

271. Ms Pull did not support a blanket enablement of Regionally Significant Infrastructure (**RSI**) in the SASM Chapter given that these sites and areas involve irreplaceable taonga and historic heritage, which needs be considered on a case-by-case basis. She referenced use of the term "*enable*" (SASM-P13) and "*allow*" (SASM-P15), and that in relation to activities with a "*functional or operational need*" to be located within a SASM, Policy SASM-P8 did not require avoidance, which was a lower level of protection than other historic heritage. She related the higher level of enablement to the detailed work that had been done on each SASM to determine what may be appropriate.

272. In relation to Policy **SASM-P1**, Mr McEnaney (for GDC) expressed support for the s42A Report amendments that require access to be by way of landowner agreement, but maintained that reference to physical access be removed. He proposed the following changes in his Appendix 1:

SASM-P1

Protect Poutini Ngāi Tahu cultural landscapes from adverse effects of inappropiate subdivision, use and development while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu management ~~access and cultural use~~.

273. Ms Pull expressed concern about use of the phrase "*in agreement with affected landowners*" because of the word "*affected*", which she considered introduced an unnecessary degree of uncertainty about who was "*affected*".

274. In relation to Policy **SASM-P2**, Ms Pull supported the introduction of proposed SASM-M2 to support the policy, as proposed in the s42A Report, on the basis that it was similar to wording of a method in the Historic Heritage Chapter.

275. Mr Sutherland, for Federated Farmers, supported identifying and listing SASM, and the need to engage with relevant iwi and rūnanga. He indicated the importance of farmers better understanding what needs protecting and working together to achieve protection, acknowledging that rules and maps can be daunting to landowners.

276. Mr McEnaney highlighted GDC's concern that SASM-P2 (as notified) interferes with private property rights, based on the idea that "*identifying and listing*" should be a consultative approach and that the policy should reflect that. He considered that new Method SASM-M1 would assist but that the policy should be directed at ensuring the connection between iwi and SASM was identified, recognised and managed. He proposed the following changes in his Appendix 1:

SASM – P2

~~Work with Poutini Ngāi Tahu to identify and list sites and areas of significance to Poutini Ngāi Tahu in Schedule Three and protect the identified values of the sites and areas.~~ Support land owners to manage, maintain and preserve sites and areas of significance to Māori by:

a. increasing awareness, understanding and appreciation within the community of the presence and importance of sites and areas of significance to Māori;

b. encouraging land owners to engage with mana whenua to develop positive working relationships in regard to the on-going management and/or protection of sites and areas of significance to Māori.

c. providing assistance to land owners to preserve, maintain and enhance sites and areas of significance to Māori; and

d. through engagement, consultation and collaboration with mana whenua, promoting the use of mātauranga Māori, tikanga and kaitiakitanga to manage, maintain, preserve and protect sites and areas of significance to Māori;

e. for identified SASM, or for silent SASM, seeking to establish an extent through engagement, consultation and collaboration with tangata whenua.

277. In relation to Policy **SASM-P3**, Ms Pull supported retaining the Accidental Discovery Protocol, and continue to opposed the position of HNZPT that sought for an archaeological authority to negate the need to follow the protocol.

278. In relation to Policy **SASM-P4**, Mr Sutherland supported the drafting on the basis that access was in collaboration with landowners.

279. Mr McEnaney requested that the policy remove reference to "*access, use and maintain*" and supported recommended Method SASM-M1. He supported the requirement for landowner agreement, but considered landowners must retain the right to restrict access and that formal access must be by way of landowner, council and mana whenua partnership.

280. In relation to Policy **SASM-P6**, Ms Pull noted that the submission points of mining companies had not been identified in the s42A Report analysis and that Poutini Ngāi Tahu had supported these submissions[70]. Ms Pull supported the proposed addition to the policy as outlined in the s42A Report clarifying that it is only "*unauthorised, deliberate disturbance or removal"* that was of concern in relation to non-hapū members. She identified that this better clarified existing practice that is working well. However, she recommended an "*and*" between "*unauthorised"* and "*deliberate"* for purposes of readability, such that the policy would read:

> **SASM – P6**
>
> Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid <u>the unauthorised and deliberate</u> disturbance or removal of this resource by non-hapū members.

281. In relation to Policy **SASM-P7**, Mr Kennedy, on behalf of Westpower, sought to replace the term "*minimise*" with "*avoid, remedy or mitigate*".

282. In relation to Policy **SASM-P8**, Mr Kennedy sought for adverse effects to be "*avoided where practicable*" in clause (c), combined with reference to "*technical, locational, functional or operational constraints or requirements*" rather than just "*functional needs*" of the activity. Mr McEnaney, for GDC indicated support for the proposed amendments to this policy.

283. In relation to Policy **SASM-P9**, Ms Pull did not support replacing the term "*minimise*" with *"avoid, remedy or mitigate*", which she believed to be a lower level of protection for indigenous habitats and waterbodies that are recognised in the NTCSA as being of high importance to Poutini Ngāi Tahu. She alluded to mahinga kai as the "9th Tall Tree" of the Ngāi Tahu Claim, essential to identified values in the Tangata Whenua chapter of the Plan. She noted that all three SASM objectives link to mahinga kai through recognition of values (SASM-O1), undertaking mahinga kai (SASM-O2) and the protection of mahinga kai locations (SASM-O3). She recommended "*avoid or minimise*", which would allow for some flexibility around what was practicable, as follows:

> **SASM – P9**
>
> Require that activities within identified sites and areas of significance to Poutini Ngāi Tahu that support taonga species and mahinga kai resources as identified in Schedule Three:
>
> a. Avoid~~,~~ <u>or minimise</u> ~~remedy or mitigate~~ adverse effects on indigenous habitats and waterbodies;
> …

284. Mr McEnaney indicated support for the proposed amendments to this policy

285. In relation to Policy **SASM-P10**, Ms Pull supported use of the term "*Regionally Significant Infrastructure"*.

286. In relation to Policy **SASM-P11**, Ms Pull discussed opposition to submissions from mining companies and recommended retention of reference to "*mineral extraction*" in the policy due

[70] Further Submission on S493.034, S599.038, S604.023, and S601.030

to the potential for such activities to cause offence to tikanga, similar to other activities referenced in the policy. Within her evidence she recommended no change to the policy as notified. She discussed with the Panel the implications of "*avoid*" in the policy and considered that this usually led to non-complying activity status; whereas, the Poutini Ngāi Tahu submission requested that SASM-R15 be amended to discretionary status. She agreed that "*only allow*" would be more appropriate for a discretionary activity.

287. In relation to Policy **SASM-P12**, Ms Pull discussed opposition to submissions from mining companies and recommended retention of the policy as notified, which utilises the term *"avoid*" in relation to the "*demolition or destruction*" of sites and areas in Schedule Three. Her analysis indicated that Poutini Ngāi Tahu anticipated the potential for use of sites and areas for mineral extraction in some circumstances. Mr McEnaney indicated support for the proposed amendments to this policy but sought that the error in s42A Report version of the policy was corrected so that it was not a repeat of SASM-P11.

288. In relation to Policy **SASM-P13**, Ms Pull supported use of the term "*Regionally Significant Infrastructure*", as did Mr Kennedy, provided that the definition captures Westpower infrastructure. Mr Sutherland supported the drafting and s42A Report recommendations on the basis that the policy provided sufficient cover for appropriate activities to occur within SASM. Mr McEnaney indicated support for the proposed amendments to this policy

289. In relation to Policy **SASM-P14**, Mr McEnaney indicated that his recommended changes to SASM-P1 and SASM-P4 would satisfy GDC concerns with clause (d) of the policy.

290. In relation to Policy **SASM-P15**, Ms Pull for Poutini Ngāi Tahu opposed the inclusion of "*affected landowner*" in clause (f) because the phrase may refer to landowners other than those where the activity was taking place and would require an impact assessment of whether the landowner at that site of activity could be "*affected*". She considered that the amendment added nothing to the policy and that relying on SASM-P4 would be more appropriate, including because of the range of options envisaged in SASM-P4. She therefore recommended no change to the policy as notified. In exchange with the Panel at the hearing, Ms Pull gave the example of using the policy to assess an infrastructure application, which may be considered in terms of the timing of works to avoid impacts on mahinga kai.

291. Mr Kennedy sought to replace "*protected and maintained*" with "*avoided, remedied or mitigated*", add in a new clause (a) that read "*avoidance in the first instance, and where this is not practicable the proposed measures to manage potential effects on the identified values*" and expand on the reference to "*functional and operational need*" in clause (b), as per SASM-P8 and requested in other chapters of the Plan.

292. In relation to proposed new policy **SASM-P16** (as recommended in the s42A Report), Ms Pull considered the policy to be inappropriately worded. She referred in her evidence of pounamu as a taonga and how its value was not dependent upon ownership, and the need for the SASM Chapter provisions to focus on the potential for cultural effects. Ms Pull recommended that the policy should appropriately read:

> **SASM – P16** Recognise that pounamu and aotea are significant cultural resources.

Reporting Officer Reply Evidence

293. In her Right of Reply, responding to questions from the Panel, Ms Easton explained her rationale for policies SASM-P6 and SASM-P12 leading to non-complying activity status, while policies SASM-P8 and SASM-P15 led to discretionary activity status. She considered use of the

term "*avoid"* on its own is linked to non-complying activity status, whereas qualified use of the term "*avoid*" that allows for exceptions is linked to discretionary activity status.

294. Ms Easton did not consider there was scope within submissions to amend Policy **SASM-P1** to refer to "*no more than minor*" effects in relation to public access. She identified one submission seeking that reference to "*access*" be removed, which she did not support.

295. In relation to Policy **SASM-P8**, Ms Easton did not change her view on addition of reference to "*operational needs"* from that contained in her s42A Report. She also did not support use of the phrase "*no more than minor*" within this policy, or generally as a phrase used in other policies of the Plan. She considered it to be more of a matter for resource consent and application of section 104D for non-complying activities, and in relation to notification decisions. After looking across other recent plans, implementing the Planning Standards, she found one instance of the phrase being used in an assessment criterion.

296. In relation to Policy **SASM-P13**, Ms Easton considered that the phrase "*network utility infrastructure*" was suitable in the context, to replace "network utility structures" because the policy applies to maintenance, repair and upgrade of existing infrastructure within SASM that were located primarily in areas of substantial built development. Her final recommendation for the policy was as follows:

> **SASM – P13**
>
> Enable activities in sites and areas of significance to Poutini Ngāi Tahu included in Schedule Three where the cultural and spiritual values of the site or area are protected. This includes:
>
> a. Alterations to, demolitions and removal of existing buildings and structures;
> b. Maintenance, operation, repair and upgrading of existing network utility ~~structures~~ infrastructure and ~~critical~~ **regionally significant** infrastructure;
> c. Customary harvest and other cultural practices in accordance with tikanga;
> d. Indigenous vegetation clearance;
> e. Temporary events;
> f. Small-scale earthworks for burials within an urupā, fencing, archaeological survey and
> g. maintenance of overhead network utilities, roads and tracks;
> h. Animal grazing where identified values are maintained.

297. In relation to Policy **SASM-P15**, Ms Easton advised that as a result of Te Tumu Paeroa withdrawing their submission point on this policy there was no longer scope for her recommended amendment to the policy. Accordingly, she removed the previously recommended phrase "*are made in agreement with affected landowners*" from clause (f).

Hearing Panel's Evaluation

298. In relation to Policy **SASM-P1**, the Panel prefer the wording put forward by Ms Easton in her s42A Report, and therefore also accept the Westpower submission point seeking to incorporate reference to "*inappropriate"*, due to the amended policy overall being in accordance with section 6(f) of the RMA. Although Ms Easton expressed some concern about scope to include the words "*in agreement with affected landowners*", the Panel consider this to be a suitable response to the concerns expressed by GDC in their submission seeking to remove the word "*access*" from the policy (S608.014), and their evidence presented at the hearing. We consider this phrase is also consistent with recommended amendments to SASM-O2, and ensures policy support for new Method SASM-M2, which was supported by all the planners in the JWS (although referenced as SASM-M4 in that document). However, the Panel

agree with Ms Pull that the word "*affected*" is not needed and could potentially cause confusion.

299. In relation to Policy **SASM-P2**, the Panel note that GDC submitted in support of the policy and so no further consideration has been given to Mr McEnaney's proposed amendments; although we consider the recommended methods will achieve some of what he sought to cover, and also address concerns raised by Federated Farmers in their submission and evidence. The Panel agree with Ms Easton's reasoning in her s42A Report and therefore also accept the Westpower submission point.

300. In relation to Policy **SASM-P3**, the Panel note that Appendix 1 to Ms Easton's Right of Reply did not include the Poutini Ngāi Tahu submission point on this policy, which sought to replace "*or urupā*" and replace it with "*and/or taonga*" (S620.114). The Panel accept this submission point. The Panel do not support the submission of HNZPT that would negate the need to follow the Accidental Discovery Protocol when an Archaeological Authority has been issued (S140.034), on the basis that the matter is relevant to both HNZPT and Poutini Ngāi Tahu.

301. In relation to notified Policy **SASM-P4**, the Panel recommend deletion of the policy and replacement with new Method SASM-M2, in line with the recommendation of the planners in the JWS. We note that this substantial amendment is dependent upon a submission point, from Stephen Page (S270.010), who sought clarification about what would happen if agreement was not reached between a landowner and Poutini Ngāi Tahu representatives. Other submission points support the policy, and therefore the Panel partially accepts these submissions. The Panel is satisfied that, overall, there is scope between these submissions to make the recommended changes given the method responds to the nature of Mr Page's submission and provides guidance on how the process signalled in recommendations on policy SASM-P1 will work in practice. Essentially, the Panel understand that the result of no agreement would be no access to private property, and therefore access will be dependent upon building and strengthening relationships between the parties, in line with evidence received from Federated Farmers and GDC on this issue.

302. In relation to notified Policy **SASM-P5**, the Panel agree with Ms Easton that new method SASM-M1 will assist to address the submission point of Kirsty Henderson (S125.008) and that no changes are required to the policy, aside from re-numbering. In reaching this conclusion, we have considered the submissions and evidence of Māwhera Inc. and Mr Weepu regarding rangatiratanga, as discussed in relation to the whole chapter. The Panel understand this policy applies, regardless of land ownership status, and relies on the role of tikanga in relationship between these submitters to resolve matters, alongside application of the Plan provisions.

303. In relation to notified Policy **SASM-P6**, the Panel accept the wording proposed by Ms Pull that clarifies application of the policy, which we consider to be alternative relief to that sought by the mining companies. We also recommend additional minor amendments to improve wording. The Panel has been mindful when assessing this policy that not all pounamu is owned by Poutini Ngāi Tahu, as outlined in the evidence of Māwhera Inc., and as previously discussed in relation to the Pounamu Vesting Act 1996. Similar to our analysis of SASM-P5, the Panel understand this policy to apply regardless of the status of pounamu ownership, and recognise that the role of tikanga in relationship between ngā rūnanga and Māwhera Inc. will be a matter for the parties, alongside application of the Plan provisions. To be clear, the Panel consider that the Plan provisions do not over-ride tikanga, as it applies in the circumstances, and it is not for the Panel or local authorities to determine appropriate application of tikanga. We expect that, in practice, Māwhera's relationship with pounamu in the Arahura River catchment will necessitate a very different interpretation of "*unauthorised and deliberate*

disturbance or removal" by non-hapū members, than a party that has no direct connection with the resource. Te Rūnanga o Ngāi Tahu vesting the resource with Māwhera Inc. may well be interpreted as a form of authorisation.

304. In relation to notified Policy **SASM-P7**, the Panel generally agree with Ms Easton. We have reviewed the outcome of the JWS, in which the majority of the planners supported use of the term "*minimise*" in clause (b) of the policy and Mr Kennedy for Westpower maintained a preference for "*avoid, remedy or mitigate*".

305. The Panel consider that the policy is implementing a blend of section 6(f) and section 6(e) of the RMA, due to clause (a) requiring that inappropriate activities do not disturb, destroy, remove and/or visually encroach upon sites and areas; while clause (b) requires activities to otherwise minimise their adverse effects on values that are present. We are satisfied that in the context of the policy "*minimise*" is an available option, and is recommended to be retained. The Panel considers that a resource user may employ a range of techniques to minimise adverse effects, including a combination of avoidance, remedy and mitigation, whilst clause (a) ensures protection from inappropriate subdivision, use and development. The Panel therefore recommends no change to the policy, aside from re-numbering.

306. In relation to notified Policy **SASM-P8**, the Panel generally agree with the assessments of Ms Easton and therefore accept the submission of Transpower (S299.024) to incorporate reference to "*operational need*". The Panel do not support the submission of HNZPT that would negate the need to follow the Accidental Discovery Protocol when an Archaeological Authority has been issued (S140.038), on the basis that the matter is relevant to both HNZPT and Poutini Ngāi Tahu.

307. In relation to notified Policy **SASM-P9**, the Panel note that Ms Easton is recorded in the JWS as agreeing with use of the term "*minimise*" in clause (a) of this policy, along with the majority of planners, however this differs from her prior recommendation and differs from Appendix 1 in her Right of Reply. We have considered the JWS, which records Mr Kennedy was the only planner advocating for use of "*avoid, remedy or mitigate*" (although Ms Easton had previously supported this). In the context of SASM, the Panel is satisfied that "*minimise*" is appropriate, particularly when considering how the NPS-IB addresses specified Māori land (although not all SASM would qualify) and in light of the fact that the ECO Chapter provisions will also be relevant when looking at Plan provisions as a whole. The Panel noted that there is reference to "*access*" in sub-clause (c) of the policy and therefore it needs to be amended to be consistent with Objective SASM-O2, amendment to Policy SASM-P1 and new Method SASM-M2. The Panel therefore recommends addition of "*with landowner agreement*" to the end of sub-clause (c) of the policy, and re-numbering.

308. In relation to notified Policy **SASM-P10**, the Panel agree with the assessment of Ms Easton and therefore accept in part the submission point of the Director General. The Panel note that, while Ms Pull has recommended replacing the term "*network utility structures*" with "*regionally significant infrastructure*", Poutini Ngāi Tahu do not have a submission point on this policy and the Panel have not identified scope to make the change requested.

309. In relation to notified Policy **SASM-P11**, the Panel disagree with Ms Easton that clause (a) be deleted, as requested by the mining companies. Although the policy links to SASM-R17, as Ms Easton identified that it can equally be considered to link to SASM-R15, and the Panel is guided by the evidence of Ms Pull in relation to the management of these sites and areas from the perspective of Poutini Ngāi Tahu. The Panel makes consequential amendments to the policy

from recommendations regarding definitions, so that only "*landfills*" and "*wastewater treatment facilities*" are referenced, rather than other variations of these particular activities.

310. The Panel agrees with Ms Pull that there is a difference between the activities in the policy that lead to non-complying status and the mineral extraction and quarrying activities that lead to a discretionary status, because of Poutini Ngāi Tahu requested amendments to SASM-R15. The Panel considers it necessary to amend the policy so that "*avoid*" leads to a non-complying rule and "*only allow*" leads to a discretionary rule, with the caveat that such activity would only be allowed within a SASM if it was supported by Poutini Ngāi Tahu to occur in that location. This is the only basis upon which the Panel can discern the difference between the activities covered by the policy, on the basis of evidence received from Poutini Ngāi Tahu.

311. In relation to notified Policy **SASM-P12**, the Panel agree with Ms Easton that no amendment is required to this policy, as per the reasoning in her s42A Report and the reasoning of Ms Pull. We note that there is some overlap with SASM-P7(a), which means that the policies reinforce one another in relation to protection of sites and areas in accordance with section 6(f) of the RMA.

312. In relation to notified Policy **SASM-P13**, the Panel agree with Ms Easton that it is appropriate to amend the policy to reference "*regionally significant infrastructure*" for the reasons she outlined, as also supported by Ms Pull for Poutini Ngāi Tahu; and that submitter concerns can be addressed through the methods recommended.

313. In relation to notified Policy **SASM-P14**, the Panel agree with Ms Easton that no amendment is required to the policy for the reasons given, and acknowledge the change in position of GDC.

314. In relation to notified Policy **SASM-P15**, the Panel consider that no amendment is required to the policy, as per Ms Easton's Right of Reply, other than minor amendments, for the reasons outlined in her s42A Report.

315. In relation to Policy **SASM-P16**, the Panel do not consider this additional policy as proposed by Ms Easton to be necessary in light of notified SASM-P6, which already provides for exercise of tino rangatiratanga and kaitiakitanga. We consider that the exercise of these duties and responsibilities will differ in practice depending on whether or not Poutini Ngāi Tahu own the resource. The Panel consider that the policy as reworded by Ms Pull has some merit, in order to support other policies, such as POU-P6 and notified SASM-P6, however the Panel does not find scope to introduce the policy and consider that it will be sufficient to rely on the Poutini Ngāi Values section of the Tangata Whenua Chapter and its passage under the heading of Taonga to support the understanding of plan users that pounamu and aotea are significant cultural resources. The Panel consider that reference to the Pounamu Management Area and Aotea Management Area overlays in the SASM Chapter reinforces this point.

Hearing Panel's Recommendation

316. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **SASM Policies**:

Cultural Landscapes

SASM - P1

Protect Poutini Ngāi Tahu cultural landscapes from adverse effects of **inappropriate**[71] subdivision, use and development**,** while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu access and cultural use**, in agreement with landowners.**[72]

Identification and access to significant sites and areas

SASM – P2

Work with Poutini Ngāi Tahu to identify and list sites and areas of significance to Poutini Ngāi Tahu in Schedule Three ~~and protect the identified values of the sites and areas.~~[73]

SASM – P3

Upon accidental discovery of kōiwi (skeletal remains) or ~~urupā~~ **taonga**[74] ensure that the Accidental Discovery Protocol in Appendix Four is followed.

~~**SASM - P4**~~

~~Promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in Schedule Three, including through:~~

~~a. Formal arrangements, such as co-management, joint management or relationship agreements, easements; and/or~~

~~b. Informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.~~[75]

Poutini Ngāi Tahu Roles

SASM - P~~5~~4[76]

Recognise and provide for the exercise of tino rangatiratanga and kaitiakitanga by Poutini Ngāi Tahu in decisions made in relation to identified sites and areas of significance in Schedule Three.

SASM - P~~6~~5[77]

Within the Pounamu **Management Area** and Aotea **Management Area** ~~O~~**o**verlay**s**,[78] enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the **unauthorised and deliberate**[79] disturbance or removal of this resource by non-hapū members.

Management of Activities on Identified Significant Sites and Areas

[71] Westpower Limited S547.204
[72] Federated Farmers of New Zealand S524.048, consequential to changes to SASM-O2, and Grey District Council S608.014
[73] Westpower Limited S547.205
[74] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.114
[75] Stephen Page S270.010
[76] RMA First Schedule, Clause 16, consequential amendment
[77] RMA First Schedule, Clause 16, consequential amendment
[78] RMA First Schedule, Clause 16
[79] WMS Group (HQ) S599.038, TiGa Minerals and Metals Limited S493.034, Birchfield Ross Mining Limited S604.023 and Birchfield Coal Mines Limited S601.030

SASM – P~~7~~6[80]

Protect and maintain sites and areas of significance to Māori from adverse effects by:

a. Ensuring identified sites and areas of significance to Māori are not disturbed, destroyed, removed and/or visually encroached upon by inappropriate activities; and

b. Requiring activities on sites and areas of significance to Māori to minimise adverse effects on cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu.

SASM – P~~8~~7[81]

Where an activity is proposed within any site or area of significance to Māori identified in Schedule Three**,** ensure that:

a. Engagement with Poutini Ngāi Tahu occurs to ensure that effects of the activity on the values of the sites or area are understood;

b. The ~~a~~**A**ccidental ~~d~~**D**iscovery ~~p~~**P**rotocol[82] in Appendix Four is adopted for any earthworks;

c. Any adverse effects on identified values are avoided, unless it can be demonstrated that to the functional need~~s~~ **or operational need**[83] of the activity it is not possible to avoid all adverse effects; and

d. Any residual effects that cannot be practicably avoided are mitigated in a way that protects, maintains or enhances the values of the site or area.

SASM – P~~9~~8[84]

Require that activities within sites and areas of significance to Poutini Ngāi Tahu ~~that~~ support taonga species and mahinga kai resources as identified in Schedule Three**, by**:

a. Minimis~~e~~**ing** adverse effects on indigenous habitats and waterbodies;

b. Enabl~~e~~**ing** the maintenance and enhancement of these areas; and

c. Maintain**ing** and where appropriate improv~~e~~**ing**[85] access for Poutini Ngāi Tahu to these areas**, with landowner agreement**[86].

Inappropriate Activities

SASM – P~~10~~9[87]

[80] RMA First Schedule, Clause 16, consequential amendment
[81] RMA First Schedule, Clause 16, consequential amendment
[82] RMA First Schedule, Clause 16
[83] Transpower New Zealand Limited S299.024
[84] RMA First Schedule, Clause 16, consequential amendment
[85] RMA First Schedule, Clause 16
[86] RMA First Schedule, Clause 16, consequential amendment, Federated Farmers of New Zealand – West Coast S524.048
[87] RMA First Schedule, Clause 16, consequential amendment

Restrict buildings, structures, forestry, network utility structures**, installation of fence posts,**[88] mining and earthworks on the upper slopes and peaks of ancestral maunga as identified in Schedule Three.

SASM – P~~11~~10[89]

Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites and areas by:

1. avoiding the following activities in, or in close proximity to, these areas:

~~a. Mining and quarrying other than Poutini Ngāi tahu collection of P**p**ounamu and A**a**otea;~~

~~b~~**a**. Landfills ~~and waste disposal facilities~~, hazardous facilities and offensive industries;

~~c~~**b**. Intensive indoor primary production;

~~d~~**c**. Cemetaries and crematoria; and

~~e~~**d**. Wastewater treatment ~~plants and disposal~~[90] facilities; and

2. only allowing mineral extraction and quarrying other than by Poutini Ngāi Tahu where this is supported by Poutini Ngāi Tahu.[91]

SASM – P~~12~~11[92]

Avoid the demolition or destruction of sites and areas of significance to Māori identified in Schedule Three.

Appropriate Activities

SASM – P~~13~~12[93]

Enable activities in sites and areas of significance to Poutini Ngāi Tahu included in Schedule Three where the cultural and spiritual values of the site or area are protected. This includes:

a. Alterations to, demolitions and removal of existing buildings and structures;

b. Maintenance, operation, repair and upgrading of existing network utility structures and ~~critical~~ **regionally significant** infrastructure; [94]

c. Customary harvest and other cultural practices in accordance with tikanga;

d. Indigenous vegetation clearance;

[88] Director General of Conservation S602.058
[89] RMA First Schedule, Clause 16, consequential amendment
[90] Consequential amendment as a result of the submission point of Te Tai o Poutini Plan Committee S171.011
[91] WMS Group (HQ) Limited and WMS Land Co. Limited S599.041 and Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.396
[92] RMA First Schedule, Clause 16, consequential amendment
[93] RMA First Schedule, Clause 16, consequential amendment
[94] Manawa Energy Limited S438.070

e. Temporary events;

f. Small-scale earthworks for burials within an urupā, fencing, archaeological survey and maintenance of overhead network utilities, roads and tracks; **and**[95]

g. Animal grazing where identified values are maintained.

SASM – P~~14~~13[96]

Allow subdivision of sites or areas of significance to Māori listed in Schedule Three where it can be demonstrated that:

a. The values identified in Schedule Three are maintained and protected;

b. Sufficient land is provided around the site or area listed in Schedule Three to protect identified values;

c. The remainder of the site is of a size which continues to provide it with a suitable setting to the values identified in Schedule Three; and

d. Measures are taken to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for mahinga kai, karakia, monitoring, cultural activities and ahi kā roa.

SASM – P~~15~~14[97]

Allow any other use and development on the sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to:

a. Whether there are alternative methods, locations or designs that would avoid or reduce the impact on the values associated with the site or area of significance;

b. The functional **need**[98] or operational need for the activity to be undertaken in the location;

c. Outcomes articulated by Poutini Ngāi Tahu through an assessment of environmental effects, cultural impact assessment or iwi planning documents;

d. The potential to enhance the values of the site **or area**[99] of significance and the relationship of Poutini Ngāi Tahu with their taonga, commensurate with the scale and nature of the proposal;

e. How the values of significance to Poutini Ngāi Tahu, including tikanga, kaitiakitanga and mātauranga Māori may be incorporated; and

[95] RMA First Schedule, Clause 16
[96] RMA First Schedule, Clause 16, consequential amendment
[97] RMA First Schedule, Clause 16, consequential amendment
[98] RMA First Schedule, Clause 16
[99] RMA First Schedule, Clause 16

f. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, cultural activities and ahi kā roa.

2.5. SASM Rules

Submissions and Further Submissions

317. In relation to the SASM rules as a whole, there were 58 submission points (five in support, three supporting in part, four neutral or not stated, 15 opposed and 31 seeking amendments) and nine further submissions.

318. In relation to SASM permitted activity rules as a whole, there were seven submission points (one in support, one opposed and five seeking amendments) and five further submissions. Poutini Ngāi Tahu sought that tables should be created for each rule to be embedded in the rule in order to make it easier for plan users (S620.115) and sought removal of the first reference to "*Sites and Areas in Schedule Three*" in the rule headings (S620.395). Westpower sought a stand-alone permitted activity rule for "*energy activities*" and an appropriate activity status when consent was required (S547.215, S547.216). Stephen Page queried how the written approval process would work, and the costs involved (S270.015).

319. In relation to **SASM-R1** (grazing of animals), there were nine submissions (seven in support, one opposed and one seeking amendment) and one further submission. GDC sought deletion of the rule (S608.023). Poutini Ngāi Tahu sought reference to Table SASM-R1 as a replacement for the listed SASM in the rule (S620.116).

320. In relation to **SASM-R2** (minor earthworks), there were 17 submissions (two in support, four supporting in part, ten opposing in part, and two seeking amendments) and 11 further submissions. A number of submitters[100] sought deletion of clauses (iii)(a) and (iii)(b), while GDC sought deletion of the rule as a whole (S608.024), as well as inclusion of an agreed Accidental Discovery Protocol and a timeframe for response (S608.626), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.179). Federated Farmers (S524.053) sought a list in the rule similar to SASM-R4, and Kirsty Henderson sought to be able to fence without consent (S125.009). Westpower sought to be able to maintain underground lines and cables and existing substations, through specific wording amendments (S547.217) and Manawa sought to be able to maintain and repair existing RSI (S438.071). Poutini Ngāi Tahu sought reference to Table SASM-R2 as a replacement for the listed SASM in the rule (S620.117) and that SASM 17 no longer be included in the rule (S620.320).

321. In relation to **SASM-R3** (demolition, removal or alteration of a structure), there were 18 submissions (three in support, one supporting in part, one opposing in part, two opposed and 11 seeking amendments) and 11 further submissions. A number of submitters[101] sought removal of SASM 14 from the rule, while Kirsty Henderson sought to be able to disturb land (S125.010). Westpower sought reference to "*building or structure*", a stand-alone rule for "*energy activities*" and deletion of clauses (ii) and (iii) (S547.222, S547.223 and S547.224). Poutini Ngāi Tahu sought amendment to include Table SASM-R3 (S620.118).

[100] Leonie Avery S507.022, Jared Avery S508.022, Kyle Avery S509.022, Avery Bros S510.022, Bradshaw Farms S511.022, Paul Avery S512.022, Brett Avery S513.022, and Avery Brothers S609.021

[101] Leonie Avery S507.023, Jared Avery S508.023, Kyle Avery S509.023, Avery Bros S510.023, Bradshaw Farms S511.023, Paul Avery S512.023, Brett Avery S513.023, and Avery Brothers S609.022

322. In relation to **SASM-R4** (indigenous vegetation clearance), there were 12 submissions (three in support, one supporting in part, five opposed and three seeking amendments) and five further submissions. GDC sought deletion of the rule as a whole (S608.026), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.181). Rodney Wright (S62.001) and Toni Chittock (S61.001) sought that the rule did not apply to private land, while Avery Brothers sought that it be removed from SASM 14 (S609.023). Hapuka Landing Limited (S514.007) sought amendment around the indigenous vegetation clearance rule to remove SASM 197 from the rule, which was supported by Poutini Ngāi Tahu submission (S620.372). Poutini Ngāi Tahu sought amendment to include Table SASM-R4 (S620.119). Westpower sought to be able to maintain existing buildings and structures as part of its network (S547.225).

323. In relation to **SASM-R5** (temporary events), there were 11 submissions (three in support, two supporting in part, two not stated, one opposing in part, one opposed and two seeking amendments) and three further submissions. GDC sought deletion of the rule as a whole (S608.027), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.182). Jet Boating NZ sought that written approvals should not be unreasonably withheld (S161.009) and Lake Mahinapua Aquatic Club Inc sought a single approval for their regular annual event (S332.003). Kawhaka Creek Catchment Residence (S297.016) and Gerrit & Suzie Wolters (S308.017) sought clarification of which SASM the rule applied to. Poutini Ngāi Tahu sought amendment to include Table SASM-R5 (S620.120).

324. In relation to **SASM-R6** (earthworks not provided for in SASM-R2), there were 19 submissions (two in support, one supporting in part, one opposing in part, nine opposed and six seeking amendments) and nine further submissions. GDC sought deletion of the rule as a whole (S608.028), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.183) and that minor structures and buildings would not require approval, as well as a definition of "*upper slopes*" (S538.184). A number of submitters[102] sought removal of SASM 14 from the rule, while Steve Croasdale sought a more enabling rule (S516.024) and Stephen Page (S270.021) sought removal of the requirement for written approval. Mining companies[103] proposed an exclusion for their activities. Poutini Ngāi Tahu sought amendment to include Table SASM-R6 and Table SASM-R6A (S620.121), and that SASM 14A and SASM 14B be removed from Rule SASM-R6 (S620.319). Westpower sought amendments that enabled maintenance, replacement, reconstruction or addition to existing buildings and structures within their network (S547.227).

325. In relation to **SASM-R7** (quarries and mineral extraction in the Pounamu Management Area and the Aotea Management Area), there were 18 submissions (three in support, two opposing in part, two opposed and 11 seeking amendments) and 10 further submissions. Poutini Ngāi Tahu sought to include reference to Te Rūnanga o Ngāi Tahu (S620.122), delete requirement to consult with Poutini Ngāi Tahu for mineral extraction and quarrying outside the boundary (S620.400) and amend the rule so that prohibited activity status was connected with Standard 1 only and activity status was discretionary where Standards 2 and 3 were not complied with (S620.394). Mining companies[104] sought reference to "*mineral extraction*" rather than just "*extraction*" and deletion of the requirement for written approval from Poutini Ngāi Tahu, which GDC (S608.029), Alistair Cameron (S452.005) and Davis Ogilvie & Partners Ltd

[102] Leonie Avery S507.024, Jared Avery S508.024, Kyle Avery S509.024, Avery Bros S510.024, Bradshaw Farms S511.024, Paul Avery S512.024, Brett Avery S513.024
[103] WMS Group (HQ) Limited and WMS Land Co. Limited S599.044, TiGa Minerals and Metals Limited S493.040
[104] WMS Group (HQ) Limited and WMS Land Co. Limited S599.045, TiGa Minerals and Metals Limited S493.041 and Rocky Mining Limited S474.042 in relation to written approval only

(S465.003) and Forest & Bird (S560.190) also opposed. Alistair Cameron preferred reference to notifying Poutini Ngāi Tahu. Forest & Bird sought connection to other relevant rules for mineral extraction and farm quarries, as well as clarification around how the rule would be managed by councils, and potential for resource consent instead (S560.473 and S560.474). Federated Farmers sought clarity over application of the rule to farm quarries (S524.055)

326. In relation to **SASM-R8** (fossicking of aotea within the Aotea Management Area), there were three submissions, all in support, and no further submissions.

327. In relation to **SASM-R9** (maintenance, repair and upgrading of network utility structures), there were 17 submissions (four in support, two opposing in part, two opposed and 11 seeking amendments) and 10 further submissions. A number sought deletion of the rule or removal of SASM 14[105], while GDC sought removal of the rule (S608.030). Poutini Ngāi Tahu sought amendments to include Table SASM-R9 (S620.124, S620.393). Westpower sought to be able to include reference to "*buildings and structures*", "*associated earthworks and vegetation clearance*" and "*limited to what is necessary for the work required*" (S547.231). Manawa sought clear reference to "*regionally significant infrastructure*" (S438.072).

328. In relation to **SASM-R10** (maintenance, repair and upgrading of network utility structures not meeting Permitted Activity standards), there were 14 submissions (one in support, two supporting in part, one opposing in part, eight opposed and two seeking amendments) and nine further submissions. A number simply sought deletion of the rule[106], while Misato Nomura (S151.003) sought a permitted activity status. Poutini Ngāi Tahu sought clarification that all sites in Schedule Three are subject to the rule (S620.125, S620.126). Westpower sought amendments to provide for maintenance, repair and upgrade of their infrastructure (S547.234) and Manawa sought reference to "*regionally significant infrastructure*" (S438.073).

329. In relation to **SASM-R11** (quarries and mineral extraction not meeting Permitted Activity standards), there were 15 submissions (two in support, one supporting in part, nine opposed and three seeking amendments) and two further submissions. A number simply sought deletion of the rule[107], including GDC (S608.031). Mining companies[108] sought mandatory notification to Poutini Ngāi Tahu where written approval was not obtained. Poutini Ngāi Tahu sought reference to "*Extraction of Pounamu Activities*" in the titles to the rule (S620.128) and deletion of the requirement to consult with Poutini Ngāi Tahu for mineral extraction and quarrying outside the boundary (S620.401).

330. In relation to **SASM-R12** (earthworks, buildings and structures, including demolition and removal of buildings and structures not meeting Permitted Activity standards), there were 19 submissions (two in support, nine opposed and eight seeking amendments) and 15 further submissions. A number simply sought deletion of the rule[109], including GDC (S608.032), while others requested that the rule refer to SASM-R15 rather than SASM-R14[110]. Steve Croasdale (S516.025) requested a controlled or restricted discretionary activity status. Westpower

[105] Leonie Avery S507.025, Jared Avery S508.025, Kyle Avery S509.025, Avery Bros S510.025, Bradshaw Farms S511.025, Paul Avery S512.025, Brett Avery S513.025, and Avery Brothers S609.024

[106] Leonie Avery S507.026, Jared Avery S508.026, Kyle Avery S509.026, Avery Bros S510.026, Bradshaw Farms S511.026, Paul Avery S512.026, Brett Avery S513.026, and Avery Brothers S609.025

[107] Leonie Avery S507.027, Jared Avery S508.027, Kyle Avery S509.027, Avery Bros S510.027, Bradshaw Farms S511.027, Paul Avery S512.027, Brett Avery S513.027, and Avery Brothers S609.026

[108] WMS Group (HQ) Limited and WMS Land Co. Limited S599.046, TiGa Minerals and Metals Limited S493.042

[109] Leonie Avery S507.028, Jared Avery S508.028, Kyle Avery S509.028, Avery Bros S510.028, Bradshaw Farms S511.028, Paul Avery S512.028, Brett Avery S513.028, and Avery Brothers S609.027

[110] Buller District Council S538.187, William McLaughlin S567.163, Chris & Jan Coll S558.080, Chris J Coll Surveying Limited S566.080, Laura Coll McLaughlin S574.080

sought a stand-alone rule (S547.236) and notification only to Poutini Ngāi Tahu (S547.240). Poutini Ngāi Tahu sought amendment to include Table SASM-R6B (S620.129).

331. In relation to **SASM-R13** (maintenance, repair, upgrade and new network utility structures not meeting permitted or controlled activity standards), there were 15 submissions (two in support, nine opposed and four seeking amendments) and 13 further submissions. A number simply sought deletion of the rule[111]. Steve Croasdale (S516.026) requested a controlled or restricted discretionary activity status. Westpower sought a stand-alone rule (S547.241), notification only to Poutini Ngāi Tahu (S547.243) and a change to the rule title (S547.242). Poutini Ngāi Tahu sought amendment to include Table SASM-R6B (S620.130).

332. In relation to **SASM-R14** (grazing, indigenous vegetation clearance and temporary events not meeting permitted standards), there were 13 submissions (two in support, ten opposed and one seeking amendment) and 12 further submissions. A number simply sought deletion of the rule[112], including GDC (S608.033). Westpower sought a stand-alone rule (S547.244) and notification only to Poutini Ngāi Tahu (S547.245). Poutini Ngāi Tahu sought amendment to include Table SASM-R6B (S620.130).

333. In relation to **SASM-R15** (mineral extraction other than by Poutini Ngāi Tahu in SASM), there were 24 submissions (two in support, one opposing in part, 12 opposed and nine seeking amendments) and ten further submissions. A number simply sought deletion of the rule[113], including GDC (S608.034). Bill Baxter opposed restrictions on planting of trees and gold mining (S210.003). Mining companies and advocates sought a restricted discretionary rule[114] or a discretionary rule[115], as did Steve Croasdale (S516.028) and Poutini Ngāi Tahu (S620.396). Poutini Ngāi Tahu sought amendment to the title of the rule and to retain requirement for notification to rūnanga (S620.131, S620.397).

334. In relation to **SASM-R16** (plantation forestry or planting of shelterbelts or woodlots in SASM), there were 19 submissions (three in support, ten opposed and six seeking amendments) and one further submission. A number simply sought deletion of the rule[116], while others sought a discretionary activity status[117]. Bill Baxter opposed restrictions on planting of trees and gold mining (S210.003). Poutini Ngāi Tahu sought that the rule did not apply to amenity plantings (S620.405) and Federated Farmers sought that it did not apply to shelterbelts (S524.056).

335. In relation to **SASM-R17** (Landfills, waste disposal facilities, new crematoria, hazardous facilities, intensive indoor primary production, wastewater treatment plants and wastewater disposal facilities, on or within 50m of sites and areas in Schedule Three), there were 18 submissions (three in support, two opposing in part, ten opposed and three seeking amendments) and 14 further submissions. A number simply sought deletion of the rule[118], including GDC (S608.035), while others sought a discretionary activity status[119]. Kirsty

[111] Leonie Avery S507.029, Jared Avery S508.029, Kyle Avery S509.029, Avery Bros S510.029, Bradshaw Farms S511.029, Paul Avery S512.029, Brett Avery S513.029, and Avery Brothers S609.028

[112] Leonie Avery S507.030, Jared Avery S508.030, Kyle Avery S509.030, Avery Bros S510.030, Bradshaw Farms S511.030, Paul Avery S512.030, Brett Avery S513.030, and Avery Brothers S609.029

[113] Leonie Avery S507.031, Jared Avery S508.031, Kyle Avery S509.031, Avery Bros S510.031, Bradshaw Farms S511.031, Paul Avery S512.031, Brett Avery S513.031, and Avery Brothers S609.030, and Steve Croasdale S516.027

[114] WMS Group (HQ) Limited and WMS Land Co. Limited S599.047, TiGa Minerals and Metals Limited S493.043

[115] Birchfield Coal Mines Ltd S601.031, Minerals West Coast S569.023, New Zealand Coal & Carbon Limited S472.012, Straterra S536.006, S536.045

[116] Leonie Avery S507.032, Jared Avery S508.032, Kyle Avery S509.032, Avery Bros S510.032, Bradshaw Farms S511.032, Paul Avery S512.032, Brett Avery S513.032, and Avery Brothers S609.031, and Steve Croasdale S516.029 and S516.030

[117] William McLaughlin S567.164, Chris & Jan Coll S558.081, Chris J Coll Surveying Limited S566.081

[118] Leonie Avery S507.033, Jared Avery S508.033, Kyle Avery S509.033, Avery Bros S510.033, Bradshaw Farms S511.033, Paul Avery S512.033, Brett Avery S513.033, and Avery Brothers (S609.032)

[119] William McLaughlin S567.166, Chris & Jan Coll S558.083, Chris J Coll Surveying Limited S566.083

Henderson opposed restrictions on new wastewater disposal (S125.011). Horticulture New Zealand (S486.027) and Federated Farmers (S524.057) sought that "*major hazard facility*" replace "*hazardous facilities*".

336. In relation to **SASM-R18** (earthworks, buildings or structures on the upper slopes, ridgelines or peaks of ancestral maunga), there were five submissions (three in support and two opposing) and two further submissions. GDC sought deletion of the rule (S608.036), while Straterra sought a non-complying activity status (S536.007).

337. In relation to **SASM-R19**, mineral extraction or fossicking of aotea by anyone other than Poutini Ngāi Tahu, there were six submissions (three in support, two opposed and one seeking amendment) and two further submissions. Mining companies[120] sought deletion of the rule. Poutini Ngāi Tahu sought amendment to the title of the rule to remove reference to "*Mineral Extraction of Pounamu*" (S620.135).

338. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

339. Ms Easton responded to submitters concerned about how to understand the rules and the varying importance of individual SASM. She noted that the targeted approach to each SASM had created a confusing rule framework, and she supported submissions from Poutini Ngāi Tahu to improve clarity around which rules apply to each SASM by using tables, as well as removing unnecessary words in the title of rules. She discussed lack of clarity around when rules SASM-R2 and SASM-R6 apply.

340. Ms Easton discussed a range of submissions that raised concerns about how the written approval process would work, including Kristy Henderson's concern (S125.001) that iwi might withhold approval on a prejudicial basis and Misato Nomura's concern (S151.004) that there be a timeframe for the process, and other concerns associated with costs and information about values that may be affected. She responded with reference to new Method SASM-M1. She noted that since the rule framework had taken immediate legal effect, a number of written approval letters had been provided for free by Poutini Ngāi Tahu, which outlined understanding of the activity and that adverse cultural effects would not occur on the basis of what had been described.

341. At the hearing, Ms Easton noted that the intention of the permitted activity rules was to filter out low impact activities from the consenting process. She considered risks to the process were low because there is only one iwi and two hapū involved. She could not guarantee that there would be a "no fees" approach taken by the Councils for administration of the permitted activities because there were three councils involved, and she considered this would be a decision for them. She considered this process would be considerably cheaper and less burdensome than a controlled activity process. She noted that the process would allow for discussion to occur between the resource user and Poutini Ngāi Tahu, which may result in modification of the activity (e.g. method or design) to avoid adverse effects and achieve written approval.

342. Ms Easton responded to concerns that further rules might be applied over and above those already included in the Plan and confirmed that no new rules were proposed in this process. In terms of the immediate legal effect of rules, Ms Easton explained in response to concerned

[120] WMS Group (HQ) Limited and WMS Land Co. Limited S599.048, TiGa Minerals and Metals Limited S493.044

submitters that section 88B(3) of the RMA directs that rules protecting areas of historic heritage have immediate legal effect at the point of notification. In response to submitter concerns about the impact on their LIM reports, she noted that recording information was a council responsibility that sat outside the hearing process. She did not support submissions seeking that SASM rules do not apply to freehold land, pointing to higher order instruments and noting that land tenure did not impact on whether or not sites and areas are culturally significant. In response to WCRC seeking that SASM rules be refined in consultation with landowners, Ms Easton considered that the submissions and hearing process allowed for this to occur.

343. A number of submitters affected by a mapping error associated with SASM 68 (Paroa Lagoon) were reassured by Ms Easton that the error had been fixed so that private properties fronting the State Highway at Paroa were no longer included within the boundaries of the SASM. She noted that this correction was made by the TTPP Committee using RMA Schedule 1, clause 16 on 16 September 2022.

344. A number of submitters supported retention of the rule framework that meant some SASM identified in Schedule Three did not have any rules associated with them, which Ms Easton supported. Mining companies[121] requested a restricted discretionary status for mining activities, which Ms Easton did not support as she considered a non-complying activity status to be appropriate given the likely significant adverse effects on cultural values arising from mining activities. She did not support the Fish & Game request for a new permitted activity rule because she considered the conservation and recreation activities, they wanted to support would be permitted activities by default because they are not specifically managed by the rules. She also did not support a new stand-alone rule for "*energy activities*" as sought by Westpower because she considered the SASM rules were permissive and that the rule drafting was concerned with cultural effects rather than particular activities.

345. Ms Easton responded to concerns of David Ellerm (S581.022) regarding sewerage collection at Cashmere Bay by indicating the issue to be a matter more relevant to regional council functions and the Infrastructure Chapter of the pTTPP.

346. Ms Easton did not recommend any changes to the rules in response to submissions relating to the rule framework as a whole, aside from adopting the approach of using tables in association with the rules to simplify them.

347. Ms Easton did support addition of a definition of "*Victorian title*" and an advice note to the rules, acknowledging that the plan drafting had not considered the matter, although she noted that regardless of ownership status, pounamu was a significant taonga to Poutini Ngāi Tahu. Her recommendation was as follows:

> **Victorian title** means land whereby ownership of minerals in the ground lies with the landowner, not the Crown, or Ngāi Tahu, in the case of pounamu.
>
> Advice Note: In order to establish whether Victorian title exists a Land and Minerals (LMS) report prepared under the Crown Minerals (Minerals Other than Petroleum) 2007

348. Ms Easton recommended that the general advice note accompanying relevant rules should be amended to read as follows:

[121] Rocky Mining Limited (S474.007, S474.041) and Papahaua Resources (S500.028, S500.023)

1. Under the Pounamu Vesting Act all pounamu formerly owned by the Crown, is owned by Te Rūnanga o Ngāi Tahu…

349. Ms Easton indicated to the Panel at the hearing that she saw some value in referring to the new methods relied upon to implement the rules, potentially in the Overview section, but did not offer any additional wording for consideration by the Panel.

350. In relation to Rule **SASM-R1**, Ms Easton supported retention of the rule, noting that considerable care had been taken to identify where grazing animals would be inappropriate, and in most cases the sites and areas were bush covered and not grazed currently. She recommended accepting the approach to tables included in the Poutini Ngāi Tahu submission. Ms Easton's recommended amendments were as follows:

SASM -R1: Grazing of Animals on Sites and Areas ~~in Schedule Three – Sites and Areas~~ of Significance to Māori listed within Table SASM – T1

Activity Status Permitted

1. Where the activity is not ~~on the following~~ in the Sites and Areas of Significance to Māori ~~as identified in Schedule Three~~ included within Table SASM – T1~~: SASM 22 Ōkari Lagoon; SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 127 Ulipa; SASM 133 No. 19 Ōkārito Native Reserve; SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve); SASM 168 No. 4 Heretaniwha Native Reserve; or SASM 207 Awawhata Reserve at River Mouth.~~

SASM – T1 - Table for Rule SASM - R1 Grazing of Animals

SASM 22 Ōkari Lagoon
SASM 41 Kotorepi (Nine Mile)
SASM 55 (Māwhera Burial Cave Site
SASM 81 Takataka Islands
SASM 84 Ōkarito (No. 18 Kaomaru Native Reserve)
SASM 168 No 4. Heretaniwha Native Reserve
SASM 207 Arawhata Reserve at River Mouth – Silent File

351. In relation to Rule **SASM-R2**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She also considered that reference to the "*footprint*" of an existing activity could be readily understood, in response to query from GDC. She confirmed that the Avery properties were not affected by the rule. She indicated that considerable care had been taken to identify where earthworks were likely to impact on cultural values or where archaeological material may be found, such that only 19 out of 216 sites were affected by the rule.

352. Ms Easton did not support the submission of Westpower due to only 4 out of 216 sites being affected in relation to their infrastructure and she was unaware of any affected substations. She did not support reference to RSI because she considered this only affected the State Highway and NZTA Waka Kotahi due to network utilities already being provided for in the rule. She recommended a variation on the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

SASM - R2: Minor Earthworks on Sites and Areas ~~in Schedule Three – Sites and Areas~~ of Significance to Māori listed within Table SASM – T2

Where:

1. These are earthworks associated with:

i. Burials at urupā; or

ii. Archaeological survey by Pouhere Taonga - Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or

iii. Installing fence posts and the replacement of poles for overhead network utility lines provided that:

a. The area of land disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; and

b. T he activity does not involve installation or digging of new holes for overhead network utility lines; or

iv. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/ track; and

2. In relation to standards ii., iii. and iv. These earthworks are not undertaken in ~~at the following~~ Sites and Areas of Significance to Māori identified in Table SASM – T2 ~~Schedule Three~~ except where these have been certified by ~~with the written approval from~~ the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, and this certification ~~which~~ is provided to the relevant District Council at least 10 working days prior to the activity commencing~~:~~; and ~~i. SASM 17 Kawatiri South Bank Native Reserve; SASM 41 Kotorepi (Nine Mile); SASM 54 Motutapu; SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 110 Māhinapua; SASM 127 Ulipa; SASM 130 Whataroa Native Reserves Secs 21; SASM 133 No. 19 Ōkārito Native Reserve; SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 165 No 7. Mahitahi Beach Native Reserve; SASM 168 No. 4 Heretaniwha Native Reserve; SASM 170 Porangirangi to Mahitahi; SASM 185 Lake Moeraki Reserve; or SASM 207 Awawhata Reserve at River Mouth; and~~

3. An Accidental Discovery Protocol commitment has been completed and the form submitted to Council 10 working days prior to the commencement of any earthworks.

Advice Note: Rule SASM – R2 relates to minor earthworks on Sites and Areas of Significance to Māori within Table SASM – T2. There are additional rules for earthworks in other SASM outlined in rule SASM – R6

SASM – T2 – Table for Rule SASM - R2 Minor Earthworks

SASM 41 Kotorepi (Nine Mile);
SASM 54 Motutapu;
SASM 55 Māwhera Burial Cave Site;
SASM 81 Takataka Islands;
SASM 84 Knoll Point;
SASM 110 Māhinapua;
SASM 127 Ulipa;
SASM 130 Whataroa Native Reserves Secs 21;
SASM 133 No. 19 Ōkārito Native Reserve;
SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve);
SASM 155 Hunts Beach Māori Reserve;
SASM 157 No. 10 Makāwhio Native Reserve;
SASM 162 Heretaniwha;
SASM 165 No 7. Mahitahi Beach Native Reserve;
SASM 168 No. 4 Heretaniwha Native Reserve;
SASM 170Porangirangi to Mahitahi;
SASM 185 Lake Moeraki Reserve;
SASM 207 Arawhata Reserve at River Mouth;

353. In relation to Rule **SASM-R3**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She confirmed that the Avery properties were not affected by the rule. She did not support the submissions of Westpower due to only 3 out of 216 sites potentially interacting with their infrastructure, each of which being highly sensitive and previously affected by activities (wāhi tapu at 9 Mile, burial cave at Greymouth and urupā at Blaketown), as well as "*buildings*" being included in the definition of a "*structure*". She did not support the submission of Manawa and reference to RSI because she considered this only affected the State Highway and NZTA Waka Kotahi due to network utilities already being provided for in the rule. She recommended a variation to the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

> **SASM - R3 Demolition, removal of, or alterations to a structure on Sites and Areas ~~in Schedule Three - Sites and Areas~~ of Significance to Māori listed in Table SASM – T3**
>
> **Activity Status Permitted**
>
> Where:
>
> ~~1. In relation to the Sites and Areas of Significance to Māori identified in Schedule Three identified in 2. below:~~
>
> 1. ~~i.~~The activity does not occur in Sites and Areas of Significance to Māori listed in Table SASM – T3 except where it has been certified by ~~with the written approval from~~ the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification ~~which is~~ provided to the relevant District Council at least 10 working days prior to the activity commencing; and
>
> 2.~~ii.~~ No land disturbance is involved; and
>
> 3. ~~i.~~ There is no change to the size or location of the structures foundation or building footprint occupied by the structure;
>
> ~~2. SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site; SASM 64 Blaketown Part Reserve; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 121 Waitaiki Historic Reserve; SASM 127 Ulipa; SASM 135 Ōkārito (No. 18 Koamaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 168 No. 4 Heretaniwha Reserve; and SASM 170 Porangirangi to Mahitahi;~~
>
> **SASM – T3 – Table for Rule SASM - R3 Demolition Removal or Alteration of a Structure**
>
> SASM 41 Kotorepi (Nine Mile);
> SASM 55 Māwhera Burial Cave Site;
> SASM 64 Blaketown Part Reserve;
> SASM 81 Takataka Islands;
> SASM 84 Knoll Point;
> SASM 121 Waitaiki Historic Reserve;
> SASM 127 Ulipa;
> SASM 135 Ōkārito (No. 18 Koamaru Native Reserve);
> SASM 155 Hunts Beach Māori Reserve;
> SASM 157 No. 10 Makāwhio Native Reserve;
> SASM 162 Heretaniwha;
> SASM 168 No. 4 Heretaniwha Reserve;
> SASM 170 Porangirangi to Mahitahi

354. In relation to Rule **SASM-R4**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She confirmed that the Avery properties were not affected by the rule. She supported removal of

SASM 197 from the rule. She did not support the submissions of Westpower because she did not consider it onerous to consult with Poutini Ngāi Tahu ahead of works. She recommended a variation to the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

SASM - R4 Indigenous vegetation clearance on Sites and Areas ~~in Schedule Three - Sites and Areas~~ of Significance to Māori listed in Table SASM – T4

Activity Status Permitted

Where:

1. The activity does not occur ~~on the following~~ within the Sites and Areas of Significance to Māori ~~identified in Schedule Three~~ listed in Table SASM – T4, except ~~with the written approval from the~~ where it has been certified by the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification ~~which is~~ provided to the relevant District Council at least 10 working days prior to the activity commencing: ~~i. All sites identified in Category Tahi (1) and Category Rua (2) in Schedule Three; ii. SASM 52 Cobden Native Reserve; iii. SASM 109 Pyramid Hill/Tumuaki Hill; iv. SASM 117 Waitaiki Catchment; v. SASM 156 Te Puku o te Wairapa; vi. SASM 159 Tikitiki o Rehua; vii. SASM 162 Heretaniwha; viii. SASM 170 Porangirangi to Mahitahi; ix. SASM 192 Awarua; x. SASM 197 Ōkuru; xi. SASM 204 Waiototo Lagoon, South Bank Nohoanga; and xii. SASM 214 Huruhuru Manu/Spoon River.~~

Advice Note: Indigenous vegetation clearance is also subject to the provisions in the ECO - Ecosystems and Biodiversity Chapter.

SASM – T4 -Table for Rule SASM – R4 Indigenous Vegetation Clearance

SASM 23 No. 45 Watarakau NativeReserve
SASM 25 Tiroroa
SASM 27 Fox River
SASM 28 Te Ana Matuku
SASM 29 Pahautane Beach
SASM 33 Pakiroa Beach
SASM 34 Te Nikau Scenic Reserve
SASM 38 Kararoa SASM 41 Kotorepi (Nine Mile)
SASM 52 Cobden Native Reserve
SASM 54 Motutapu
SASM 55 Māwhera Burial Cave Site
SASM 74 Lake Haupiri Nohoanga
SASM 78 Lady Lake Nohoanga
SASM 80 Pah Point
SASM 81 Takataka Islands
SASM 84 Knoll Point
SASM 102 No.24 Hokitika Native Reserve
SASM 109 Pyramid Hill/Tumuaki Hill
SASM 110 Māhinapua
SASM 117 Waitaiki Catchment
SASM 121 Waitaiki Historic Reserve
SASM 127 Ulipa
SASM 130 Whataroa Native Reserves Secs 21
SASM 133 No.19 Ōkarito Native Reserve
SASM 135 Ōkārito (No. 18 Koamaru Native Reserve)
SASM 155 Hunts Beach Māori
SASM 156 Te Puku o te Wairapa
SASM 157 No. 10 Makāwhio Native Reserve
SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve
SASM 159 Tikitiki o Rehua SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga
SASM 165 No. 7 Mahitahi Beach Native Reserve
SASM 168 No. 4 Heretaniwha Native Reserve
SASM 169 No. 5 Mahitahi Native Reserve
SASM 170 Porangirangi to Mahitahi
SASM 171 Mahitahi River Nohoanga
SASM 173 Mahitahi River
SASM 175 No.6 Mahitahi - Silent File Wāhi tapu
SASM 176 Mahitahi Reserve Lot 1-3 DP346435
SASM 179 No. 6 Mahitahi Reserve Māori Reserve
SASM 180 No. 3 Paringa Native Reserve
SASM 181 Paringa River Reserve -Rural Section 727A
SASM 182 Paringa River Reserve - Lot1 DP 3785
SASM 185 Lake Moeraki Reserve
SASM 192 Awarua Māori Reserve
SASM 197 Ōkuru
SASM 199 Mussel Point
SASM 204 Waiatoto Lagoon, South Bank Nohoanga
SASM 205 No. 2 Waiatoto Native Reserve
SASM 207 Arawata Reserve at River Mouth
SASM 209 No. 1 Arawata Native Reserve - West Reserve Block
SASM 211 Cascade River Nohoanga
SASM 213 Barn Bay
SASM 214 Huruhuru Manu/Spoon River
SASM 215 Hautai
SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

355. In relation to Rule **SASM-R5**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process and use of an advice note in relation to Lake Māhinapua. She noted that SASM 104 was not affected by the rule. She recommended a variation to the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

> **SASM – R5 Temporary Events on Sites and Areas ~~in Schedule Three - Sites and Areas~~ of Significance to Māori listed in Table SASM – T5**
>
> **Activity Status Permitted**
>
> Where:
>
> 1. These are Poutini Ngāi Tahu cultural events in accordance with tikanga; or
>
> 2. They are temporary events and activities in accordance with the Temporary Activities Chapter; and
>
> 3. These activities do not occur ~~On the following~~ within the Sites and Areas of Significance to Māori identified in Schedule Three except where it has been certified by ~~these only occur with the written approval from~~ the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification ~~that is~~ provided to the relevant District Council at least 10 working days prior to the activities commencing: ~~i. All sites identified in Category Tahi (1) in Schedule Three; ii. SASM 1 Kahurangi Point; SASM 3 Whakapoai Native Reserve 7B; SASM 17 No. 37 Kawatiri South Bank Native Reserve; SASM 34 Te Nikau Scenic Reserve; SASM 67 Kōtukuwhakaoko/Arnold River including on the surface of its waters; SASM 94 No. 3 Arahura Native Reserve; SASM 107 Island Hill/Raparapahoi; SASM 109 Pyramid Hill/Tumuakai Hill; SASM 110 Māhinapua; SASM 114 Tara o Tama; SASM 116 Mt Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 130 Whataroa Native Reserves Secs 21; SASM 131 Ōkarito Lagoon; SASM 162~~

~~Heretaniwha; SASM 165 No.7 Mahitahi Beach Native Reserve; SASM 169 No. 5 Mahitahi Native Reserve; SASM 170 Porangirangi to Mahitahi; and SASM 205 No. 2 Waiototo Native Reserve.~~

Advice Notes:

1. Where Temporary Events are proposed on the Surface of Water within Sites and Areas of Significance to Māori then this Rule SASM -R5 will apply.

2. In relation to Lake Mahinapua, the annual programme of the Lake Mahinapua Aquatic Club is considered to be one single event in terms of the certification required under this provision.

SASM – T5 – Table for Rule SASM – R5 Temporary Events

SASM 1 Kahurangi Point
SASM 3 Whakapoai Native Reserve7B
SASM 17 No. 37 Kawatiri South Bank Native Reserve
SASM 34 Te Nikau Scenic Reserve
SASM 41 Kotorepi (Nine Mile)
SASM 55 Māwhera Burial Cave Site
SASM 67 Kōtukuwhakaoko/ArnoldRiver
SASM 81 Takataka Islands
SASM 84 Knoll Point
SASM 94 No. 30 Arahura Native Reserve
SASM 107 Island Hill/Raparapahoi
SASM 109 Pyramid Hill/Tumuaki Hill
SASM 110 Māhinapua
SASM 114 Tara o Tama
SASM 116 Mt Tūhua Maunga,
SASM 117 Waitaiki Catchment
SASM 121 Waitaiki Historic Reserve
SASM 127 Ulipa
SASM 130 Whataroa Native Reserves Secs 21
SASM 131 Ōkārito Lagoon
SASM 133 No.19 Ōkarito Native Reserve
SASM 135 Ōkārito (No. 18 Koamaru Native Reserve)
SASM 155 Hunts Beach Māori Reserve
SASM 157 No. 10 Makāwhio Native Reserve
SASM 158 No. 8 Makāwhio and No. 9 Makāwhio
SASM 162 Heretaniwha
SASM 165 No. 7 Mahitahi Beach Native Reserve
SASM 168 No. 4 Heretaniwha Native Reserve
SASM 169 No. 5 Mahitahi Native Reserve
SASM 170 Porangirangi to Mahitahi
SASM 205 No. 2 Waiatoto Native Reserve
SASM 207 Arawata Reserve at River Mouth
SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

356. In relation to Rule **SASM-R6**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She did not support the submission of BDC to allow for minor structures and buildings because of the risk that such development may disturb culturally sensitive sites and materials, and because she considered the rule framework was generally permissive. She did support the addition of a definition for "*upper slopes*" as requested by BDC. She noted that, on the advice of Poutini Ngāi Tahu, the Avery property affected by SASM 14 did not need be captured in the rule and she therefore supported those submissions. She did not support the Westpower submission because she did not consider it onerous to consult with Poutini Ngāi Tahu ahead of works. She recommended a variation on the approach to tables included in the Poutini Ngāi

Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

SASM – R6 Earthworks Buildings and Structures ~~not Provided for in SASM – R2 in~~ within ~~Schedule Three –~~Sites and Areas of Significance to Māori listed in Tables SASM – T6 and SASM – T7 and not provided for in Rule SASM – R2

Activity Status Permitted

Where:

1. The activity does not occur within the ~~on the following~~ Sites and Areas of Significance to Māori listed ~~identified~~ in Table SASM – T6A ~~Schedule Three~~, except where it has been certified by ~~with written approval from~~ the relevant Poutini Ngāi Tahu that the activity will not have adverse effects on cultural values of the site and that evidence of this certification ~~which~~ is provided to the relevant District Council at least 10 working days prior to the activity commencing,: and ~~i. All sites identified in Category Tahi (1), Category Rua (2), Category Toru (3) and Category Wha (4) in Schedule Three; and ii. SASM 3 Whakapoai Native Reserve 7B and SASM 170 Porangirangi to Mahitahi; iii. provided that~~ 2. No earthworks, buildings or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in Table SASM 6B ~~Category Toru (3) in Schedule Three.~~

SASM – T6 -Table for Rule SASM – R6 Earthworks Buildings and Structures

SASM 2 Whakapoai / Heaphy Māori Reserve
SASM 3 Whakapoai Native Reserve 7B
SASM 6 Karamea (Pā point)
SASM 7 No. 47 Kongahu Native Reserve
SASM 16 Tauranga Bay
SASM 17 No. 37 Kawatiri South Bank Native Reserve
SASM 18 No. 38 Kawatiri North Bank Native Reserve
SASM 19 Ōkari
SASM 21 No. 46 Oweka Native Reserve
SASM 23 No. 45 Watarakau Native Reserve
SASM 25 Tiroroa
SASM 27 Fox River
SASM 28 Te Ana Matuku
SASM 29 Pahautane Beach
SASM 33 Pakiroa Beach
SASM 34 Te Nikau Scenic Reserve
SASM 38 Kararoa
SASM 41 Kotorepi (Nine Mile)
SASM 49 Kōtukuwhakaoko River Mouth
SASM 50 Aromahana
SASM 54 Motutapu
SASM 55 Māwhera Burial Cave Site
SASM 56 Māwhera Pā 1 Pā site, Kāinga
SASM 60 Māwhera Kāinga Kāin
SASM 64 Blaketown Part Reserve
SASM 66 No. 33 Kaiata Native Reserve
SASM 71 Taramakau
SASM 72 Taramakau ngutuawa
SASM 74 Lake Haupiri Nohoanga
SASM 76 Taramakau Pā
SASM 77 Kotukuwhakaoko (Moana) Nohoanga
SASM 78 Lady Lake Nohoanga
SASM 80 Pah Point
SASM 81 Takataka Islands

SASM 84 Knoll Point
SASM 88 Timuaki Pā
SASM 101 Hokitka Pā
SASM 102 No.24 Hokitika Native Reserve
SASM 110 Māhinapua
SASM 121 Waitaiki Historic Reserve
SASM 127 Ulipa
SASM 130 Whataroa Native Reserves Secs 21
SASM 133 No.19 Ōkarito Native Reserve
SASM 135 Ōkārito (No. 18 Koamaru Native Reserve)
SASM 144 Karangarua Lagoon
SASM 149 No.12 Manakaiaua Native Reserve
SASM 150 Hunts Beach Kāinga
SASM 155 Hunts Beach Māori Reserve
SASM 157 No. 10 Makāwhio Native Reserve
SASM 158 No. 8 Makāwhio and No. 9 Makāwhio
SASM 162 Heretaniwha
SASM 163 Māori Beach Kāinga
SASM 165 No. 7 Mahitahi Beach Native Reserve
SASM 168 No. 4 Heretaniwha Native Reserve
SASM 169 No. 5 Mahitahi Native Reserve
SASM 170 Porangirangi to Mahitahi Kāinga
SASM 171 Mahitahi River Nohoanga Nohoanga
SASM 173 Mahitahi River Māori Reserve
SASM 175 No.6 Mahitahi - Silent File Wāhi tapu
SASM 176 Mahitahi Reserve Lot 1-3 DP346435
SASM 179 No. 6 Mahitahi Reserve Māori Reserve
SASM 180 No. 3 Paringa Native Reserve
SASM 181 Paringa River Reserve -Rural Section 727A
SASM 182 Paringa River Reserve - Lot1 DP 3785
SASM 185 Lake Moeraki Reserve Māori Reserve, Mahinga kai
SASM 190 Waita River Kāinga, Urupā, Mahinga kai
SASM 193 Awarua/Haast River South Bank
SASM 199 Mussel Point - Silent File Wāhi tapu
SASM 205 No. 2 Waiatoto Native Reserve
SASM 206 Arawata Beach Reserve Māori Reserve
SASM 207 Arawata Reserve at River Mouth
SASM 209 No. 1 Arawata Native Reserve - West Reserve Block
SASM 211 Cascade River Nohoanga Nohoanga, Mahinga kai
SASM 213 Barn Bay Kāinga, Urupā
SASM 214 Huruhuru Manu/Spoon River Traditional nohoanga, Mahinga kai
SASM 215 Hautai Kāinga, Mahinga kai
SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi
SASM 220 Makarore & Tiore Pātea

357. In relation to Rule **SASM-R7**, Ms Easton preferred a certification process to a written approval process, in response to submitter concerns about how such a process would work; and supported clarification about the process to be followed. She proposed a new method to guide the written approval or certification process referenced in Rule SASM-R7, in response to a number of submitters[122], as follows:

SASM – M3

[122] WMS Group (HQ) Limited and WMS Land Co. Limited S599.045, TiGa Minerals and Metals Limited S493.041, Alistair Cameron S452.006, Davis Ogilvie Partners Ltd S465.003

Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process for mineral extraction within the Pounamu and Aotea management area overlays.

358. Ms Easton supported the submission of Poutini Ngāi Tahu and recommended amending the rule as requested, including a correction that escalated the rule to discretionary activity status under Rule SASM-R11. She noted that the discretionary activity pathway would be available for landowners that could demonstrate "*Victorian title*". Ms Easton also supported the Forest & Bird submission in part, proposing the addition of an advice note referring plan users to other relevant provisions in the Plan that manage mineral extraction and quarrying activities. She did not support Forest & Bird's request for resource consenting to apply on the basis of protecting indigenous biodiversity because she considered these matters were addressed in other parts of the Plan. Ms Easton supported the Director General's submission in part, noting that resource consent would be required under Rule SASM-R15 and that would enable consideration of any need for an archaeological authority. She noted that it may not be clear that Rule SASM-R7 applied outside of SASM, within the Pounamu Management Overlay and the Aotea Management Overlay, so she recommended changing the heading of the rule to provide that clarification.

359. In addition to the new proposed method, Ms Easton's recommended amendments to Rule SASM-R7 are as follows:

SASM – R7

Farm Quarries, including Farm Quarries and Mineral Extraction Activities within the Pounamu and Aotea Overlay Areas Outside of Sites and Areas of Significance to Māori in Schedule 3
Activity Status Permitted

Where:

1. In relation to extraction of ~~A~~aotea:

   i. Any extraction of ~~A~~aotea is only undertaken by Te Rūnanga o Makaawhio or their authorised representatives or contractors;
   ii. Where an Aotea Management Plan prepared by Te Rūnanga o Makaawhio exists, any extraction of ~~A~~aotea is in accordance with that plan;
   iii. Where this is ~~A~~aotea extraction in the Aotea overlay, notice of the activity is provided to the Westland District Council by Te Rūnanga o Makaawhio, at least 10 working days prior to the activity occurring.

2. In relation to extraction of ~~P~~pounamu:

   i. Any extraction of ~~P~~pounamu is only undertaken by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or their authorised representatives or contractors;
   ii. Where a Pounamu Management Plan prepared by Poutini Ngāi Tahu exists, any extraction of ~~P~~pounamu is in accordance with that plan;
   iii. Where this ~~P~~pounamu extraction is within the Pounamu overlay, notice of the activity is provided to the relevant district council by the relevant Poutini Ngāi Tahu rūnanga, at least 10 working days prior to the activity commencing;

3. In relation to other mineral extraction and quarrying activity:

   i. Certification that there will not be adverse cultural effects from the activity ~~Written approval~~ is provided by the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity can occur within the Pounamu

and/or Aotea overlay(s) and ~~the written confirmation shall be~~ this is provided to the relevant district council at least 10 working days prior to the activity commencing.

Advice Note~~s~~:

1. Under the Pounamu Vesting Act, all pounamu formerly owned by the Crown, is owned by Te Rūnanga o Ngāi Tahu. Where Victorian title is established, the pounamu is owned by the landowner. Outside of Victorian title lands ~~A~~any pounamu or ~~A~~aotea disturbed shall be returned to the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio.

2. This rule manages the adverse cultural effects of mineral extraction and quarrying in relation to the cultural taonga of pounamu and aotea. This rule is in addition to the rules in the zone chapters for mineral extraction and quarrying.

Activity status where compliance not achieved:

Prohibited where Standard 1 ~~or 2~~ is not complied with

Discretionary where Standard 2, or 3 is not complied with

SASM – T7 – Ancestral Maunga – Table for Rule SASM - R6, SASM - R12, SASM – R13, SASM – R14 and SASM R-18

SASM 107 Island Hill/Raparapahoi
SASM 109 Pyramid Hill/Tumuaki Hill
SASM 114 Tara o Tama
SASM 116 Mt Tūhua Maunga,
SASM 117 Waitaiki Catchment
SASM 142 Pawaiuru/Malcolms Knob
SASM 146 Puketahi - The Sugar Loaf
SASM 155 Hunts Beach Māori Reserve
SASM 156 Te Puku o te Wairapa
SASM 159 Tikitiki o Rehua
SASM 162 Heretaniwha

360. In relation to Rule **SASM-R8**, no amendments were recommended by Ms Easton.

361. In relation to Rule **SASM-R9**, Ms Easton noted that the Avery property affected by SASM 14 was undeveloped land and was not captured by the rule. She did not support the Westpower submissions because she considered that their activities were already covered by the rule as they were network utilities, and that the term "*structures*" already includes "*buildings*". She did not support the submission of Manawa and reference to RSI because she considered that unintended activities would then be included, other than those found in urban and suburban locations. She recommended a variation on the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

SASM – R9 Maintenance, Repair and Upgrading of Network Utility Structures on or within Sites and Areas of Significance to Māori ~~identified~~ listed in ~~Schedule Three~~ Table SASM – T8

Activity Status Permitted

~~Where: 1. The activity occurs in one of the following Sites and Areas of Significance to Māōri as identified in Schedule Three: i. SASM 10 Kawatiri Pā ii. SASM 12 Kawatiri Town Reserve iii. SASM 15 No. 42 Kawatiri (Township) Native Reserve iv. SASM 31 Punakaiki Area v. SASM 56 Māwhera~~

~~Pā 1 vi. SASM 57 Māwhera Gardens vii. SASM 58 Greymouth Railway Land viii. SASM 59 Māwhera Pā 2 ix. SASM 60 Māwhera Kāinga x. SASM 61 Victoria Park xi. SASM 63 No. 32 Nga Moana e Rua Native Reserve xii. SASM 94 No. 30 Arahura Native Reserve xiii. SASM 96 Taramakau River xiv. SASM 104 Kawhaka Creek Catchment xv. SASM 112 Arahura River at Tūhua xvi. SASM 117 Waitaiki Catchment xvii. SASM 121 Waitaiki Historic Reserve xviii. SASM 197 Ōkuru~~

SASM – T8 -Table for Rule SASM – R9 Maintenance, Repair and Upgrading of Network Utility Structures

SASM 10 Kawatiri Pā
SASM 12 Kawatiri Town Reserve
SASM 15 No. 42 Kawatiri (Township) Native Reserve
SASM 31 Punakaiki Area
SASM 56 Māwhera Pā 1
SASM 57 Māwhera Gardens
SASM 58 Greymouth Railway Land
SASM 59 Māwhera Pā 2
SASM 60 Māwhera
SASM 61 Victoria Park
SASM 62 No 31. Māwhera Native Reserve
SASM 63 No. 32 Nga Moana e Rua Native Reserve
SASM 94 No. 30 Arahura Native Reserve
SASM 96 Taramakau River
SASM 104 Kawhaka Creek Catchment
SASM 112 Arahura River at Tūhua
SASM 117 Waitaiki Catchment
SASM 121 Waitaiki Historic Reserve
SASM 197 Ōkuru

362. In relation to Rule **SASM-R10**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered a controlled activity status was reasonable, and less stringent than the Historic Heritage Chapter. She considered that the rule was unsuited to a certification process, but as a controlled activity provided certainty for network utility operators. She supported the Poutini Ngāi Tahu requested amendments. She did not support the Westpower submission because "*structures*" already included "*buildings*"; and she considered the maximum area parameters of the rule to be important for the activity status. She did not support reference to RSI because she considered network utilities already covered what was intended and no additional infrastructure needed to be brought in. Ms Easton recommended the following amendments to the rule:

SASM – R10 Maintenance, Repair and Upgrading of Network Utility Structures on or within Sites and Areas in Schedule Three Sites and Areas of Significance to Māori where Permitted Activity standards are not met

Activity Status Controlled

Where:

1. Notice of works is provided to the relevant Poutini Ngāi Tahu Rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, 10 working days prior to any earthworks commencing; and…

Advice Note: This rule applies to all Sites and Areas of Significance to Māori other than those within Table SASM – T8

363. In relation to Rule **SASM-R11**, Ms Easton supported the request of the mining companies to include a reference to notification to Poutini Ngāi Tahu when permitted activity conditions were not met; although she noted that requiring limited notification would be *ultra vires*. She recommended adopting wording put forward in her s42A Report in relation to the Activities on the Surface of Water Chapter. She did not support requests to delete the rule on the basis that pounamu was a significant taonga to Poutini Ngāi Tahu. She supported the submission points of Poutini Ngāi Tahu. Ms Easton recommended the following amendments to this rule:

> **SASM – R11 ~~Farm~~ Quarries, including Farm Quarries, and Mineral Extraction and Extraction of Pounamu Activities within the Pounamu and Aotea Overlay Areas not meeting Permitted Activity Standards**
> **Activity Status Discretionary**
>
> Notification: When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu.
>
> Advice Note: Under the Pounamu Vesting Act all pounamu, formerly owned by the Crown is owned by Te Rūnanga o Ngāi Tahu.

364. In relation to Rule **SASM-R12**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered a discretionary status was consistent with the Historic Heritage Chapter. She supported the correction to refer to Rule SASM-R15. She did not support the Westpower's request for a stand-alone rule, consistent with other rules, but supported in part the matter of notification to Poutini Ngāi Tahu. She supported the Poutini Ngāi Tahu requested amendment to refer to the relevant table. Ms Easton recommended the following amendments to this rule:

> **SASM – R12 Earthworks, Buildings and Structures, including Demolition and Removal of Buildings and Structures on or within Sites and Areas in Schedule Three Sites and Areas of Significance to Māori not meeting Permitted Activity Standards**
>
> **Activity Status Discretionary**
>
> Where:
>
> 1. No earthworks or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ Table SASM – R7;
>
> 2. This is not Mineral Extraction subject to Rule SASM - R14~~4~~5; and
>
> 3. This will not result in the destruction of a Site or Area of Significance to Māori.
>
> Notification: ~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu Rūnanga~~ When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu

365. In relation to Rule **SASM-R13**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered a discretionary status was consistent with the Historic Heritage Chapter. She did not support the Westpower submission for a stand-alone rule, consistent with other rules, or inclusion of earthworks and vegetation clearance, but she supported in part the matter of notification to Poutini Ngāi Tahu. She supported the Poutini Ngāi Tahu's requested amendment to refer to the relevant table. Ms Easton recommended the following amendments to this rule:

> **SASM - R13 Maintenance, Repair, Upgrade and New Network Utility Structures on or within Sites and Areas of Significance to Māori in Schedule Three not meeting Controlled Activity Standards**
>
> **Activity Status Discretionary**
>
> Where:
>
> 1. There are no new structures on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ Table SASM – T7
>
> Notification: ~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu Rūnanga~~ When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu

366. In relation to Rule **SASM-R14**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered the activity status was appropriate when considering the potential cultural effects. She did not support the Westpower submission for a stand-alone rule, consistent with other rules, but she supported in part the matter of notification to Poutini Ngāi Tahu. Ms Easton recommended the following amendments to this rule:

> **SASM - R14 Grazing, Indigenous Vegetation Clearance and Temporary Events on Sites and Areas of Significance to Māori in Schedule Three not meeting Permitted Activity Standards**
>
> **Activity Status Discretionary**
>
> Notification: ~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu Rūnanga~~ When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu

367. In relation to Rule **SASM-R15**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered the activity status was appropriate when considering the potential cultural effects. She supported the mining companies and advocates that sought a discretionary activity status on the basis that this was also supported by Poutini Ngāi Tahu. She supported submission points of Poutini Ngāi Tahu. She considered that Bill Baxter's concerns were likely addressed by the recommended amendment to SASM 104, which altered the scope of the SASM to apply only to the river bed and not to the whole of the Kawhaka Creek catchment. Ms Easton recommended the following amendments to this rule:

> **SASM - R15 Mineral Extraction by other than by Poutini Ngāi Tahu in Sites and Areas of Significance to Māori**
>
> **Activity Status ~~Non-complying~~ Discretionary**
>
> Where:
>
> 1. This occurs in any RURZ - Rural Zone, OSRZ - Open Space and Recreation Zone, SPZ - Special Zone or INZ - Industrial Zone.
>
> Notification: ~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu Rūnanga~~ When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu.

368. In relation to Rule **SASM-R16**, Ms Easton did not support deletion of the rule because she considered tight controls on plantation forestry was necessary to protect sites and areas of cultural significance, and although over a lesser area, the same effects could arise from woodlots. She considered the level of restriction was appropriate, rather than allowing for a

discretionary activity, because of the potential scale and significance of effects. She considered that Bill Baxter's concerns were likely addressed by the recommended amendment to SASM 104, which altered the scope of the SASM to apply only to the river bed and not to the whole of the Kawhaka Creek catchment. She agreed with Poutini Ngāi Tahu and Federated Farmers that amenity plantings and shelterbelts should not be captured by the rule because the likely effects of these activities are lower than for plantation forestry and woodlots. Ms Easton recommended the following amendments to this rule:

> **SASM - R16 Plantation forestry or planting of ~~shelterbelts or~~ woodlots on land in Schedule Three - Sites and Areas of Significance to Māori**
>
> **Activity Status Non-complying**
>
> Where:
>
> 1. This occurs in any RURZ - Rural Zone, OSRZ - Open Space and Recreation Zone, SPZ - Special Zone or INZ - Industrial Zone.
>
> Notification: ~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu Rūnanga~~ When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu.
>
> Advice Note: Plantation Forestry~~, shelterbelts~~ and woodlots in the RESZ - Residential Zones and COMZ - Commercial and Mixed Use Zones are not regulated by this rule. Refer relevant zone rules, and the NES - Plantation Forestry for the status of these activities in these area

369. In relation to Rule **SASM-R17**, Ms Easton did not support deletion of the rule or change to discretionary activity status because she considered the level of restriction on activities offensive to Poutini Ngāi Tahu was appropriate in relation to sites and areas of cultural significance, where such activities would be incompatible. In response to Kristy Henderson, she considered that a definition would be useful to ensure that domestic wastewater systems were not captured by the rule. She did not support amendment to refer to "*major hazardous facilities*" because the definition of "*hazardous facilities*" is appropriate given the activities it refers to being incompatible with culturally sensitive sites. She also considered that the definition of "*hazardous facilities*" does not include the kinds of activities of concern to Horticulture New Zealand and Federated Farmers. Ms Easton recommended the following amendments to this rule:

> **SASM - R17 Landfills, waste disposal facilities, new crematoria, hazardous facilities, intensive indoor primary production, wastewater treatment plants and wastewater disposal facilities, on or within 50m of sites and areas in Schedule Three - Sites and Areas of Significance to Māori**
>
> **Activity Status Non-complying**
>
> Where:
>
> 1. This occurs in any RURZ - Rural Zone, OSRZ - Open Space and Recreation Zone, SPZ - Special Zone or INZ - Industrial Zone.
>
> Notification: ~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu Rūnanga~~ When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu

370. In relation to Rule **SASM-R18**, Ms Easton did not support deletion of the rule because of section 6 of the RMA and the need to protect culturally significant sites. She did not support a change in activity status to discretionary because ancestral maunga have very high cultural

values and earthworks or buildings on their upper slopes would be considered desecration by Poutini Ngāi Tahu. She recommended the following amendments to this rule:

> **SASM - R18 Earthworks, Buildings or Structures on the Upper Slopes, Ridgelines or Peaks of Ancestral Maunga listed in ~~Schedule Three – Sites and Areas of Significance to Māori~~ Table SASM – T7 not meeting Permitted, Controlled, Restricted Discretionary or Discretionary Activity Standards**
>
> **Activity Status Non-complying**
>
> Where:
>
> 1. This occurs in any RURZ - Rural Zone, OSRZ - Open Space and Recreation Zone, SPZ - Special Zone or INZ - Industrial Zone. 131 Te Tai o Poutini Plan – Section 42A Report Sites and Areas of Significance to Māori 132 Te Tai o Poutini Plan – Section 42A Report Sites and Areas of Significance to Māori
>
> Notification: ~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu Rūnanga~~ When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu

371. In relation to Rule **SASM-R19**, Ms Easton supported a consequential amendment arising from the Poutini Ngāi Tahu submission. She recommended the following amendments to this rule:

> **SASM - R19 Mineral extraction or Fossicking of Aotea or Mineral Extraction of Pounamu by anyone other than Poutini Ngāi Tahu in the Pounamu - Aotea Overlay area not meeting Rule SASM - R7 or Rule SASM – R8**

Hearing and Submitter Evidence/Statements

372. Ms Pull, for Poutini Ngāi Tahu, explained that the overlay and SASM Chapter must be read in conjunction with other parts of the Plan, particularly in relation to activities not otherwise covered by the SASM rules. She used the Natural Character and Margins of Waterbodies Chapter as an example, because there were SASM covering waterbodies, but rules in that chapter also apply to consideration of effects on Ngāi Tahu values, and similarly the Energy Chapter rules where activities occur within SASM. In that way, she considered the identified SASM specific values and associated rules were complemented by Ngāi Tahu values more broadly in the context of other chapters and their rules, which she noted was similar to the approach taken in the West Coast Land and Water Plan, Schedule 7C.

373. Ms Pull noted that the SASM rules have had legal effect since notification of the Plan. She explained that Ms Philippa Lynch of Poutini Environmental had assisted in implementing the rules and that six written approval requests had been answered since notification with no issues arising in the process. In conjunction with the presentation of Ms Pull at the hearing, Ms Lynch supplied the Panel with copies of written approval letters and confirmed the statement in Ms Pull's evidence, noting turnaround of requests within a fortnight, subject to reference to cultural experts (including the chairs of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio). She explained that only "light detail" had been required from applicants, subject to set questions that met Poutini Ngāi Tahu information needs, and that any costs associated with an on-site expert or archaeologist would be unlikely for a permitted activity. She noted greater levels of information and effort would be required without a written approval option and would trigger a resource consent pathway. Ms Pull noted that this description of the existing written approval process by Ms Lynch had contributed to her support for the methods proposed in the s42A Report.

374. Ms Pull outlined that a certification process could assist in achieving the goal of not creating unnecessary costs and delays to landowners within SASM, whilst appropriately protecting Poutini Ngāi Tahu values associated with the sites and areas, in the event that a written approval process was deemed to be *ultra vires*. She saw advantage in a certification clause for clarifying that what is being sought is an expert opinion from Poutini Ngāi Tahu, similar to rules NOISE-R3 or TRN-R11, but observed that quantifiable measures would be needed, in comparison to the simplicity of the written approval process, which she preferred. She noted that neither approach was common in district plans and that efforts to find a simple, cost effective process were laudable. She emphasised that criteria for certification would need to be developed before finalising the Plan and referred to the Healthy Streets design check as an example to score and certify qualitative measures like sense of place. Ms Pull considered that proposed Method SASM-M3 should apply to more than just mineral extraction processes and therefore recommended amendment, as follows:

> **SASM-M3**
>
> Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process.

375. Ms Pull also indicated that a discretionary activity status was appropriate in relation to the rule framework governing SASM, as compared to a non-complying framework that may be more appropriate in the context of the Historic Heritage Chapter. She explained that there can be a beneficial and interactive relationship involved in resolving Māori heritage issues specific to activities and their location, which makes it different than other forms of historic heritage. She noted that Poutini Ngāi Tahu opposed a restricted discretionary activity status for mining activities in SASM, as sought by a number of mining companies.

376. Ms Pull did not support a blanket enablement of RSI in the SASM Chapter given that these sites and areas involve irreplaceable taonga and historic heritage, which needed be considered on a case-by-case basis. She supported the combination of permitted, controlled, discretionary and non-complying activities for various RSI and the use of the term "*enable*" in relation to activities with a "*functional or operational need*" to be located within SASM.

377. Ms Pull supported the addition of new activities to the permitted activity provisions because they were addressed in other parts of the Plan and would also apply to SASM. She supported the advice notes to address the Lake Māhinapua Aquatic Club and mining concerns. She also supported the S42A Report approach to not detail each type of infrastructure activity or structure beyond what was necessary to clarify activity status.

378. Ms Rusher, for GDC, submitted that rules SASM-R2, SASM-R3, SASM-R4, SASM-R5 and SASM-R6 did not align well with the rule of law because they relied on a third party assessment of actual and potential adverse effects in order to achieve written approval or certification, something that does not conform with lawful approach to resource consent conditions. She expressed concern about unfettered discretion being given to Poutini Ngāi Tahu and use of "*subjective formulation*".

379. Mr McEnaney, for GDC, considered the s42A Report recommendations to the SASM rules were an improvement on the notified version. His principal concern remained the spatial extent of SASM triggering rules unnecessarily. While he considered the introduction of the rule framework should be delayed, he addressed the drafting to improve upon it.

380. In relation to Rule **SASM-R1,** Mr Sutherland, for Federated Farmers, supported the drafting because it recognised that animal grazing can be an appropriate activity. He advised that animal grazing can assist to keep pest plants down. Mr McEnaney noted that SASM 55 was

listed as requiring consent for grazing but was located within an urban area and therefore potential for grazing at the site was fanciful. He sought that reference to SASM 55 be removed from the rule.

381. In relation to Rule **SASM-R2**, Ms Pull recommended use of the term "*Regionally Significant Infrastructure*" and use of a written approval or certification process. Mr Kennedy recommended that maintenance of existing underground lines and cables should be specifically provided for in the rule, in conjunction with a certification process that allowed consideration by Poutini Ngāi Tahu of the activity in the specific circumstances. He also reminded the Panel, as in prior evidence, that replacing poles often required digging new holes and therefore clause (1)(iii)(b) should be amended to reflect that practical reality. Mr Kennedy identified six sites where the rule would impact Westpower infrastructure, which necessitated provision in the rule. His recommended amendment to the rule as follows:

SASM R2

1. These are earthworks associated with:

i. Burials at urupā; or

ii. Archaeological survey by Pouhere Taonga - Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or

iii. Installing fence posts and the replacement of poles for overhead network utility lines provided that:

a. The area of land disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; ~~and~~

~~b. The activity does not involve installation or digging of new holes for overhead network utility lines;~~ or

iv. maintaining existing underground lines and cables provided that:

a. The area of land disturbed is limited to what is necessary to maintain the lines or cables; or

~~iv~~v. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/ track; and

382. Mr Sutherland supported the s42A Report recommendations to redraft the rule so that it was clearer which SASM were affected by the rule. He emphasised the importance of being able to undertake simple tasks such as installing fence posts in order to maintain existing fences or lines, which assisted with Stock Exclusion Regulation compliance.

383. Mr McEnaney sought that the rule provides for the replacement of fence posts and fence maintenance as a permitted activity and allow for installation of a new fence along the boundary of a SASM as a permitted activity. He considered the scope of permitted activities was too narrow and that small projects with minor effects should be able to obtain consent more easily compared to large, complex projects via a controlled or restricted discretionary pathway.

384. In relation to Rule **SASM-R3**, Mr Kennedy considered that the most important aspect of the rule, the certification process, was contained in clause (1) and therefore clauses (2) and (3)

were not needed. Mr Sutherland confirmed Federated Farmers supported the rule as it was clear and concise. Similar to Rule SASM-R2, Mr McEnaney sought that the rule provide for the replacement of fence posts and fence maintenance as a permitted activity and allow for installation of a new fence along the boundary of a SASM as a permitted activity. He considered the scope of permitted activities was too narrow and that small projects with minor effects should be able to obtain consent more easily compared to large, complex projects via a controlled or restricted discretionary pathway.

385. In relation to Rule **SASM-R4**, Ms Pull recommended use of a written approval or certification process. Mr Kennedy identified 14 sites where the rule would impact Westpower infrastructure. He expressed concern that Westpower were required to meet electrical safety standards and it was unclear how those obligations were provided for in the Plan in the event that certification was not forthcoming. He accepted the s42A Report recommendation but with reservations about the impact on Westpower's obligations.

386. Mr Sutherland confirmed Federated Farmers supported the rule as it was clear and concise; and sought that the list of SASM were formatted as per Rule SASM-R4.

387. Mr McEnaney questioned the written approval or certification process for a permitted activity, as he considered it was an administrative step rather than determining activity status by reference to effects on the environment. He acknowledged that Far North District Council included a similar provision in their district plan. He did not see the need for temporary events and activities with minor effects on SASM to apply to private land, which he thought should be permitted activities.

388. Ms Pull responded to the submission of Te Tumu Paeroa on Rule **SASM-R5**, but this submission point was subsequently withdrawn. Prior to the withdrawal by Te Tumu Paeroa, Ms Pull had recommended no change to Rule SASM-R5 in response to the submission, considering that every day activities of Māori landowners would not be affected by the rule, which only applies to some sites and temporary activities as defined in the Plan. Ms Pull recommended use of a written approval or certification process.

389. Mr Sutherland confirmed Federated Farmers supported the rule as it was clear and concise.

390. Similar to Rule SASM-R4, Mr McEnaney questioned the written approval or certification process for a permitted activity as he considered it was an administrative step rather than determining activity status by reference to effects on the environment. He acknowledged that Far North District Council included a similar provision in their district plan. He did not see the need for temporary events and activities with minor effects on SASMs to apply to private land, which he thought should be permitted activities.

391. In relation to Rule **SASM-R6**, Ms Pull recommended use of a written approval or certification process. Mr Kennedy identified 20 sites where the rule would impact Westpower infrastructure, which he said was over 20% of sites. He favoured a single rule for Westpower infrastructure to be able to manage issues in a comprehensive and co-ordinated manner. He confirmed that Westpower support the certification process. He queried whether the rule referred to the correct tables and identified a relationship with Rule SASM-R3 rather than Rule SASM-R2 in the title.

392. Similar to Rule SASM-R2, Mr McEnaney sought that the rule provides for the replacement of fence posts and fence maintenance as a permitted activity and allow for installation of a new fence along the boundary of a SASM as a permitted activity. He considered the scope of

permitted activities was narrow and that small projects with minor effects should be able to obtain consent more easily compared to large, complex projects via a controlled or restricted discretionary pathway.

393. In relation to Rule **SASM-R7**, Ms Pull recommended use of a written approval or certification process. Ms Pull also responded to the concept of "*Victorian title*" and considered there was potential for confusion about what it meant. She noted that not all natural state pounamu was owned by Te Rūnanga o Ngāi Tahu. She therefore recommended amendment to the Advice note accompanying the rule, as follows:

> 1. ~~Under t~~The Ngai Tahu (Pounamu Vesting) Act 1997~~, all pounamu is owned by~~ vested Crown owned pounamu in Te Rūnanga o Ngāi Tahu~~. Any pounamu or Aotea disturbed shall be returned to the relevant~~ Please contact a Poutini Ngāi Tahu ~~papatipu rūnanga – Te Rūnanga o Ngāti Waewae o Te Rūnanga o Makaawhio.~~ Rūnanga or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made.

394. Ms Pull also supported the introduction of proposed Method SASM-M3 in the s42A Report to assist with implementation of a written approval or certification process.

395. Mr Sutherland identified that that heading and body of the rule did not align and sought greater clarity in the rule drafting with regards to management of farm quarries. He considered that mineral extraction and farm quarries should be separated within the rule because they are two different uses, one about farm maintenance and the other about commercial activity. He supported the s42A Report recommendations.

396. Mr McEnaney considered that Pounamu and Aotea overlays should only apply where those resources have been identified as present, to avoid the need for unnecessary resource consents. He sought deletion of clause (3) in the rule or amendment of the spatial extent of the overlay.

397. In relation to Rule **SASM-R9**, Ms Pull supported use of the term "*Regionally Significant Infrastructure".* Mr Kennedy identified some overlap with Rule SASM-R9 between SASM 62 in SASM-R2 and SASM 55 in Rule SASM-R6, which he noted could be a mapping error. He saw some potential for confusion in implementing Rule SASM-R9.

398. In relation to Rule **SASM-R10**, Ms Pull supported use of the term "*Regionally Significant Infrastructure*". Mr Kennedy maintained that the additional wording sought in submission would clarify the rule but did not pursue the point. He assumed that the rule did not apply to activities under Rule SASM-R9 and Table SASM-T8, but did apply to sites and areas identified in SASM-T2, SASM-T3, SASM-T4, SASM-T6 and SASM-T7. He was unsure whether compliance with Rule SASM-R4 negated the need for a controlled activity consent under Rule SASM-R10, and particularly clause (4). He favoured the certification process and a separate rule for Westpower activities. He recommended allowing a maximum depth of 1200mm for replacement of poles and for underground activities.

399. In relation to Rule **SASM-R12**, Mr Kennedy indicated some confusion as to whether the rule applied to network utilities and expressed concern that parties other than Poutini Ngāi Tahu may become involved if the affected party were not identified in the rule.

400. In relation to Rule **SASM-R13**, Ms Pull supported use of the term "*Regionally Significant Infrastructure".* Mr Kennedy expressed concern that parties other than Poutini Ngāi Tahu may become involved if the affected party were not identified in the rule. He also pointed out that Rule SASM-R13 was the first rule to refer to "*new*" activities and that the controlled activity

pathway in Rule SASM-R10 was therefore not available for such activities, including within a large part of Greymouth township. He recommended either developing a specific rule or amending the scope of Rule SASM-R10.

401. In relation to Rule **SASM-R14**, Mr Kennedy expressed concern that parties other than Poutini Ngāi Tahu may become involved if the affected party were not identified in the rule.

402. In relation to Rule **SASM-R16**, Mr Sutherland sought that "*shelterbelts*" be excluded because they provide shelter for stock, as well as seasonal food supply and shelter for indigenous fauna. He supported the Poutini Ngāi Tahu submission point that differentiated "*amenity plantings*" and considered that shelterbelts can be considered amenity plantings, as well as providing essential services for animal welfare, and can assist with management of nutrient run-off. He wanted their exclusion specifically included in the rule, rather than relying on the term "*amenity plantings*" so that there was no doubt.

403. In relation to Rule **SASM-R17**, Mr Sutherland expressed concern that the rule could capture indoor raised stock. He considered that an amendment to the definition of "*intensive indoor primary production*" could assist or otherwise wintering barns could be provided for as a restricted discretionary activity with limited notification to Poutini Ngāi Tahu. He noted that SASM could cover whole farms and that there was a need to provide for wintering barns. Mr Sutherland did not support the s42A Report recommendations and was concerned about how to determine the 50m buffer when a site was not pinpointed within an area.

Reporting Officer Reply Evidence

404. Ms Easton reconsidered Rule **SASM-R4** in light of evidence from GDC regarding indigenous vegetation clearance. She identified five SASM that have developed areas that may include planted gardens, indigenous vegetation or farmed properties, including SASM 33, SASM 52, SASM 102, SASM 135 and SASM 197. She therefore considered there was value in providing for some exceptions to the rule, as follows:

> **SASM - R4 Indigenous vegetation clearance on Sites and Areas ~~in Schedule Three – Sites and Areas~~ of Significance to Māori listed in Table SASM – T4**
> **Activity Status Permitted**
> Where:
> 1. The activity does not occur ~~on the following~~ within the Sites and Areas of Significance to Māori ~~identified in Schedule Three~~ listed in Table SASM – T4, except ~~with the written approval from the~~ where:
>
> i. it has been certified by the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification ~~which is~~ provided to the relevant District Council at least 10 working days prior to the activity commencing; or
>
> ii. this is hand clearance for: the maintenance of existing fencelines within 1m of the fenceline; or removal of planted garden vegetation.
>
> ~~i. All sites identified in Category Tahi (1) and Category Rua (2) in Schedule Three;~~
>
> ~~ii. SASM 52 Cobden Native Reserve;~~
>
> ~~iii. SASM 109 Pyramid Hill/Tumuaki Hill;~~
>
> ~~iv. SASM 117 Waitaiki Catchment;~~

~~v. SASM 156 Te Puku o te Wairapa;~~

~~vi. SASM 159 Tikitiki o Rehua;~~

~~vii. SASM 162 Heretaniwha;~~

~~viii. SASM 170 Porangirangi to Mahitahi;~~

~~ix. SASM 192 Awarua;~~

~~x. SASM 197 Ōkuru;~~

~~xi. SASM 204 Waiototo Lagoon, South Bank Nohoanga; and~~

~~xii. SASM 214 Huruhuru Manu/Spoon River.~~

Advice Note: Indigenous vegetation clearance is also subject to the provisions in the ECO - Ecosystems and Biodiversity Chapter.

405. In relation to Rule **SASM-R5**, Ms Easton responded to a question from the Panel regarding certification, as described in Advice Note (2) in relation to Lake Māhinapua, and whether certification would be required annually. She considered that the frequency of certification for be a matter for the certifying party. She noted there would be opportunity for dialogue with the Lake Māhinapua Aquatic Club as part of the certification process about the scale and types of activities planned and how they could be adjusted over time to recognise cultural values. She relied on the certification process described in the JWS in giving her answer, and considered it was a matter better addressed between the parties than as part of the Plan provisions.

406. As a consequence of Ms Easton agreeing with the evidence of Ms Pull that the matter of ownership of pounamu was not as material to the Plan provisions as the cultural value of the stone, she recommended deleting the Advice Note under Rule **SASM-R7** and its reference to "*Victorian title*".

407. As a consequence of Ms Easton amending Policy SASM-P13, she recommended amending the heading of Rule **SASM-R9** to refer to "*network utility infrastructure*", and she confirmed her support for the inclusion of "*regionally significant infrastructure*" in this rule.

408. As a consequence of Ms Easton amending Policy SASM-P13, she recommended amending the heading of Rule **SASM-R10** to refer to "*network utility infrastructure*", and she confirmed her support for the Rule inclusion of "*regionally significant infrastructure*" in this rule.

409. As a consequence of Ms Easton amending Policy SASM-P13, she recommended amending the heading of **SASM-R13** to refer to "*network utility infrastructure*", and she confirmed her support for the inclusion of "*regionally significant infrastructure*" in this rule.

Hearing Panel's Evaluation

410. The Panel recommends amendment to Advice Note (2) in order to reflect the amended wording of the Overview regarding ownership of pounamu. The Panel do not consider it necessary to refer to Victorian title given that, where such title is proven, pounamu will be encountered *in situ* where the title is present. In a wider catchment setting, such as the Arahura River catchment or another pounamu rich catchment, the likelihood increases that pounamu vested with Poutini Ngāi Tahu or Māwhera Incorporation will be incidentally

encountered outside of public fossicking beaches. This may be true during minor earthworks activities, for instance, similar to accidental discovery of other taonga.

411. The Panel accept the evidence of Ms Pull that the recommended new methods should reference the certification process, which the Panel has recommended be incorporated into new Method SASM-M1. The Panel also recommends an additional advice note that alerts plan users to the presence of the methods at the end of the rules because this differs from other chapters of the Plan where there are no methods.

412. The Panel has thoroughly considered the matter of written approval and certification within permitted activity rules (e.g. notified Rule SASM-R2), based on the various legal opinions received and the collective view of the planners in the JWS. The understanding of the Panel is that a level of agreement was reached by the parties to make a permitted activity process work, in preference to a resource consent process. The Panel find that it is desirable to support a permitted activity process that is simple to administer, and therefore efficient and cost effective, whilst allowing for Poutini Ngāi Tahu to confirm that a proposed activity will not give rise to adverse effects of concern on values in sensitive sites and areas. In landing on an option to achieve this outcome, the Panel has first considered the alternative of a controlled activity. Aside from determining suitable matters of control, establishing a controlled activity status for the activities that were notified as permitted activities requiring written approval would be a fairly straightforward recommendation. However, such a recommendation would not achieve what was sought to be achieved by the notified Plan. Use of controlled activity status would increase the administrative burden on the Councils and increase cost and complexity for resource users. The Panel consider that the notified approach has support from a number of submitters, with submission points predominantly concerned about the way in which the process for permitted activities would work, in order to be able to rely upon a permitted status. This has also been a primary concern of the Panel in considering the most effective and efficient rule framework.

413. The Panel find that a written approval process, although it has been occurring since notification of the Plan without incident (based on evidence provided by Poutini Ngāi Tahu), is not the right approach over the life of the Plan. The Panel determine that a written approval process constitutes third party approval and is therefore potentially *ultra vires,* although acknowledging the advice of Ms Scott that this has not been tested by the courts. The Panel accept the concerns of submitters that written approval may be withheld for a variety of reasons in the absence of parameters set in the Plan, or even potentially withdrawn, which creates uncertainty for resource users[123]. The Panel accept that written approval as part of a permitted activity is a "novel" mechanism to include within a plan, as opposed to occurring as part of a resource consent process. The Panel's preference is to utilise a proven mechanism that is found in other district plans, which provides more certainty for Plan users. We consider that a certification process better formalises the written approval process that has been relied upon since notification of the Plan.

414. The Panel agree with the assessment of legal counsel and the planners that a certification process can form part of a permitted activity rule, looking at other district plans around the country. A certification process, therefore, does not give rise to the same concerns as a written approval process. We note that certification as proposed by the planners in the JWS relies upon a suitably qualified or experienced person certifying that an activity does or does not given rise to adverse effects of concern on the values of a particular SASM. The Panel recognise that, in this case, the suitably qualified or experienced person is not independent,

[123] For example, Stephen Page S270.015, Erin Stagg S314.004, Misato Nomura S151.004, Kirsty Henderson S125.001 and Buller District Council S538.179

as expected with other kinds of environmental effects, because of who holds the necessary mātauranga or knowledge. We accept that this is necessarily true, consistent with relevant case law[124]. The Panel understand that certification in relation to effects on mana whenua values is also "novel" because there are no examples of an equivalent approach being taken in any other jurisdiction for these types of environmental effects. The Panel does not see this as a barrier to adopting a certification process, but it does mean that considerable care has been taken to ensure that there are clear parameters and that the process can be readily understood by Plan users. The Panel is first guided in this regard by the legal advice received, and in particular, that a permitted activity rule "*must not reserve by subjective formulation a discretion to decide whether an activity is a permitted activity*"[125], and also by the advice of the planners recorded in the JWS.

415. The Panel agree with Ms Scott that cultural expertise is required to understand effects on mana whenua values, and that such expertise will necessarily sit within Poutini Ngāi Tahu, as she outlined in the joint memorandum of counsel[126]. We also agree that the determination would necessarily be binary in nature, rather than being dependent upon an approach that was subject to conditions - either the proposed activity does or does not give rise to adverse effects of concern to Poutini Ngāi Tahu on values that are present within the sensitive site or area.[127] The Panel therefore identify that certification is: (a) reliant upon the details of a proposed activity as provided to Poutini Ngāi Tahu; (b) specific to the identified values of a particular SASM; and (c) a determination that is not subject to any conditions or caveats. These aspects of the certification process are incorporated in our recommendation on Schedule Three (SCHED 3A) and further discussed in relation to that new Schedule to the Plan.

416. The Panel disagree with Ms Rusher that determining that a proposed activity within a sensitive site or area does not give rise to adverse effects on values present in the site or area necessarily means that there is an issue with the spatial extent of a SASM. We are satisfied that it will be the particulars of a proposed activity that will be considered and certified by Poutini Ngāi Tahu in the circumstances of each site or area, and accept that it would be onerous to identify all potential variations of sensitivities within a site or area and particulars of proposed activities. We do not consider it to be efficient to undertake such an identification process, which also may not be achievable. We are satisfied that a process has been undertaken by Poutini Ngāi Tahu to "narrow down" the types of activities that are permitted in certain sites or areas, and that allowance has been made through some of the permitted activity rules to accommodate activities, provided there is an opportunity for Poutini Ngāi Tahu to review what is proposed, and confirm that there are no concerns with regards to adverse effects on mana whenua values once the particulars of a proposal are known. The Panel disagree with Ms Rusher that this is a matter for the Panel to determine because the members do not have the necessary expertise to establish whether or not the particulars of an activity will give rise to adverse effects on mana whenua values associated with a particular SASM[128].

417. The Panel is assisted by the joint memorandum of counsel findings regarding the necessity for criteria to be included in a Plan if a certification process is to be used as part of a permitted activity rule. We understand that it is the combination of criteria and expertise that are necessary for a certification process, and that the making of a substantive decision cannot be

[124] For example, Environmental Protection Society Inc v Tauranga City Council [2021] 3 NZLR 882 at [65] and SKP Incorporated v Auckland Council [2018] NZEnvC 81 at [157] as noted in Footnote 34 of this report
[125] Confirmed as the most relevant principle in the Joint Memorandum of Counsel, 7 June 2024, para 4
[126] Ibid., para 7
[127] Ibid., para 10
[128] Ibid., para 31

delegated[129]. The joint memorandum of counsel confirms the position in case law that "*persons who hold mana whenua are best placed to identify impacts of any proposal on the physical and cultural environment valued by them*"[130]. As previously noted, we accept this position and have therefore concentrated on the nature and role of criteria and the process of certification. The Panel also accept the advice of Ms de Latour that certification is binary in nature (similar to the advice of Ms Scott), and therefore a matter of the presence or absence of effects of concern, rather than a consideration of the level of effect, which she advises will ensure that there has been no delegation of a substantive decision[131]. In this regard, we understand that Ms de Latour is making a distinction between confirming the presence or absence of an effect and assessing the scale of an effect that has been found to be present. As such, the Panel also understand that the presence of an adverse effect of concern would mean that certification was not given and that therefore the level of effect that has been found to be present would be assessed as part of a discretionary resource consent process. The Panel note that at that point Poutini Ngāi Tahu may be able to provide an indication of the basis upon which they would provide written approval, for instance once conditions have been put forward to address identified adverse effects of the proposed activity, for inclusion on a resource consent.

418. The Panel acknowledge that the planners' preference (as recorded in the JWS) is for a permitted activity rule reliant on certification, similar to that in the Ōtorohanga District Plan, included as an example in Appendix 1 of the joint memorandum of counsel. We note that this example from the Ōtorohanga District Plan allows for an assessment by a suitably qualified person as to the nature of indigenous vegetation present, to determine whether it crosses the threshold of being "*significant*" and therefore requiring protection under section 6(c). We understand that such an assessment is generally undertaken by an ecologist and will be an assessment of vegetation present, and to some extent the impact of loss or modification of that vegetation[132]. In that respect, we are not convinced that methodologies employed by suitably qualified persons are necessarily always black and white, or completely absent of consideration of level of effect, but rather require a judgement based on relevant skills and expertise in order to reach a clear conclusion. This differs from an assessment of a measured level of effect, for instance, such as a particular decibel level from a source of noise, which might also require technical expertise, but judgement based on skills and experience may play less of a role. The Panel agree with the planners that the Ōtorohanga District Plan example is useful in the context of considering adverse effects on mana whenua values and how cultural expertise would be employed in a certification process to reach a clear conclusion. We acknowledge that the planners were unanimous in their preference for the Ōtorohanga example as the basis for amending the rules and incorporating a schedule in the Plan, which would contain the criteria for certification.

419. The Panel recommend inclusion of a new schedule in the Plan, as proposed by the planners in the JWS, to be named "*Schedule Three (SCHED 3A)*" and incorporated at the end of Schedule Three. The contents of new SCHED 3A are further discussed in this Recommendations Report when considering Schedule Three, after the recommendations on individual SASM. The Panel's recommendations on the wording of each rule that was notified as a permitted activity requiring written approval are included in this section.

[129] Ibid., para 20
[130] Ibid., para 24
[131] Ibid., para 26
[132] The Ōtorohanga District Plan assessment criteria for the rule are contained in Appendix 2 and include a criterion that must consider whether vegetation in the riparian margin of waterbodies is critical for the life cycle of aquatic species, and therefore to what extent loss of the vegetation would impact on those species.

420. The Panel rely on the s32 Report and s32AA assessments of the planners in adopting a certification process, rather than a written approval process. We consider a certification process to be more certain, and therefore more effective, than the notified written approval process, whilst being similarly efficient and cost effective for the Councils and resource users.

421. In relation to Rule **SASM-R1**, the Panel notes that Poutini Ngāi Tahu requested that SASM 22, Ōkari Lagoon, be removed from SASM – R1 (S620.116), which was not reflected in Ms Easton's Right of Reply. We agree with GDC that SASM 55, Māwhera Burial Cave, is not in a location likely to be grazed by animals and recommend it is removed from Table SASM-T1, as shown in Ms Easton's Right of Reply. This means the permitted activity rule will only apply to five SASM. The Panel otherwise agrees with Ms Easton regarding amendments to the rule arising from the Poutini Ngāi Tahu submission.

422. In relation to Rule **SASM-R2**, the Panel recommend amending the wording to reflect our acceptance of a certification process instead of requiring written approval, in response to submissions.[133] This is the first of the permitted activity rules that were notified as requiring written approval for certain activities in identified SASM and we recommend wording in this rule is replicated in the other permitted activity rules notified as requiring a written approval process.

423. The Panel recommends amending the notified wording to that provided by the planners in the JWS, with some simplification of the reference to "*being assessed and certified as not having adverse effects on cultural values*", to match the text recommended by the Panel in new Schedule Three (SCHED 3A). The Panel recommends the wording in the rule simply refers to certification *"in accordance with Schedule Three (SCHED 3A)*" so that the matter of "*not having adverse effects on cultural values*" is addressed in the Schedule (including by amending the wording proposed for the Schedule as drafted by the planners in the JWS). This is further discussed within this report in the section on Schedule Three (SCHED 3A).

424. The Panel otherwise agree with the reasoning of Ms Easton in relation to this rule but could not find analysis for inclusion of the new advice note. However, the Panel consider it to be a helpful addition for plan users navigating rules in the chapter.

425. In relation to Rule **SASM-R3**, the Panel accepts the reasoning of Ms Easton in her s42A Report and Right of Reply, whilst recommending amendments to the wording regarding certification in order to be consistent across similar permitted activities.

426. In relation to Rule **SASM-R4**, the Panel accepts the reasoning of Ms Easton in her s42A Report and Right of Reply, whilst recommending amendments to the wording regarding certification to be consistent across the rule framework. We recommend SASM 34, Te Nikau Scenic Reserve, is deleted from Table SASM – T4 as a consequence of our recommendation for that SASM, as discussed later in this Report in relation to Schedule Three. We understand the concerns expressed by Westpower regarding clearance of vegetation around electricity distribution lines and have considered Mr Kennedy's requested addition to the rule but note his acceptance of Ms Easton's recommendations and support for certification through the JWS. The Panel also note that recommendations for rules SASM-R9 and SASM-R10 are likely to address any remaining concerns of Mr Kennedy.

427. In relation to Rule **SASM-R5**, the Panel considers that Advice Note (2), as proposed in the s42A Report, is not required. The Panel find it necessary to differentiate between activities that may

[133] For example, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001, Buller District Council S538.179

be permitted under Rule ASW-R2 and other activities that may be subject to Rule SASM-R5, to ensure that the Plan is internally consistent. The Panel therefore include a further exception to the rule that references Rule ASW-R2. We otherwise accept the reasoning of Ms Easton and recommend amendment to the wording regarding certification to be consistent across the rule framework. The Panel recommends SASM 34, Te Nikau Scenic Reserve, is deleted from Table SASM–T5 as a consequence of our recommendation for that SASM, as discussed later in this Report in relation to Schedule Three.

428. In relation to Rule **SASM-R6**, the Panel agrees with the recommendations and reasoning of Ms Easton. As with other rules, we recommend SASM 34, Te Nikau Scenic Reserve, is deleted from Table SASM–T6 as a consequence of recommendation for that SASM, and recommend amendment to the wording regarding certification to be consistent across the rule framework. The Panel has considered the evidence of Westpower and consider that there is provision within the rules as a consequence of recommendations for rules SASM-R9 and SASM-R10.

429. In relation to Rule **SASM-R7**, the Panel is concerned with ensuring the rule is clear about its purpose, which is to manage activities within the jurisdiction of the district plan, as distinct from the management of mineral extraction under the Crown Minerals Act. The Panel has amended wording in the rule to ensure there is no confusion, utilising RMA Schedule 1, clause 16 to ensure the rule is managing activities that disturb or remove pounamu or aotea during mineral extraction or quarrying. The Panel agree with Federated Farmers and Forest & Bird submission points that indicate confusion arising from the three standards in the notified rule and how they are intended to work, including in relation to who is undertaking the activity, what the activity is, and how the rule relates to other rules in the Plan. The Panel has recommended amendments to the wording of the rule to clarify the intention of each standard in the rule.

430. The Panel accept the JWS version of the title, including reference to SASM in Schedule Three, which differs from the s42A Report that excluded SASM in Schedule Three. No explanation is provided in the JWS for this amendment, but the Panel considers it is likely there may be pounamu or aotea within some SASM and that application of the rule in those sites and areas is therefore appropriate. The Panel has recommended removing capitalisation of the words "*pounamu*" and "*aotea*" and using the full title of the overlays, being the "*Pounamu Management Area*" and the "*Aotea Management Area*". The extent of these overlays is discussed later in this Report. The Panel recommends not including Advice Note (1) as shown in the Right of Reply evidence because it replicates Advice Note (2) included at the start of all the rules in the chapter. The Panel do not consider it necessary to repeat the advice. Otherwise, the Panel accepts the recommendation to include a new advice note in response to the Forest & Bird submission point.

431. In relation to Rule **SASM-R8**, the Panel has similar concerns about this rule as notified, which needs to be clear about its purpose. The rule must manage activities within the jurisdiction of the district plan, as distinct from the management of mineral extraction under the Crown Minerals Act. The Panel has amended wording in the rule to ensure there is no confusion, utilising RMA Schedule 1, clause 16 to express that the rule is managing land disturbance associated with fossicking. The Panel acknowledge the three submissions in support of this rule.

432. In relation to Rule **SASM-R9**, the Panel accepts the reasoning of Ms Easton and her recommended amendments in the Right of Reply. We have considered the evidence of Westpower and conclude that suite of permitted activity rules will provide suitable pathways for maintenance, operation and upgrade of the existing electricity distribution network. The

Panel notes the point made by Mr Kennedy regarding overlapping SASM but consider that the overlapping SASM will not impede decision-making or ability for infrastructure providers to be able to rely on Rule SASM-R9.

433. In relation to Rule **SASM-R10,** the Panel accepts the recommended amendments of Ms Easton to the title and the introduction of the advice note in response to the Poutini Ngāi Tahu submission point. However, the Panel have further considered the evidence of Westpower in relation to the depth of earthworks to maintain, repair or upgrade infrastructure and prefer the wording proposed in their submission for clause (2). We consider that, as this is a controlled activity rule, the matters for control will allow an assessment of the extent of any earthworks, with conditions to manage any actual or potential adverse effects. We make this recommendation in light of the purpose of the rule, which is the maintenance, repair and upgrade of existing network utility infrastructure or RSI.

434. In relation to Rule **SASM-R11,** the Panel accepts the recommended amendments of Ms Easton in her s42A Report and Right of Reply, and her reasoning. However, the Panel does not consider it necessary to have an advice note regarding pounamu when there is already one at the beginning of all the rules. The Panel also prefers the phrase "*will consult with*" rather than "*will be informed by advice from*" in the advice note regarding notification.

435. In relation to Rule **SASM-R12,** the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. The Panel also recommends minor and consequential amendments.

436. In relation to Rule **SASM-R13,** the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. The Panel also recommends minor and consequential amendments.

437. In relation to Rule **SASM-R14,** the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. The Panel also recommends minor and consequential amendments.

438. In relation to Rule **SASM-R15,** the Panel accepts the recommended amendments of Ms Easton and her reasoning, including the re-classification of the rule as discretionary in response to the submission of Poutini Ngāi Tahu, aside from preferring consistent wording for the notification advice note. However, we recommend that the proposed activity in special purpose zones should be limited to the BCZ, MINZ and MPZ zones because it would not be appropriate for the Plan to enable mineral extraction and quarrying activities in the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ zones. The Panel also recommends minor and consequential amendments.

439. In relation to Rule **SASM-R16,** the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. In addition, we recommend amendment to match the NES-CF, referring to "*commercial forestry*" instead of "*plantation forestry*" to avoid unintended consequences of a gap in the rule in relation to "*exotic continuous-cover forestry*", which is not covered by the definition of "*plantation forestry*" in the NES-CF but is included in the definition of "*commercial forestry*". The Panel has also recommended that the proposed activity in special purpose zones should be limited to the BCZ, MINZ, and MPZ because it would not be appropriate for the Plan to enable commercial forestry and woodlots in the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ zones. The Panel also recommends minor and consequential amendments.

440. In relation to Rule **SASM-R17,** the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. We also recommend minor and consequential amendments, including as a result of recommendations regarding definitions earlier in this report. We consider that the types of activities covered by Rule SASM-R17 may occur in a variety of special purpose zones, therefore it is not recommended to amend that aspect of the rule. The Panel has further considered the evidence of Federated Farmers but do not recommend amendment to the rule. We consider that a resource consent process, while a non-complying activity, would allow for discussions with Poutini Ngāi Tahu regarding written approval based on the design or location of any intensive indoor primary production. This is considered by the Panel to be appropriate given the various sensitivities of identified SASM and provides a consent pathway depending on the circumstances.

441. In relation to Rule **SASM-R18,** the Panel generally accept the recommendation and analysis of Ms Easton, aside from preferring consistent wording for the notification advice note. However, we do not consider it necessary to retain the standard in the rule given that it is a catch-all rule after all other rules have been breached. The Panel recommend deleting reference to '*controlled and restricted discretionary rules'* in the title to the rule because there are no applicable rules of this classification associated with the activities.

442. In relation to Rule **SASM-R19,** the Panel generally accept the recommendation and the analysis of Ms Easton. However, we have recommended amendment to the title of the rule to reflect changes made to rules SASM-R7 and SASM-R8, to make the rule less confusing, given its antecedents are only the first standard of rules SASM-R7 and SASM-R8, which are specific to aotea, the Aotea Management Area, and Ngāti Māhaki.

Hearing Panel's Recommendation

443. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Sites and Areas of Significance to Māori Rules**:

Sites and Areas of Significance to Māori Rules
Advice Notes: 1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach. 2. Under the Pounamu Vesting Act all pounamu ~~is owned by~~ **formerly owned by the Crown was vested in** Te Rūnanga o Ngāi Tahu. **In the case of pounamu in the Arahura River catchment, this has in turn been vested in Māwhera Incorporation.** Please contact ~~a~~ Poutini Ngāi Tahu ~~Rūnanaga~~ or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made, **and return it to the relevant owner.**[134] 3. Poutini Ngāi Tahu may place a restriction on fossicking to protect pounamu resources or

[134] The Proprietors of Māwhera Incorporation S621.019

for cultural reasons. These restrictions may limit both the activity and the locations available for collection.
4. Fossicking for pounamu on the beaches of the West Coast/Te Tai o Poutini is limited to what an individual can physically lift by themselves and take unaided within a 24 hour period.
5. The rules are accompanied by methods that are shown at the end of the rules and indicate the means by which the policies and rules of the chapter will be implemented. This differs from other parts of the plan that do not contain methods.[135]

Permitted Activities

SASM -R1 Grazing of Animals on ~~Sites and Areas in Schedule Three –~~[136] Sites and Areas of Significance to Māori listed within Table SASM – T1[137]

1. Where the activity is not ~~on the following~~ **in the** Sites and Areas of Significance to Māori ~~as identified in Schedule Three~~ **listed within Table SASM – T1**: ~~SASM 22 Ōkari Lagoon[138]; SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site[139]; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 127 Ulipa; SASM 133 No. 19 Ōkārito Native Reserve; SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve); SASM 168 No. 4 Heretaniwha Native Reserve; or SASM 207 Awawhata Reserve at River Mouth.~~

Activity status where compliance not achieved: Discretionary

SASM - R2 Minor Earthworks on ~~Sites and Areas in Schedule Three –~~[140] Sites and Areas of Significance to Māori listed within Table SASM – T2[141]

Activity Status Permitted

1. These are earthworks associated with:

~~i~~**a**. Burials at urupā; or

~~ii~~**b**. Archaeological survey by Pouhere Taonga – Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or

~~iii~~**c**. Installing fence posts and the replacement of poles for overhead network utility lines provided that:

~~A~~**i**. The area of land disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; and

~~B~~**ii**. The activity does not involve installation or digging of new holes for overhead network utility lines; or

[135] RMA First Schedule, Clause 16
[136] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[137] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.116
[138] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.116, so SASM 22 Ōkari Lagoon is not subject to the rule
[139] Grey District Council S608.023, so SASM 55 Māwhera Burial Cave Is not subject to the rule
[140] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[141] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.117, consequential amendment

~~iv~~**d**. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/track; and

2. In relation to standards ~~ii.~~**a)**, ~~iii.~~**b)** and ~~iv.~~**c)**[142] these earthworks are not undertaken at the ~~following Sites and Areas of Significance to Māori identified in Schedule Three~~ **Sites and Areas of Significance to Māori listed in Table SASM – T2**[143] ~~except with the written approval from the relevant Poutini Ngāi Tahu rūnanga which~~ **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification**[144] is provided to the relevant District Council at least 10 working days prior to the activity commencing~~:~~

~~i.a) SASM 17 Kawatiri South Bank Native Reserve; SASM 41 Kotorepi (Nine Mile); SASM 54 Motutapu; SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 110 Māhinapua; SASM 127 Ulipa; SASM 130 Whataroa Native Reserves Secs 21; SASM 133 No. 19 Ōkārito Native Reserve; SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 165 No 7. Mahitahi Beach Native Reserve; SASM 168 No. 4 Heretaniwha Native Reserve; SASM 170 Porangirangi to Mahitahi; SASM 185 Lake Moeraki Reserve; or SASM 207 Awawhata Reserve at River Mouth~~; and

3. An Accidental Discovery Protocol commitment has been completed and the form submitted to Council 10 working days prior to the commencement of any earthworks.

Activity Status where compliance not achieved: Discretionary

Advice Note:
1. Rule SASM – R2 relates to minor earthworks on Sites and Areas of Significance toMāori within Table SASM – T2. There are additional rules for earthworks in other SASMs outlined in rule SASM – R6.[145]

SASM – R3	**Demolition, removal of, or alterations to a building or[146] structure on ~~Sites and Areas in Schedule Three –~~[147] Sites and Areas of Significance to Māori listed within Table SASM – T3**[148]

Activity Status Permitted

Where:

1. In relation to the Sites and Areas of Significance to Māori ~~identified in Schedule Three identified in 2. Below~~ **listed in Table SASM-T3**[149]:

   ~~i~~**a**. The activity does not occur except ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga which~~ **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A)**

142 RMA First Schedule, Clause 16
143 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.117
144 Buller District Council, S538.179, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001
145 RMA First Schedule, Clause 16
146 Westpower Limited S547.222
147 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
148 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.118, consequential amendment
149 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.118

and this certification[150] is provided to the relevant District Council at least 10 working days prior to the activity commencing; and

~~ii~~**b**. No land disturbance is involved; and

~~iii~~**c**. There is no change in the size or location of the structure**'**s foundation or building footprint occupied by the structure~~;~~**.**

~~2. SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site; SASM 64 Blaketown Part Reserve; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 121 Waitaiki Historic Reserve; SASM 127 Ulipa; SASM 135 Ōkārito (No. 18 Koamaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 168 No. 4 Heretaniwha Reserve; and SASM 170 Porangirangi to Mahitahi;~~

Activity Status where compliance not achieved: Discretionary

SASM – R4 Indigenous vegetation clearance on ~~Sites and Areas in Schedule Three –~~[151] **Sites and Areas of Significance to Māori listed in Table SASM – T4**[152]

Activity Status Permitted

Where:

1. The activity does not occur ~~o~~**i**n[153] the ~~following~~ Sites and Areas of Significance to Māori ~~identified in Schedule Three~~ **listed in Table SASM-T4[154]**, except ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga which~~ **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification**[155] is provided to the relevant District Council at least 10 working days prior to the activity commencing~~:~~**; or**

2. The activity is hand clearance for:

a. the maintenance of existing fencelines within 1m of the fenceline; or

b. removal of planted garden vegetation.[156]

~~i. All sites identified in Category Tahi (1) and Category Rua (2) in Schedule Three;~~

~~ii. SASM 52 Cobden Native Reserve;~~

~~iii. SASM 109 Pyramid Hill/Tumuaki Hill;~~

~~iv. SASM 117 Waitaiki Catchment;~~

~~v. SASM 156 Te Puku o te Wairapa;~~

~~vi. SASM 159 Tikitiki o Rehua;~~

[150] Buller District Council, S538.180; Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001
[151] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[152] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.119, consequential amendment
[153] RMA First Schedule, Clause 16
[154] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.119
[155] Buller District Council S538.181, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001
[156] Grey District Council S608.026, in response to evidence provided at the hearing by the Council regarding particular concerns with the rule

~~vii. SASM 162 Heretaniwha;~~

~~viii. SASM 170 Porangirangi to Mahitahi;~~

~~ix. SASM 192 Awarua;~~

~~x. SASM 197 Ōkuru;~~

~~xi. SASM 204 Waiototo Lagoon, South Bank Nohoanga; and~~

~~xii. SASM 214 Huruhuru Manu/Spoon River.~~

Activity Status where compliance not achieved: Discretionary

Advice Note:
1. Indigenous vegetation clearance is also subject to the provisions in the ECO – Ecosystems and **Indigenous**[157] Biodiversity Chapter.

SASM – R5	**Temporary Events on ~~Sites and Areas in Schedule Three –~~[158] Sites and Areas of Significance to Māori listed in Table SASM – T5**[159]

Activity Status Permitted

Where:

1. These are Poutini Ngāi Tahu cultural events in accordance with tikanga; or

2. They are temporary events and activities in accordance with the Temporary Activities Chapter; and

3. On ~~the following~~ Sites and Areas of Significance to Māori ~~identified~~ **listed** in ~~Schedule Three~~ **Table SASM-T5**,[160] these only occur: ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga that~~ **(i) where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification**[161] is provided to the relevant District Council at least 10 working days prior to the activity commencing**; or (ii) where the activity is permitted in accordance with Rule ASW-R2.**[162]

~~:~~

~~i) All sites identified in Category Tahi (1) in Schedule Three;~~

~~ii) SASM 1 Kahurangi Point; SASM 3 Whakapoai Native Reserve 7B; SASM 17 No. 37 Kawatiri South Bank Native Reserve; SASM 34 Te Nikau Scenic Reserve; SASM 67 Kōtukuwhakaoko/Arnold River including on the surface of its waters; SASM 94 No. 3 Arahura Native Reserve; SASM 107 Island Hill/Raparapahoi; SASM 109 Pyramid Hill/Tumuakai Hill; SASM 110 Māhinapua; SASM 114 Tara o Tama; SASM 116 Mt Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 130 Whataroa Native Reserves Secs 21; SASM 131 Ōkarito Lagoon; SASM 162 Heretaniwha; SASM 165 No.7 Mahitahi Beach Native Reserve; SASM 169 No. 5~~

[157] RMA First Schedule, Clause 16
[158] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[159] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.120, consequential amendment
[160] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.120
[161] Jet Boating New Zealand S161.009, Buller District Council S538.182, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001
[162] Consequential amendment based on recommendations for Rule ASW-R2 in the Activities on the Surface of Water Chapter, which provides for some permitted activities on SASM 111 Lake Māhinapua, with the support of Poutini Ngāi Tahu

~~Mahitahi Native~~ ~~Reserve; SASM 170 Porangirangi to Mahitahi; and~~ ~~SASM 205 No. 2 Waiototo Native Reserve.~~

Activity Status where compliance not achieved: Discretionary

Advice Note<u>s</u>:

<u>1.</u> Where Temporary Events are proposed on the Surface of Water within Sites and Areas of Significance to Māori then this Rule SASM -R5 will apply.

SASM – R6	**Earthworks<u>,</u> Buildings and Structures ~~not provided for in SASM-R2 in Schedule Three –~~[163] <u>within</u> Sites and Areas of Significance to Māori <u>listed in Table SASM – T6 and SASM – T7</u>[164]**

Activity Status Permitted

Where:

1. The **<u>earthworks, buildings and structures</u>** ~~activity does not occur on the following Sites and Areas of Significance to Māori identified in Schedule Three, except with written approval from the relevant Poutini Ngāi Tahu rūnanga which~~ **<u>within Sites and Areas of Significance to Māori listed in Table SASM-T6 or SASM-T7</u>**[165] **<u>have been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification</u>**[166] is provided to the relevant District Council at least 10 working days prior to the activity commencing**<u>,</u>**~~:~~

~~i) All sites identified in Category Tahi (1), Category Rua (2), Category Toru (3) and Category Wha (4) in Schedule Three; and~~

~~ii) SASM 3 Whakapoai Native Reserve 7B and SASM 170 Porangirangi to Mahitahi;~~

~~iii)~~ provided that**<u>:</u>**~~:~~[167]

2. No earthworks, buildings or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **<u>Table SASM – T7.</u>**[168]

Activity Status where compliance not achieved:

Discretionary where Standard 1 is not complied with.

Non-complying where Standard 2 is not complied with.

SASM – R7	**~~Farm~~ Quarries<u>, including Farm Quarries,</u>[169] and Mineral Extraction Activities within the Pounamu <u>Management Area</u> and Aotea ~~Overlay~~ <u>Management</u> Area~~s~~ <u>or in a Site or Area of Significance to Māori in Schedule Three</u>[170]**

Activity Status Permitted

Where:

[163] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[164] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.121, consequential amendment
[165] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.121
[166] Buller District Council S538.183, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001
[167] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.121
[168] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.115
[169] Federated Farmers of New Zealand – West Coast S524.055
[170] RMA First Schedule, Clause 16

1. ~~In relation to~~ **The activity is mineral** extraction that **disturbs or removes** ~~A~~**a**otea:

   ~~i~~**a**. ~~Any extraction of Aotea~~ **this** is only undertaken by Te Rūnanga o Makaawhio or their authorised representatives or contractors; **and**

   ~~ii~~**b**. Where an Aotea Management Plan prepared by Te Rūnanga o Makaawhio exists, ~~any extraction of Aotea is~~ **the activity is undertaken** in accordance with that plan; **and**

   ~~iii~~**c**. Where ~~this is Aotea extraction~~ **the activity occurs** in the Aotea ~~overlay~~ **Management Area**, notice of the activity is provided to the Westland District Council by Te Rūnanga o Makaawhio~~,~~ at least 10 working days prior to the activity ~~occurring~~ **commencing**.

2. ~~In relation to~~ **The activity is mineral** extraction ~~of~~ **that disturbs or removes** ~~P~~**p**ounamu:

   ~~i~~**a**. ~~Any extraction of Pounamu~~**This**[171] is only undertaken by **Te Rūnanga o Ngāi Tahu,**[172] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or their authorised representatives or contractors;~~ **and**

   ~~ii~~**b**. Where a~~n~~ ~~P~~**p**ounamu Management Plan prepared by Poutini Ngāi Tahu exists, ~~any extraction of P~~**p**~~ounamu is~~ the activity is undertaken in accordance with that plan; **and**

   ~~iii~~**c**. Where ~~this Pounamu extraction is~~ **the activity occurs** within the Pounamu ~~overlay~~ **Management Area**,[173] notice of the activity is provided to the relevant district council by the relevant Poutini Ngāi Tahu rūnanga, at least 10 working days prior to the activity commencing;

3. ~~In relation to other~~**The activity is** mineral extraction and quarrying activity **(including farm quarries) that disturbs or removes pounamu and is not undertaken by Poutini Ngāi Tahu:**[174]

   ~~i~~**a**. ~~Written approval is provided by~~ **The mineral extraction or quarrying** ~~the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity can occur within the Pounamu and/or Aotea overlay(s) and the written confirmation shall be~~ **has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification is**[175] provided to the relevant district council at least 10 working days prior to the activity commencing.

Activity Status where compliance not achieved:

Prohibited where Standard 1 ~~or 2~~ is not complied with.

Discretionary where Standard **2 or**[176] 3 is not complied with.

Advice Note~~s~~:

1. ~~Under the Pounamu Vesting Act, all pounamu is owned by Te Rūnanga o Ngāi Tahu. Any pounamu or Aotea disturbed shall be returned to the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio.~~

[171] RMA First Schedule, Clause 16, consistent with recommendations on notified SASM P6 (re-named SASM P5)
[172] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.122
[173] RMA First Schedule, Clause 16
[174] Royal New Zealand Forest & Bird Protection Society Inc S560.190, Federated Farmers of New Zealand – West Coast S524.055, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.122
[175] Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001
[176] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.394

This rule manages the adverse cultural effects of mineral extraction and quarrying in relation to the cultural taonga of pounamu and aotea. This rule is in addition to the rules in the zone chapters for mineral extraction and quarrying.[177]

SASM – R8	**Land disturbance from ~~F~~fossicking of Aotea by Ngāti Mahaki whanui within the Aotea ~~overlay~~ Management Area**[178]

Activity Status Permitted

Where:

1. Any **land disturbance associated with** fossicking **for** ~~of~~ ~~A~~**a**otea stone is only undertaken by Ngāti Māhaki o Makaawhio whanui and only occurs seaward of the State Highway Bridge on the Makaawhio (Jacobs) River within the Aotea ~~overlay~~ **Management** ~~a~~**A**rea.
2. Any **land disturbance associated with** fossicking of ~~A~~**a**otea is in accordance with:
   ~~i~~**a**. An Aotea Management Plan prepared by Te Rūnanga o Makaawhio; or
   ~~ii~~**b**. Where there is no Aotea Management Plan, ~~the fossicking~~ **any resulting removal of aotea** is limited to what an individual can hold within one hand within any 24 hour period.

Activity Status where compliance not achieved: Prohibited

Advice Note:

1. Te Rūnanga o Makaawhio do not allow public fossicking to protect the ~~A~~**a**otea[179] resource and for cultural reasons.

SASM – R9	**Maintenance, Repair and Upgrading of Network Utility ~~Structures~~ Infrastructure**[180] **and Regionally Significant Infrastructure**[181] **on or within Sites and Areas of Significance to Māori ~~identified in Schedule Three~~ listed in Table SASM – T8**[182]

Activity Status Permitted

Where:

1. The activity occurs within the Sites and Areas of Significance to Māori listed within Table SASM – T8. ~~in the following Sites and Areas of Significance to Māori as identified in Schedule Three:~~

~~i. SASM 10 Kawatiri Pā~~

~~ii. SASM 12 Kawatiri Town Reserve~~

~~iii. SASM 15 No. 42 Kawatiri (Township) Native Reserve~~

~~iv. SASM 31 Punakaiki Area~~

~~v. SASM 56 Māwhera Pā 1~~

~~vi. SASM 57 Māwhera Gardens~~

[177] Royal New Zealand Forest & Bird Protection Society Inc. S560.473
[178] RMA First Schedule, Clause 16
[179] RMA First Schedule, Clause 16
[180] Westpower Limited S547.231, infrastructure includes buildings and structures
[181] Manawa Energy Limited S438.072
[182] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.393, consequential amendment

~~vii. SASM 58 Greymouth Railway Land~~

~~viii. SASM 59 Māwhera Pā 2~~

~~ix. SASM 60 Māwhera Kāinga~~

~~x. SASM 61 Victoria Park~~

~~xi. SASM 63 No. 32 Nga Moana e Rua Native Reserve~~

~~xii. SASM 94 No. 30 Arahura Native Reserve~~

~~xiii SASM 96 Taramakau River~~

~~xiv SASM 104 Kawhaka Creek Catchment~~

~~xv SASM 112 Arahura River at Tūhua~~

~~xvi SASM 117 Waitaiki Catchment~~

~~xvii SASM 121 Waitaiki Historic Reserve~~

~~xviii SASM 197 Ōkuru~~[183]

Activity Status where compliance not achieved: Controlled

Controlled Activities

SASM -R10 **Maintenance, Repair and Upgrading of Network Utility ~~Structures~~ Infrastructure[184] and Regionally Significant Infrastructure[185] on or within ~~Sites and Areas in Schedule Three –~~ [186]Sites and Areas of Significance to Māori where Permitted Activity standards are not met**

Activity Status Controlled

Where:

1. Notice of works is provided to the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga of Makaawhio, 10 working days prior to any earthworks commencing; and

2. The work**s** ~~is~~ **are** in an area that has previously been disturbed by the network utility **infrastructure or regionally significant infrastructure**[187] **and the area of land disturbed is limited to what is necessary for the work required**; ~~and~~ **or**~~:~~

~~a. For the maintenance, repair and upgrading of above ground structures any earthworks involves no more than 0.3m2 to a maximum depth of 450mm at the base of the above ground structure; and~~

~~b. For underground structures, a maximum area of 10m2 or a maximum volume of 5m3 of land; or.~~ [188]

[183] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.393
[184] Westpower Limited S547.234, infrastructure includes buildings and structures
[185] Manawa Energy Limited S438.073
[186] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[187] RMA First Schedule, clause 16
[188] Westpower Limited S547.234

3. The work is installing customer connections to an existing network, provided that any associated earthworks are limited to the extent that is necessary to install the connection; or

4. The work is the trimming or removal of trees or vegetation for the purpose of protecting the integrity of the structure or is otherwise undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Matters of control are:

a. Area and depth of earthworks for above ground structures;
b. Area and volume of earthworks for underground structures;
c. Extent of earthworks for new customer connections;
d. Extent of any vegetation trimming or removal;
e. Impacts of the activity on the cultural values on any site or area of significance to Māori;
f. Implementation of any advice received from the relevant Poutini Ngāi Tahu rūnanga on ways to manage the effects on cultural values of the proposed maintenance works.

Activity Status where compliance not achieved: Discretionary

Advice Note:

1. This rule applies to all Sites and Areas of Significance to Māori, not only those sites and areas within Table SASM– T8[189]

Discretionary Activities

SASM -R11	**~~Farm~~ Quarries, including Farm Quarries,**[190] **and Mineral Extraction Activities within the Pounamu Management Area and Aotea ~~Overlay~~ Management Area~~s~~ or in a Site or Area of Significance to Māori in Schedule Three**[191] **not meeting Permitted Activity Standards**

Activity Status Discretionary

Activity Status where compliance not achieved:

N/A

~~Advice Note:~~

~~Under the Pounamu Vesting Act all pounamu is owned by Te Rūnanga o Ngāi Tahu.~~

Notification:

When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.[192]

[189] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.125
[190] Federated Farmers of New Zealand – West Coast S524.055, consequential amendment to accord with Rule SASM-R7
[191] RMA First Schedule, Clause 16
[192] WMS Group (HQ) Limited and WMS Land Co. Limited S599.046

SASM -R12	**Earthworks, Buildings and Structures, including Demolition and Removal of Buildings and Structures on or within ~~Sites and Areas in Schedule Three –~~**[193]**Sites and Areas of Significance to Māori not meeting Permitted Activity Standards.**

Activity Status Discretionary

Where:

1. No earthworks or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – R7;**[194]
2. This is not Mineral Extraction subject to Rule SASM – ~~R14~~**15;**[195] and
3. This will not result in the destruction of a Site or Area of Significance to Māori.

Activity Status where compliance not achieved: Non-complying

Notification:

~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**[196]

SASM -R13	**Maintenance, Repair~~,~~ and Upgrade of ~~and New~~ Network Utility ~~Structures~~ Infrastructure**[197] **and Regionally Significant Infrastructure**[198] **on or within Sites and Areas of Significance to Māori in Schedule Three not meeting Controlled Activity Standards, and any New Network Utility Infrastructure and Regionally Significant Infrastructure**[199]

Activity Status Discretionary

Where:

1. There are no new structures on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – R7.**[200]

Activity Status where compliance not achieved: Non-complying

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**.[201]

SASM -R14	**Grazing, Indigenous Vegetation Clearance and Temporary Events on Sites and Areas of Significance to Māori in Schedule Three not meeting Permitted Activity Standards**

Activity Status Discretionary

[193] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[194] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.129
[195] Buller District Council S538.187
[196] Westpower Limited, S547.240 and consequential amendment consistent with Rule SASM-R11
[197] Westpower Limited, S547.240, infrastructure includes buildings and structures
[198] Manawa Energy Limited S438.073, consequential amendment
[199] RMA First Schedule, Clause 16
[200] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.130
[201] Westpower Limited, S547.243 and consequential amendment consistent with Rule SASM-R11

Activity Status where compliance not achieved: N/A

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**[202]

SASM -R15	**Quarries, including Farm Quarries[203], and Mineral Extraction Activities ~~by~~[204] other than by Poutini Ngāi Tahu in Sites and Areas of Significance to Māori identified in Schedule Three**[205]

Activity Status ~~Non-complying~~ Discretionary[206]

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose** Zone (other than AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ)[207] or INZ – Industrial Zone

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**[208]

Advice Note:

1. Mineral Extraction in RESZ – Residential Zones and ~~COMZ~~ **CMUZ**[209]– Commercial and Mixed Use Zones is not regulated by this rule. Refer to relevant zone rules for the status of industrial activities in these areas.

Activity Status where compliance not achieved: N/A

Non-complying Activities

SASM -R16	**~~Plantation~~Commercial**[210] **forestry or planting of ~~shelterbelts or~~**[211] **woodlots on land in ~~Schedule Three~~**[212] **Sites and Areas of Significance to Māori identified in Schedule Three**[213]

Activity Status Non-complying

[202] Westpower Limited S547.245 and consequential amendment consistent with Rule SASM-R11
[203] Federated Farmers of New Zealand – West Coast S524.055, consequential amendment to accord with Rule SASM-R7
[204] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.131
[205] RMA First Schedule, Clause 16
[206] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.396
[207] RMA First Schedule, Clause 16, consequential amendment in relation to recommendations on the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ Chapters of the Plan that support the purpose of those zones
[208] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.397, consequential amendment consistent with Rule SASM-R11
[209] RMA First Schedule, Clause 16
[210] RMA First Schedule, Clause 16, consequential amendment to reflect the National Environmental Standards for Commercial Forestry 2017, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132
[211] Federated Farmers of New Zealand – West Coast S524.056
[212] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[213] RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose** Zone (other than AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ)[214] or INZ – Industrial Zone

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**[215]

Advice Note:

~~1. Plantation~~**Commercial** ~~F~~**f**orestry ~~shelterbelts~~ and woodlots in RESZ – Residential Zones and ~~COMZ~~ **CMUZ**[216]– Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules and the NES – ~~Plantation~~ Commercial Forestry for the status of these activities in these areas.

Activity Status where compliance not achieved: N/A

SASM -R17	**Landfills, ~~waste disposal facilities,~~ new crematoria, hazardous facilities, intensive indoor primary production, and wastewater treatment plants ~~and wastewater disposal facilities,~~**[217] **on or within 50m of sites and areas ~~in Schedule Three~~**[218] **Sites and Areas of Significance to Māori identified in Schedule Three**[219]

Activity Status Non-complying

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose**[220] Zone or INZ – Industrial Zone

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**[221]

Advice Note:

1. Where these activities are proposed in RESZ – Residential Zones and ~~COMZ~~ **CMUZ**[222]– Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules for the status of these activities in these areas.

Activity Status where compliance not achieved: N/A

[214] RMA First Schedule, Clause 16, consequential amendment in relation to recommendations on the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ Chapters of the Plan that support the purpose of those zones, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

[215] RMA First Schedule, Clause 16, consequential amendment consistent with Rule SASM-R11, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

[216] RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

[217] Te Tai o Poutini Plan Committee S171.011, consequential amendment associated with recommendations on definitions

[218] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

[219] RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

[220] RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

[221] RMA First Schedule, Clause 16, consequential amendment consistent with Rule SASM-R11, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

[222] RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

SASM -R18	**Earthworks, Buildings or Structures on the Upper Slopes, Ridgelines or Peaks of Ancestral Maunga in ~~Schedule Three~~[223] ~~Sites and Areas of Significance to Māori~~ Table SASM – T7[224] not meeting Permitted, Controlled, ~~Restricted Discretionary~~ or Discretionary Activity Standards[225]**
Activity Status Non-complying ~~Where:~~ ~~1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special Zone or INZ – Industrial Zone~~ **Notification:** ~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**[226] ~~**Advice Note:** Where these activities are proposed in RESZ – Residential Zones and COMZ – Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules for the status of these activities in these areas.~~ **Activity Status where compliance not achieved:** N/A	
Prohibited Activities	
SASM -R19	**Quarries, including Farm Quarries,[227] and ~~M~~mineral extraction that disturb or remove aotea, or land disturbance from fossicking of ~~A~~aotea, ~~or Mineral Extraction of Pounamu~~ by anyone other than ~~Poutini Ngāi Tahu~~ Ngāti Māhaki whanui in the ~~Pounamu –~~ Aotea ~~Overlay~~ Management a~~A~~rea ~~not meeting Rule SASM – R7~~[228]**
No application for resource consent will be accepted for this activity.	
Sites and Areas of Significance to Māori Tables[229] **SASM – T1 Table for Rule SASM - R1 Grazing of Animals** SASM 41 Kotorepi (Nine Mile) SASM 81 Takataka Islands SASM 84 Ōkarito (No. 18 Kaomaru Native Reserve) SASM 127 Ulipa SASM 133 No. 19 Ōkarito Native Reserve SASM 168 No 4. Heretaniwha Native Reserve	

[223] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395
[224] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.115
[225] RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.134
[226] RMA First Schedule, Clause 16, consequential amendment consistent with Rule SASM-R11, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.134
[227] Federated Farmers of New Zealand – West Coast S524.055, consequential amendment
[228] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.315, and consequential amendments associated with recommendations on Rule SASM-R7, Rule SASM-R8, Rule SASM-R11 and Rule SASM-R15
[229] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.115, with consequential amendments to the tables arising from recommendations on the SASM rules, Schedule Three and individual SASM

SASM 207 Arawhata Reserve at River Mouth – Silent File

SASM – T2 Table for Rule SASM – R2 Minor Earthworks

SASM 41 Kotorepi (Nine Mile)

SASM 54 Motutapu

SASM 55 Māwhera Burial Cave Site

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 110 Māhinapua

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 133 No. 19 Ōkārito Native Reserve

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga

SASM 165 No 7. Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 185 Lake Moeraki Reserve

SASM 207 Arawhata Reserve at River Mouth

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM – T3 Table for Rule SASM – R3 Demolition, Removal or Alteration of a Structure

SASM 41 Kotorepi (Nine Mile)

SASM 55 Māwhera Burial Cave Site

SASM 64 Blaketown Part Reserve

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 162 Heretaniwha

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM – T4 Table for Rule SASM – R4 Indigenous Vegetation Clearance

SASM 23 No. 45 Watarakau Native Reserve

SASM 25 Tiroroa

SASM 27 Fox River

SASM 28 Te Ana Matuku

SASM 29 Pahautane Beach

SASM 33 Pakiroa Beach

SASM 38 Kararoa

SASM 41 Kotorepi (Nine Mile)

SASM 52 Cobden Native Reserve

SASM 54 Motutapu

SASM 55 Māwhera Burial Cave Site

SASM 74 Lake Haupiri Nohoanga

SASM 78 Lady Lake Nohoanga

SASM 80 Pah Point

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 109 Pyramid Hill/Tumuaki Hill

SASM 110 Māhinapua

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 156 Te Puku o te Wairapa

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 159 Tikitiki o Rehua

SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 171 Mahitahi River Nohoanga

SASM 173 Mahitahi River

SASM 175 No.6 Mahitahi - Silent File Wāhi tapu

SASM 176 Mahitahi Reserve Lot 1-3 DP346435

SASM 179 No. 6 Mahitahi Reserve Māori Reserve

SASM 180 No. 3 Paringa Native Reserve

SASM 181 Paringa River Reserve -Rural Section 727A

SASM 182 Paringa River Reserve - Lot1 DP 3785

SASM 185 Lake Moeraki Reserve

SASM 192 Awarua Māori Reserve

SASM 199 Mussel Point

SASM 204 Waiatoto Lagoon, South Bank Nohoanga

SASM 205 No. 2 Waiatoto Native Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 209 No. 1 Arawata Native Reserve - West Reserve Block

SASM 211 Cascade River Nohoanga

SASM 213 Barn Bay

SASM 214 Huruhuru Manu/Spoon River

SASM 215 Hautai

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM – T5 Table for Rule SASM – R5 Temporary Events
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SASM 3 Whakapoai Native Reserve7B
SASM 17 No. 37 Kawatiri South Bank Native Reserve
SASM 41 Kotorepi (Nine Mile)
SASM 55 Māwhera Burial Cave Site
SASM 67 Kōtukuwhakaoko/ArnoldRiver
SASM 81 Takataka Islands
SASM 84 Knoll Point
SASM 94 No. 30 Arahura Native Reserve
SASM 107 Island Hill/Raparapahoi
SASM 109 Pyramid Hill/Tumuaki Hill
SASM 110 Māhinapua
SASM 114 Tara o Tama
SASM 116 Mt Tūhua Maunga
SASM 117 Waitaiki Catchment
SASM 121 Waitaiki Historic Reserve
SASM 127 Ulipa
SASM 130 Whataroa Native Reserves Secs 21
SASM 131 Ōkārito Lagoon
SASM 133 No.19 Ōkarito Native Reserve
SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)
SASM 155 Hunts Beach Māori Reserve
SASM 157 No. 10 Makāwhio Native Reserve
SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve
SASM 162 Heretaniwha
SASM 165 No. 7 Mahitahi Beach Native Reserve
SASM 168 No. 4 Heretaniwha Native Reserve
SASM 169 No. 5 Mahitahi Native Reserve
SASM 170 Porangirangi to Mahitahi

SASM 205 No. 2 Waiatoto Native Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM – T6 Table for Rule SASM – R6 Earthworks, Buildings and Structures

SASM 1 Kahurangi Point

SASM 2 Whakapoai / Heaphy Māori Reserve

SASM 3 Whakapoai Native Reserve 7B

SASM 6 Karamea (Pā point)

SASM 16 Tauranga Bay

SASM 17 No. 37 Kawatiri South Bank Native Reserve

SASM 18 No. 38 Kawatiri North Bank Native Reserve

SASM 19 Ōkari

SASM 21 No. 46 Oweka Native Reserve

SASM 23 No. 45 Watarakau Native Reserve

SASM 25 Tiroroa

SASM 27 Fox River

SASM 28 Te Ana Matuku

SASM 29 Pahautane Beach

SASM 33 Pakiroa Beach

SASM 38 Kararoa

SASM 41 Kotorepi (Nine Mile)

SASM 49 Kōtukuwhakaoko River Mouth

SASM 50 Aromahana

SASM 54 Motutapu

SASM 55 Māwhera Burial Cave Site

SASM 56 Māwhera Pā 1 Pā site, Kāinga

SASM 60 Māwhera Kāinga

SASM 64 Blaketown Part Reserve

SASM 71 Taramakau

SASM 72 Taramakau Ngutu Awa

SASM 74 Lake Haupiri Nohoanga

SASM 76 Taramakau Pā

SASM 77 Kotukuwhakaoko (Moana) Nohoanga

SASM 78 Lady Lake Nohoanga

SASM 80 Pah Point

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 88 Timuaki Pā

SASM 101 Hokitka Pā

SASM 110 Māhinapua

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 144 Karangarua Lagoon

SASM 149 No.12 Manakaiaua Native Reserve

SASM 150 Hunts Beach Kāinga

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 171 Mahitahi River Nohoanga

SASM 173 Mahitahi River

SASM 175 No.6 Mahitahi - Silent File Wāhi tapu

SASM 176 Mahitahi Reserve Lot 1-3 DP346435

SASM 179 No. 6 Mahitahi Reserve Māori Reserve

SASM 180 No. 3 Paringa Native Reserve

SASM 181 Paringa River Reserve -Rural Section 727A

SASM 182 Paringa River Reserve - Lot1 DP 3785

SASM 185 Lake Moeraki Reserve

SASM 190 Waita River Kāinga, Urupā, Mahinga kai

SASM 193 Awarua/Haast River South Bank

SASM 199 Mussel Point

SASM 205 No. 2 Waiatoto Native Reserve

SASM 206 Arawata Beach Reserve Māori Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 209 No. 1 Arawata Native Reserve - West Reserve Block

SASM 211 Cascade River Nohoanga - Nohoanga, Mahinga kai

SASM 213 Barn Bay Kāinga, Urupā

SASM 214 Huruhuru Manu/Spoon River Traditional nohoanga, Mahinga kai

SASM 215 Hautai Kāinga, Mahinga kai

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

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SASM 109 Pyramid Hill/Tumuaki Hill

SASM 114 Tara o Tama

SASM 116 Mt Tūhua Maunga

SASM 117 Waitaiki Catchment

SASM 142 Pawaiuru/Malcolms Knob

SASM 146 Puketahi - The Sugar Loaf

SASM 155 Hunts Beach Māori Reserve

SASM 156 Te Puku o te Wairapa

SASM 159 Tikitiki o Rehua

SASM 162 Heretaniwha

SASM – T8	**Table for Rule SASM – R9 Maintenance, Repair and Upgrading of Network Utility Infrastructure and Regionally Significant Infrastructure**
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SASM 12	Kawatiri Town Reserve
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SASM 56	Māwhera Pā 1
SASM 57	Māwhera Gardens
SASM 58	Greymouth Railway Land
SASM 59	Māwhera Pā 2
SASM 60	Māwhera
SASM 61	Victoria Park
SASM 63	No. 32 Ngā Moana e Rua Native Reserve
SASM 94	No. 30 Arahura Native Reserve
SASM 96	Taramakau River
SASM 104	Kawhaka Creek
SASM 112	Arahura River at Tūhua
SASM 117	Waitaiki Catchment
SASM 121	Waitaiki Historic Reserve
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APPENDIX 1:RECOMMENDATIONS FOR DEFINITIONS, SITES AND AREAS OF SIGNIFICANCE TO MĀORI CHAPTER 98

Recommendation on Pounamu Management Overlay and Aotea Management Overlay

Submissions and Further Submissions

1. The s42A Report summarised a number of submission points and Ms Easton provided recommendations in response to evidence.

2. In relation to the rules applying within the Pounamu Management Overlay and the Aotea Management Overlay, there were two general submissions seeking amendment to recognise "*Victorian title*" and one further submission in opposition from Poutini Ngāi Tahu.

3. In relation to the planning maps and the extent of the Pounamu Management Overlay and the Aotea Management Overlay, there were seven submissions (three opposed and four seeking amendments). Some submitters opposed the extent of the overlays based on the presence of "*Victorian title*" (e.g. Ridgeline 3 Investments Ltd, S127.001) or otherwise sought to have them adjusted to reflect known deposits (e.g. Anne Chapman, S425.005). Poutini Ngāi Tahu sought to amend the overlays to follow the Waitaha River and Haast River and to adjust the northern Pounamu Management Area boundary (S620.022, S620.399).

Section 42A Report

4. Ms Easton supported Poutini Ngāi Tahu's requested amendments to the Pounamu Management Overlay and the Aotea Management Overlay maps.

Hearing and Submitter Evidence/Statements

5. Ms Pull for Poutini Ngāi Tahu relied on the evidence of Mr Madgwick in relation to the cultural value of pounamu and aotea to Poutini Ngāi Tahu and the geographic boundary identified in the planning maps. She noted that Poutini Ngāi Tahu experts had worked with Council staff to make the mapping as accurate as possible.

6. Mr McEnaney for GDC considered that pounamu and aotea overlays should only apply where those resources have been identified as present, to avoid the need for unnecessary resource consents.

Reporting Officer Reply Evidence

7. Ms Easton did not further address the mapped overlays in her right of reply.

Hearing Panel's Evaluation

8. The Panel accept the amended mapped boundaries as contained in the Poutini Ngāi Tahu submission and evidence, including their response to concerns raised that have reduced or refined the area of the overlays. The Panel note that amendments to mapped overlays in order to follow the Waitaha River and Haast River were not shown in the s42A Report.

9. In supporting use of the overlays, and the amendments made to them, the Panel consider this to be the most efficient and effective option for achieving protection of cultural taonga, given that it would be too costly and difficult to achieve what GDC are seeking in their submission, namely that the maps reflect where resource is found. The Panel note that the scale of area concerned would be prohibitive. The Panel considers that the mapped overlay approach provides for a response from Poutini Ngāi Tahu when resource is found, as well as controlling

activities to avoid disturbance of taonga, and covers the areas where pounamu and aotea stone are mostly likely to be found.

10. In relation to areas where "*Victorian title*" may still apply in relation to pounamu or aotea, the Panel consider that there is no need to amend the overlays to carve out any such known areas. The Panel rely on the rule framework to provide pathways for those wishing to use their land and mineral resources within the overlay areas. The matter of "*Victorian title*" is therefore considered in the context of each of the relevant rules.

11. Similarly, the overlays have not been amended to exclude the Arahura River where pounamu is vested with Māwhera Inc. This matter is addressed in relation to the relevant rules and how the overlay applies where Poutini Ngāi Tahu, as defined in the Plan, are not the owners of natural state pounamu.

Hearing Panel's Recommendation

12. The Panel recommends making amendments to the Pounamu Management Area overlay proposed by Poutini Ngāi Tahu in their submissions and evidence, including:

    - amending the northern Pounamu Management Area boundary southwards;
    - amending the southern boundary of the northern Pounamu Management Area to follow the Waitaha River; and
    - amending the southern Pounamu Management Area boundary to follow the Haast River.

RECOMMENDATION ON SCHEDULE THREE: SITES AND AREAS OF SIGNIFICANCE TO MĀORI – NGĀ WĀHI TĀPUA KI TE MĀORI

13. The s42A Report summarised a number of submission points on Schedule 3, as a whole, and on individual SASM, and Ms Easton provided recommendations in response to evidence received.

14. In relation to Schedule Three as a whole, there were 31 submissions (three in support, one supporting in part, 13 opposed, and 14 seeking amendments) and 11 further submissions.

15. Poutini Ngāi Tahu submitted to amend the boundaries of 33 SASM[1] that could not be amended using RMA Schedule 1, Clause 16, which were submissions supported by **Ms Easton** in her s42A Report. These amendments meant that Ms Easton supported 30 submissions[2] that sought to have SASM removed from their properties because the SASM no longer applied to them after boundary adjustment. Ms Easton also supported the WCRC submission point (S488.013) that sought to have SASM boundaries confirmed and corrected through the hearing process.

16. Ms Easton responded to submitters that were concerned that Māori owned land had been transferred to freehold title over time, then on-sold to end up in the hands of the submitters, which they then considered should exempt that land from SASM, including land previously held by Māwhera Inc[3]. Of the submissions and SASM identified in her s42A Report, Ms Easton noted that there were no rules applying to these lands, aside from some in relation to utilities. Ms Easton also responded to submitters seeking that current and former Māori reserve lands be removed from Schedule Three and relied on information provided by Poutini Ngāi Tahu regarding the cultural significance of such land to recommend retaining them in the schedule.

17. Ms Easton rejected submissions that opposed the scheduling of SASM in Schedule Three as a whole, including GDC's submission points, on the basis that scheduling assists with giving effect to section 6(e) of the RMA. Ms Easton's rejection of the GDC request to remove all SASM is not repeated below in relation each individual SASM.

18. Ms Easton did not support submissions seeking removal of SASM where she could not identify the location of properties that were the subject of submissions. She supported in part requests of submitters to have more information available in relation to scheduled SASM and recommended linking the schedule to publicly available reports online, which could be facilitated through recommended Method SASM-M1.

19. Ms Easton supported the submission of Poutini Ngāi Tahu to incorporate eight more SASM into the Plan, that were not part of the notified Plan, although she considered that more information would be required on landowner consultation associated with proposed SASM 218 (Aromahana (Cobden Island)) and SASM 220 (Parihaka Memorial and Old Hokitika Gaol). For the other six sites identified, she had no concerns recommending their acceptance on Schedule Three because they were on publicly owned land and there were no specific rules proposed to apply to them.

[1] SASM 178, SASM 172, SASM 170, SASM 167, SASM 165, SASM 156, SASM 153, SASM 144, SASM 139, SASM 122, SASM 121, SASM 120, SASM 119, SASM 104, SASM 98, SASM 86, SASM 79, SASM 74, SASM 72, SASM 68, SASM 64, SASM 60, SASM 59, SASM 56, SASM 54, SASM 48, SASM 44, SASM 40, SASM 27, SASM 26, SASM 24, SASM 18, SASM 6

[2] See paragraph 354 on p168-169 of the s42A Report

[3] See paragraph 358 of the s42A Report and subsequent discussion on p169

20. **Mr Paul Madgwick,** for Poutini Ngāi Tahu, responded to each submitter requesting amendment to particular SASM, both in his written evidence and as a result of discussions with individual submitters, throughout the hearing process. The Poutini Ngāi Tahu response to Minute 37 outlined these interactions, which are referred to in this Report where relevant to a particular SASM.

21. **Ms Rachael Pull,** for Poutini Ngāi Tahu, supported the s42A Report response to submissions requesting deletion of SASM overlays. She noted there was little relevant evidence provided in those submissions and no consideration of how the purpose and principles of the Act would be provided for in relation to those sites. She referred to the effort taken to create bespoke rules so that only those necessary would apply in the circumstances of each SASM, and that landowners could rely on permitted activity rules, where relevant. She cautioned that several of the SASM are waterbodies and Statutory Acknowledgement Areas, with the SASM boundaries drawn to reflect the current waterbody locations rather than how they were surveyed at the time of settlement. She noted the intent of the SASM was to recognise their relationship with the waterbody, which would continue to move naturally.

22. Ms Pull supported reformatting the SASM Chapter, and Schedule Three, as proposed in the s42A Report, because of ease of use, with the SASM reference numbers from the maps linking to the Schedule and SASM provisions. She also supported removal of the column in the Schedule that categorised SASM because the numbering was not sequential and could infer priorities of value that were not intended.

23. The evidence of submitters and recommendations of Ms Easton are detailed below in relation to each SASM that was subject to an individual submission.

24. The exception is that evidence in relation to SASM 149, SASM 180, SASM 181 and SASM 183 are not addressed below because Te Tumu Paeroa – The Office of the Māori Trustee withdrew submission points on these SASM and there were no other matters arising in submissions relevant to these SASM. Mr Madgwick provided evidence on their values as part of the hearing, which is part of the public record, and includes values associated with Former Māori Reserves, Kāinga, Mahinga Kai, Pā site and Urupā, however Mr Madgwick's evidence addresses SASM 182 rather than SASM 183 so the values of SASM 183 are not included in his analysis. Te Tumu Paeroa retained their submission point on SASM 157, which is considered in the evidence of Mr Madgwick and discussed below.

Hearing Panel's Evaluation

25. The Panel consider Schedule Three to be fundamental to implementation of the SASM Chapter and agree that the "*Category*" column in the table SCHED 3 is confusing. The Panel has been concerned with ensuring that the schedule is clear and accurate.

26. The Panel consider it needs to be clear that the Schedule works in combination with the planning maps, as evidenced by the number of submission points lodged by Poutini Ngāi Tahu seeking to change the planning maps that outline individual SASM. The Panel consider it helpful to reiterate, in relation to the Schedule, that jurisdiction of the Plan is landward of the coastal marine area (mean high water springs).

27. The Panel also considers the relationship between the planning maps and identified SASM that are waterbodies, and can be expected to move over time, needs to be clear. We have

received evidence relating to particular waterbodies that have moved over time[4] (e.g. Taramakau River) and expect that this will be the norm in the dynamic environment of the region. However, we understand that the relationship of Poutini Ngāi Tahu does not alter because the channel or bed of the waterbody has altered, which needs to be reflected in the Plan approach to appropriately give effect to RMA section 6(e). The Panel consider that a statement needs to be added to the beginning of Schedule Three in order to clarify these points for Plan users, as well as including "*Waterbody*" within the "*Values*" column of the Schedule to signify that the statement accords with those particular SASM. Where Poutini Ngāi Tahu have indicated in evidence an intention for the whole of a catchment to be recognised as a SASM (e.g. SASM 117), this is understood by the Panel to be more than just the waterbody itself. In such cases reference to "*Waterbody*" in the "*Values*" column of the Schedule is not considered necessary by the Panel because the issue raised in submissions of the active bed of a waterbody changing over time does not arise, due to such movement already being captured within the area of a catchment.

28. The Panel has considered a number of requested amendments to the mapped SASM, predominantly within Poutini Ngāi Tahu submission points. In each case the Panel has preferred amendments that do not increase the extent of a SASM and do not affect new landowners that were not included with the notified extent of a particular SASM. While the Panel understand that the further submission process provided the opportunity for potentially affected landowners to participate in the hearing process, the Panel's preference is for such amendments to be made at the same time as other changes that will need to be made by way of a variation or plan change (e.g. amendment to SASM 34), as accepted in the evidence of Poutini Ngāi Tahu to the Panel during the hearing process.

Hearing Panel's Recommendation

29. The Panel recommends additional text at the beginning of SCHED 3 – Sites and Areas of Significance to Māori to read as follows:

All Sites and Areas of Significance to Māori shown in this Schedule are also shown on the planning maps, which outline each identified site or area.[5]

Where mapped Sites and Areas of Significance to Māori extend in to the coastal marine area, this Schedule only applies landward of the coastal marine area (mean high water springs).[6]

All waterbodies that are identified as a whole on the planning maps as a Site or Area of Significance to Māori, and listed in this Schedule as "*Waterbody*", include their active channels, beds, banks and immediate margins where they are outside the outline on the planning maps. The planning maps are indicative of Poutini Ngāi Tahu relationship with the waterbody.[7]

30. The Panel makes recommendations on each of the individual SASM in the following passages of this Report, with changes to the notified Schedule SCHED 3 shown in Appendix 2 to this Report .

[4] For example Jennifer Lake S323.001, William & Vicki Molloy S227.00, Ian Stewart S124.001, Ann Bradley S371.001, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.351, S620.362, Lyn McIntosh S469.002

[5] RMA First Schedule, clause 16

[6] RMA First Schedule, clause 16

[7] Response to a range of submitters, for example: Jennifer Lake S323.001; William & Vicki Molloy S227.002; Ian Stewart S124.001; Ann Bradley S371.001; Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.351, S620.362; and Lyn McIntosh S469.002; including concerns raised in submissions about the relationship between the waterbody SASM identified on planning maps and the active channel or bed of waterbodies that may change over time (e.g. S124.001 and S620.346). Also supported by West Coast Regional Council S488.013

SASM 1 – Kahurangi Point

31. GDC requested the removal of SASM 1 (S608.143).

Hearing Panel's Evaluation

32. The Panel note that the Plan notified SASM 1 as a Category Whā (4), which means that it would be subject to Rule SASM-R6, however, Schedule Three only records SASM-R5 as relevant to the rule, in line with its reference in notified Rule SASM-R5. The Panel consider there is an error in relation to Rule SASM-R6 that needs correction.

Hearing Panel's Recommendation

33. The Panel recommends that SASM 1 be added to Table SASM-T6 and that Rule SASM-R6 be added to Schedule Three for this SASM.

SASM 4 – Karamea (township) Native Reserve

34. There were two submission points on SASM 4, including GDC. Poutini Ngāi Tahu sought amendment (S620.314) so that rules relating to earthworks, buildings and structures no longer apply because these activities could occur without impacting on cultural values in that area.

35. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.

Hearing Panel's Evaluation

36. The Panel notes that SASM 4 is not included in the rule tables and therefore is not impacted by rules relating to earthworks, buildings and structures, based on the s42A recommended wording for the rules. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as permitted activities within SASM 4.

Hearing Panel's Recommendation

37. The Panel recommends excluding SASM 4 from the rule tables and revising Schedule Three so that the permitted activity rules do not apply.

SASM 6 – Karamea (Pā Point)

38. There were three submitters on SASM 6, including GDC. Mary Stewart (S222.001) requested that this SASM be removed from her property at Karamea (Pā Point) because she did not consider the area was of significance to Māori. Poutini Ngāi Tahu (S620.315) sought to reduce the size of the SASM.

39. In her s42A Report, Ms Easton supported amending the boundary of SASM 6, as requested by Poutini Ngāi Tahu. However, she noted this amendment did not remove Ms Stewart's property from within the circular shape of the SASM.

40. Ms Stewart presented to the Panel and provided a written statement, accompanied by material in support of her submission from Mr Hamish Macbeth of Karamea. She stated that she had not been able to find evidence in her research of permanent settlement in the area of Maori Point Road within SASM 6, considering it a food gathering area as part of the

greenstone trail. She pointed to wider errors with the SASM maps and poor communication, and the impact on unencumbered freehold title. She referred to changes in the land resulting from the Murchison earthquake and river changes, as well as her understanding about the origins of the name "Maori Point Rd". She indicated greater Māori occupation on the north side of the river and the site of her land being less desirable swamp and scrubland in the past. Mr Macbeth wrote, similar to Ms Stewart, that no artefacts have been found on his property and considered that SASM 6 was a case of "mistaken identity" given river changes over time.

41. Mr Madgwick provided a 19th century map of the area (circa 1860s) obtained from the National Library and held by Archives New Zealand, recording the area as Māori owned land. He identified it as a historic pā site and kāinga. He noted that an archaeological site recorded within the SASM as a midden containing artefacts was listed in the operative Buller District Plan and was included in Appendix 10 to the Plan. Mr Madgwick highlighted that there are other archaeological sites and recorded native reserves within the wider vicinity of SASM 6 that provide context for the area. He noted that the Poutini Ngāi Tahu submission sought to reduce the size of the SASM but confirmed Ms Stewart's property remained affected.

42. In the response to Minute 37 Poutini Ngāi Tahu provided a copy of a letter sent to Ms Stewart that included copies of the 19th century map, including "zoomed in" and rotated versions. The letter also confirmed that Ms Stewart's property was situated just outside the eastern edge of SASM 6.

Notified SASM 6 *Amended SASM 6*





43. Ms Easton in her right of reply supported Ms Stewart's submission point on the basis of the confirmed map boundary from Poutini Ngāi Tahu that showed her property was excluded from SASM 6. She therefore corrected her previous s42A Report statement.

Hearing Panel's Evaluation

44. The Panel consider that SASM 6 provides for appropriate recognition and provision for Poutini Ngāi Tahu relationship with the area, and that impacts on private property have been minimised through the Plan process.

Hearing Panel's Recommendation

45. The Panel recommends that amendment is made to reduce the mapped area of this SASM as requested in the Poutini Ngāi Tahu submission, with SASM-R6 applicable in the area as per Schedule Three.

SASM 7 – No.7 Kongahu Native Reserve

46. There were three submission points on SASM 7, including GDC. B P & C A Jones requested that this SASM be reduced in size to exclude their dairy farm and residences because the land was once Māori reserve land but had long ago passed into freehold title (S526.002).

47. Poutini Ngāi Tahu requested that rules relating to earthworks, buildings and structures no longer apply to SASM 7 because these activities could occur without consultation with rūnanga (S620.316).

48. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.

49. Mr Madgwick provided a map (circa 1860s) showing the location of the former Māori reserve land named 'No. 47 Kongahu Native Reserve', obtained from the National Library and held by Archives New Zealand. He noted that Kā Huru Manu details the area of the reserve as well and contains the following description:

> *This 40-acre reserve situated south of Karamea on the South Bank of the Otamahana River was set aside as part of the Arahura Purchase 1860. In 1878, the Young Commission determined that the ownership of the reserve resided with Ihaia Tainui and Wikitoria te Piki as to 20 acres, and Mata Nihoniho, Henare Mahuika and Hoani Mahuika as to 20 acres. In 1935, 8 acres of the reserve was taken under the Public Works Act as road reserve and a further 2 acres was taken as the site of a public school. In 1963, the land taken for the school site was no longer required by the Nelson Education Board and was re-vested in the owners. In 1967, the land was vest in the Maori Trustee to facilitate the sale of the block and in 1968, the land was sold and converted to general title.*

50. Mr Madgwick confirmed that Schedule Three should be amended to refer to this area as a former Māori Reserve.

Hearing Panel's Evaluation

51. The Panel note that, despite recommending accepting Poutini Ngāi Tahu's submission point, SASM 7 was included in the rule tables based on the s42A Report recommended wording for the rules and table SASM-T6. The Panel accept Poutini Ngāi Tahu's view that it is not appropriate to manage earthworks, buildings and structures as permitted activities in this SASM.

Hearing Panel's Recommendation

52. The Panel recommends removing SASM 7 from SASM-T6 and amending Schedule Three to refer to SASM 7 as a "*former Māori Reserve*".

SASM 8 – Mokihinui Native Reserve

53. There were two submission points on SASM 8, including GDC. Poutini Ngāi Tahu sought amendment (S620.317) that rules relating to earthworks, buildings and structures, and indigenous vegetation clearance no longer apply because these activities could occur without consultation with rūnanga.

54. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.

Hearing Panel's Evaluation

55. The Panel confirm SASM 8 is not included in the rule tables and therefore is not impacted by rules relating to earthworks, buildings and structures, and indigenous vegetation clearance, based on the s42A Report recommended wording for the rules. We accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures or indigenous vegetation clearance as permitted activities in SASM 8. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies, along with other objectives and policies in the Plan, will apply, as relevant.

Hearing Panel's Recommendation

56. The Panel recommend deleting SASM 8 from the rule tables and amending Schedule Three so that no permitted activity rules apply to this SASM.

SASM 9 – Waimangaroa Native Reserve

57. There were two submission points on SASM 9, including GDC. Poutini Ngāi Tahu sought amendment (S620.422) that rules relating to earthworks, buildings and structures no longer apply because these activities could occur without consultation with rūnanga.

58. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.

Hearing Panel's Evaluation

59. The Panel confirm that SASM 9 is not included in the rule tables and therefore is not impacted by rules relating to earthworks, buildings and structures, based on the s42A Report recommended wording for the rules. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as permitted activities in this location.

Hearing Panel's Recommendation

60. The Panel recommends deleting SASM 9 from the rule tables and amending Schedule Three so that no permitted activity rules apply to this SASM.

SASM 10 – Kawatiri Pā

61. GDC were the only submitter specific to SASM 10 (S608.152), which is included in SASM-T8 in the right of reply evidence. Schedule Three, as notified, did not include any rules applicable to the SASM. However, notified Rule SASM-R9 did include SASM-10.

Hearing Panel's Evaluation

62. The Panel assume that an error occurred in the notified version of the Plan and that both SASM-R9, as notified, and SASM-T8 in the right of reply are correct, such that amendment is required to Schedule Three to reflect the applicable rule for this SASM.

Hearing Panel's Recommendation

63. The Panel recommends amendment to Schedule Three to show that Rule SASM-R9 applies to SASM 10.

SASM 12 – Kawatiri Town Reserve

64. There were seven submission points on SASM 12, including GDC; and four further submissions from Poutini Ngāi Tahu.

65. Mr Grant Weston (S113.001) requested that the SASM be removed because land that was once leasehold is now freehold and therefore did not hold any significance to Māori. Ms Hannah Nicholas (S170.001) opposed the SASM because it decreased property value with no compensation and would create issues for selling the property in the future. Mr Sean Casey (S416.002) sought removal of the SASM from section 115 Romilly St, Westport because he considered it was an error that needed to be fixed. Ms Idena Schultze (S89.001) sought removal of the SASM from 12a and 12b Brougham Street in Westport due to concerns regarding potential rule and regulation changes. She noted that prior to purchase she had checked whether there were any Māori connections. Mark Bowe (S69.001) sought to remove 171 Peel St from SASM 12.

66. Ms Easton rejected the submissions from landowners in favour of the further submissions from Poutini Ngāi Tahu, based on cultural values not being tied to land ownership status.

67. Mr Madgwick explained that SASM 12 included several areas across Kawatiri/Westport that include current and former Māori reserves, as shown on a map obtained from the National Library, held by Archives New Zealand.

Hearing Panel's Evaluation

68. The Panel note that SASM 12 is included within table SASM T8 and therefore connects these lands to management under rule SASM – R9, covering network utilities within the SASM. The impact of the rule framework within SASM 12 is therefore primarily on managers of network utility infrastructure, rather than individual property owners. The SASM will be applicable in circumstances where a discretionary or non-complying resource consent is required, at which time SASM Chapter objectives and policies will apply, along with other relevant objectives and policies in the Plan as relevant. The Panel also note that Schedule Three at the time of notification did not reference SASM-R9 for this SASM, which requires correction.

Hearing Panel's Recommendation

69. The Panel recommends SASM 12 is includes SASM-R9 in Schedule Three and is included within the Table SASM-T8.

SASM 13 – No.36 Kawatiri South Bank Native Reserve

70. There were two submission points on SASM 13 from Mr Graeme Walsh (S664.001) and GDC Council (S608.155) opposing the overlay[8]. Mr Walsh's submission was opposed by Poutini Ngāi Tahu (FS41.0746), supported by Tony Anderson (FS240.001) and received two further submissions that did not state a view on his submission (John Sutton, FS239.001, and Vern Morris, FS.241.001).

71. Ms Easton's Addendum Report (2 July 2024) rejected Mr Walsh's submission point but noted some overlap between SASM 13 and his property at 74 Cape Foulwind Road, part of the northern paddock. Ms Easton relied on the view of Poutini Ngāi Tahu that the area is culturally significant as a Māori reserve and kāinga location, with use that pre-dates the arrival of

[8] Note that these submission points were not discussed on page 140 of the s42A Report where individual SASMs are discussed.

European settlers. She noted that there are no specific rules that apply to SASM 13. She supported the further submission of Poutini Ngāi Tahu; and accepted the sites are significant to Poutini Ngāi Tahu and exist regardless of the Plan. She highlighted the obligation on the Councils and landowners under the RMA and other legislation to protect significant sites.

72. Mr Walsh presented to the Panel on 18 November 2024 and read from his extensive notes on historic references he considered relevant to consideration of SASM 13, utilising a combination of written and oral family history. He considered the property was significant to his family, but he could not find evidence that it was significant to Poutini Ngāi Tahu. He used examples to demonstrate that oral histories are fallible and prone to error, and that non-Māori have assisted to preserve sites of cultural significance over time, including within his family. He considered the SASM a risk to his property rights. He assumed that Māori other than Poutini Ngāi Tahu have history in the area. He found evidence through family oral histories of Māori gardens on Martin's Island, which was outside the SASM, and provided an account of his family's support for exploration and protection of archaeological finds.

Hearing Panel's Evaluation

73. The Panel acknowledge the considerable effort Mr Walsh put into his written submission and statement at the hearing; and his attendance late in the piece as a consequence of being missed from the initial summary of submissions. The Panel understand that Mr Walsh is not confident that the site is proven to be culturally significant, based on his own research, and that he was unable to access Poutini Ngāi Tahu information used to identify the SASM.

74. The Panel accept the evidence of Mr Madgwick that reserve lands chosen by tūpuna at the time of land sales remain significant to Poutini Ngāi Tahu, whether or not they have been subsequently subdivided or turned into freehold title. The Panel also accept occupation and use prior to European settlement would not necessarily be reflected in settler accounts. The Panel are of the view that landowners should be able to access information relevant to SASM affecting their properties to understand what is valued, as long as there is no cultural risk associated with providing that information.

75. While the Panel understand the concern of Mr Walsh that identifying part of his property within the SASM 13 will affect his property rights, we consider there is no significant change of permitted use for landowners from the introduction of SASM 13 because there are no rules that are associated with it in Schedule Three. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies, along with other objectives and policies in the Plan, will apply, as relevant.

76. The Panel consider identification of SASM 13 recognises the relationship of Poutini Ngāi Tahu with the area, while providing for appropriate subdivision, use and development.

Hearing Panel's Recommendation

77. The Panel recommend no change to the mapped area of SASM 13 or Schedule Three in terms of application of the rules.

SASM 14 – No. 43 Ōrowaiti Native Reserve

78. There were 21 submission points on SASM 14 (17 opposed, one opposed in part, and three sought amendments), with 17 further submissions.

79. Mr Russel Lane (S286.001) requested that SASM 14 be deleted from property at Ōrowaiti Road because there was no substantiated evidence of Māori occupation. Leonie Avery (S507), Jared Avery (S508), Kyle Avery (S509), Avery Bros (S510), Bradshaw Farms (S511), Paul Avery (S512) and Brett Avery (S513)[9] requested that SASM 14 be removed because the rule is generally too restrictive. Michael and Dawn Ross (S98.001) requested removal of SASM 14 from 34 Ōrowaiti Road, Westport on the basis that Māwhera Inc. had sold it for private use. They noted that the Māwhera Inc. website states - *"Many of the properties owned by the incorporation are of little economic or cultural value. The incorporation had approval from the Māori Land Court to sell residential lands."*

80. Poutini Ngāi Tahu (S620.318) requested that SASM 14 be renamed SASM 14A and SASM 14B because the two sites are not adjacent, including amending Schedule Three and the maps; and that two SASM not be subject to rules on earthworks, buildings and structures (S620.319).

81. In the s42A Report, Ms Easton supported Poutini Ngāi Tahu's request to remove application of rules on earthworks, buildings and structures (SASM-R6) and rename the SASM as two parts. She did not support removal of the SASM because she considered that land tenure was not the basis of cultural significance. She noted that neither 81 Brougham St nor 21 Dommett Street were included within the identified SASM. The amended maps with new names shown were depicted as shown below:

Notified SASM 14 *New SASM 14A* *New SASM 14B*



82. Mr Madgwick noted SASM 14 included two areas of land that cover current and former Māori reserve land. He advised that SASM 14B contained NZAA site K29/66, an urupā, and that Ōrowaiti Lagoon was a significant mahinga kai area.

Hearing Panel's Evaluation

83. The Panel confirms that SASM 14 is not contained in the rule tables, based on the s42A Report recommended wording. With the removal of reference to Rule SASM-R6 in Schedule Three, the Panel understand that there are no longer any rules proposed to apply to SASM-14A and SASM-14B. The Panel considers there is therefore no change to permitted land use on submitters' properties. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We agree with Ms Easton that inclusion of the SASM in Schedule Three and on the planning maps recognise Poutini Ngāi Tahu's relationship with the current and former reserve lands, while providing for appropriate subdivision, use and development.

[9] Three submission points each, numbered ".021, .024 and .027"

Hearing Panel's Recommendation

84. The Panel recommend amendment to Schedule Three and the planning maps to rename SASM 14 as two SASM labelled '*SASM 14A'* and *'SASM 14B'*, as depicted above, and that Schedule Three indicate no rules are applicable to either SASM. The Panel also recommend amendment to Schedule Three to indicate that these areas are a combination of current and former Māori reserves.

SASM 15 – No. 42 Kawatiri (Township) Native Reserve

85. GDC sought the removal of SASM 15 from the Plan (S608.157), which is addressed earlier in this report. No other submission points were specific to this SASM.

Hearing Panel's Evaluation

86. As with SASM 12, the Panel has identified that Schedule Three at the time of notification did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that this correction was included in table SASM-T8 in the right of reply evidence.

Hearing Panel's Recommendation

87. The Panel recommends SASM 15 includes Rule SASM-R9 in Schedule Three and is included within the Table SASM-T8.

SASM 16 – Tauranga Bay

88. There were three submission points on SASM 16, including GDC and Graeme Walsh. LG.JH Brownlee Partnership & Tbay Limited (S303.001 and S303.002) requested that SASM 16 and SASM 19 be amended so that only significant areas are included, and to identify the specific areas that are significant. The further submission of Poutini Ngāi Tahu opposed this.

89. The s42A Report recorded Ms Easton supported SASM 16, in conjunction with SASM 19 and SASM 22, as representing a major area of habitation for Poutini Ngāi Tahu, with multiple pā, kainga, mahinga kai and tauranga waka present in the area of Tauranga Bay. She supported greater information being made available to landowners affected by the SASM.

90. Mr Madgwick explained that SASM 16 contained an historic pā site, kāinga/village, and mahinga kai gathering areas. He stated that it was well known for its concentration of cultural and archaeological sites, including sites containing evidence of occupation, middens, pits and oven deposits, and a village site, as recorded in the operative Buller District Plan and included in Appendix 10 of the Plan. He advised that, given the number of sites and that the site was a former kāinga, an area approach to mapping acknowledged that not all archaeological sites had been discovered or recorded. He noted that a permitted activity pathway had been provided.

91. Mr Madgwick shared the following text from Kā Huru Manu:

> *Tauranga Bay is located south of Cape Foulwind in the Buller District of Te Tai Poutini (the West Coast). Tauranga has several meanings, including "anchorage", and "fishing-ground". The name Tauranga is likely to refer to the bay being used as a landing place for waka." (References: Kā Huru Manu; Mitchell, G.G.M. (1948) Māori place-names in Buller County. Wellington, N.Z. : A. H. & A. W. Reed. P49-50; and Taylor, W.A. (1952) Lore and history of the South Island Māori. Christchurch, N.Z.: Bascands. P14*

Hearing Panel's Evaluation

92. The Panel are satisfied that the area identified as SASM 16 is an area of cultural significance to Poutini Ngāi Tahu, having the associations described in Mr Madgwick's evidence. We also support ensuring that information about SASM sites is available for affected landowners during the life of the Plan, as has been provided during this hearing process and as may be supplemented over time.

93. The Panel consider it appropriate that the area is subject to Rule SASM-R6 (as notified) given the concentration of archaeological sites in the area. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area, above mean high water springs. We have included reference to this jurisdiction in the Overview to the chapter and in the recommendation for SCHED 3.

Hearing Panel's Recommendation

94. The Panel recommend no amendment to Schedule Three, Table SASM-T6 or the planning maps in relation to SASM 16.

SASM 17 – Kawatiri South Bank Native Reserve

95. There were two submission point on SASM 17, including GDC. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that that SASM 17 would be removed from Rule SASM-R2 and proposed Table SASM-T2 (S620.320). This was accepted in the s42A Report.

Hearing Panel's Evaluation

96. The Panel accept the evidence of Poutini Ngāi Tahu that minor earthworks are not appropriate to be managed as permitted activities within SASM 17 and confirm that Table SASM-T2 in the right of reply evidence does not include this SASM.

Hearing Panel's Recommendation

97. The Panel recommend deleting the reference to Rule SASM-R2 in Schedule Three for SASM 17 and delete SASM 17 from Table SASM-T2.

SASM 18 - No. 38 Kawatiri North Bank Native Reserve

98. There were two submission points on SASM 18, including GDC. Poutini Ngāi Tahu sought to change the shape file of SASM 18 (S620.321) to capture the full extent of the native reserve, which was accepted in the s42A Report.

Notified SASM 18 *Amended SASM 18*





Hearing Panel's Evaluation

99. The Panel accept the advice of Poutini Ngāi Tahu that the map of SASM 18 requires amendment to match the full extent of the native reserve. However, the submitted area of change is an increase in area compared with what was notified and extends on to an additional land parcel. This increases the area to which Rule SASM-R6 applies.

100. The Panel recommends rejecting the increase in mapped area of the SASM, from that notified, because more land will be subject to Rule SASM-R6. This approach to rejecting increases is consistent with our recommendations on other mapped areas. The requested adjustment to the boundaries of SASM 18 is considered by the Panel to be better suited to a plan change, alongside other similar amendments identified in this Report (e.g. SASM 36).

Hearing Panel's Recommendation

101. The Panel recommend no changes to SASM 18 on the planning maps as notified.

<u>SASM 19 – Ōkari</u>

102. There were eight submission points on SASM 19 (three opposed, one neutral and four seeking amendment), and six further submissions in opposition from Poutini Ngāi Tahu. WMS Group (S599.154) sought re-evaluation of the SASM to accurately locate kāinga and mahinga kai sites. George Brownlee (S247.001) sought that mapping be amended to capture the location of specific sites on his property, similar to lG.JH Brownlee Partnership & Tbay Limited (S303.001 and S303.002). Jennifer Lake (S323.001 and S323.002) sought review of the SASM boundaries where they affect private grazing land and extend beyond the lagoon and its boundaries; and requested more information on the values present. Dale Stephen (S277.002) provided information about the area and why it had been identified in that location. Waitakere Trust (S497.001 and S497.002) requested more detail on the significance and rationale for SASM 19.

103. The s42A Report supported retention of SASM 19 as notified and considered that information provided by Poutini Ngāi Tahu to describe the values of the area should be available to affected landowners.

104. Mr Madgwick explained that SASM19 contained a historic kāinga and mahinga kai gathering areas, well known for its concentration of cultural and archaeological sites, all of which were

included in the operative Buller District Plan and recorded in Appendix Ten to the Plan. Given the number of sites, Mr Madgwick said that an area approach was taken to mapping the site, acknowledging that not all archaeological sites would have been found. He noted that a permitted activity pathway is provided through SASM-R6.

Hearing Panel's Evaluation

105. The Panel accept the evidence of Poutini Ngāi Tahu regarding the cultural significance of the area notified as SASM 19 and consider that it is appropriate for SASM-R6 to apply to the area due to the concentration of archaeological sites. The Panel note that cultural significance is not entirely dependent upon the presence of archaeological material, but such material where it has been found in the past can be considered evidence of occupation and use by Poutini Ngāi Tahu over time. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

Hearing Panel's Recommendation

106. The Panel recommends no change to Schedule Three or the planning maps in associated with SASM 19.

SASM 22 – Ōkari Lagoon

107. Three submission points opposed SASM 22, including GDC. Jennifer Lake (S323.001 and S323.002) sought review of the SASM boundaries where they affect private grazing land and extend beyond the lagoon and its boundaries. Waitakere Trust (S497.001) requested more detail on the location and basis for SASM 22.

108. The Poutini Ngāi Tahu submission (S620.322) sought that SASM 22 no longer be subject to Rules SASM-R1, SASM-R4 and SASM-R6, which was supported by Ms Easton in her s42A Report.

109. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that SASM 22 would consequently be removed from proposed Table SASM-T1, which was missed in the recommendations of Ms Easton in her s42A Report.

110. Mr Madgwick explained that Ōkari Lagoon was a cultural redress site (both a Statutory Acknowledgement and Deed of Recognition area) under the Ngāi Tahu Claims Settlement Act 1998 (NTCSA), section 212, and Schedule 47. He highlighted that the area also contained archaeological sites recorded as middens, which are in the operative Buller District Plan and in Appendix Ten of the Plan. He noted that the Poutini Ngāi Tahu submission points reduced the impact of the rule framework on SASM 22.

Hearing Panel's Evaluation

111. The Panel accept the basis given for the cultural significance of SASM 22, which is recognised in statute, and the advice of Poutini Ngāi Tahu that Rules SASM-R1, SASM-R4 and SASM-R6 should be removed from Schedule Three in relation to SASM 22. The effect of accepting this submission point from Poutini Ngāi Tahu is that there are no longer any permitted activity rules applying to SASM 22. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We

accept the evidence of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures, minor earthworks or grazing animals as permitted activities in this location. We also agree with Ms Pull that reference to SASM 22 needs to be removed from Table SASM-T1.

112. The Panel do not consider that a change in position of the waterbody over time due to natural processes need detract from the fact that it has been recognised as a Statutory Acknowledgement Area and therefore reject the submission point requesting removal of that reference from Schedule Three. We understand that waterbodies will naturally shift and change and that when they do, this does not negate the associations Poutini Ngāi Tahu have with them, including associations recognised through statutory acknowledgement. The Panel consider that Schedule 47 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Ōkari Lagoon, which in part responds to concerns of submitters, such as Waitakere Trust (S497.001). The Panel also consider that assigning "*Waterbody*" in the "*Values*" column of Schedule Three would account for any movement of the waterbody over time.

113. The Panel consider that retention of SASM 22 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

Hearing Panel's Recommendation

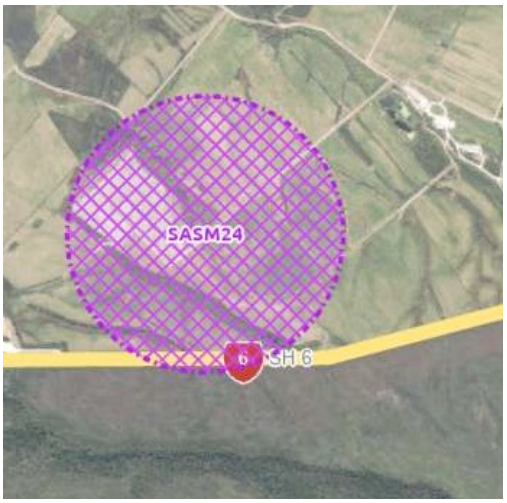
114. The Panel recommend deleting the reference to Rules SASM-R1, SASM-R4 and SASM-R6 in Schedule Three for SASM 22, and deleting SASM 22 from associated tables; and that SASM 22 is otherwise retained in Schedule Three and on the planning maps, as well as retaining reference to the lagoon being a Statutory Acknowledgement Area, and incorporating "*Waterbody*" as a value for this SASM.

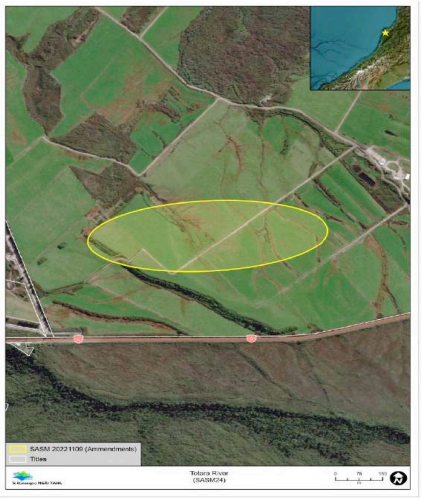
SASM 24 – Totara River

115. There were three submission points on SASM 24, including GDC. Mr John O'Connor (S284.001) sought clarification of the reasons why the SASM was classified. Poutini Ngāi Tahu sought amendment to the mapped area of SASM 24 (S620.324).

116. Mr Madgwick explained that SASM 24 contained an urupā where a Māori chief who passed away while waiting to cross the Totara River was buried, and the tribe had carried him inland and buried him on high land north of the river. He noted the burial area was covered in rocks that turned it in to a long and high mound, which became known as the "Giant's Grave". He highlighted that Poutini Ngāi Tahu submitted to reduce the size of SASM 24.

Notified SASM 24 *Amended SASM 24*





Hearing Panel's Evaluation

117. The Panel accept the advice of Poutini Ngāi Tahu that the mapped area of SASM 24 should be reduced as requested. The Panel note that there are no rules applying to SASM 24 in Schedule Three of the Plan. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. The Panel therefore consider that retention of SASM 24 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

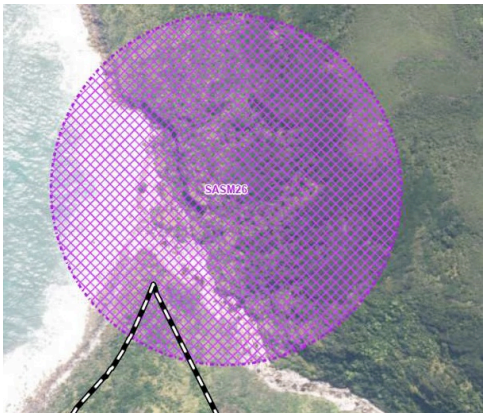
Hearing Panel's Recommendation

118. The Panel recommend that the mapped extent of SASM 24 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

SASM 26 - Tiropahi - Silent File

119. There were two submission points on SASM 26, including GDC. Poutini Ngāi Tahu sought to change the mapped extent of SASM 26 (S620.325), which was supported in the s42A Report. The requested change was as follows:

Notified SASM 26 *Amended SASM 26*





Hearing Panel's Evaluation

120. The Panel are satisfied that amendments to SASM 26 requested by Poutini Ngāi Tahu are a reduction in the mapped extent. The Panel observe that there are no rules in Schedule Three that apply to SASM 26. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. The Panel therefore consider that retention of SASM 24 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

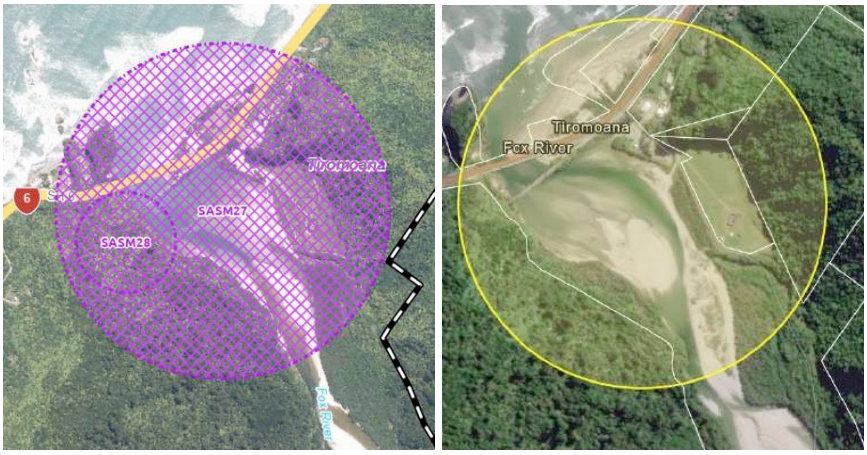
Hearing Panel's Recommendation

121. The Panel recommend that the mapped extent of SASM 26 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

SASM 27 – Fox River

122. There were three submission points on SASM 27, including GDC and Moira Devlin (S117.001) who sought to be able to develop her land. Poutini Ngāi Tahu sought to change the mapped extent of SASM 27 (S620.326), which was supported in the s42A Report. The requested change was as follows:

Notified SASM 27 *Amended SASM 27*



Hearing Panel's Evaluation

123. The Panel assess the amended area of SASM 27 to be slightly smaller than the notified extent of the mapped area. No amendment is proposed by Poutini Ngāi Tahu to Schedule Three and therefore Rules SASM-R4 and SASM-R6 apply to the mapped area. The Panel considers that there are pathways to use of land, as sought by Moira Devlin in her submission, including through the certification process.

124. The Panel consistently recommends rejecting any increases in mapped SASM, from that notified. However, in this case the effect of the amendment appears to be marginal and affects the same landowners as those notified. On that basis, we accept the submission of Poutini Ngāi Tahu to amend the mapping of SASM 27, as requested.

125. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

Hearing Panel's Recommendation

126. The Panel recommend that the mapped extent of SASM 27 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

<u>SASM 30 – Te MIko</u>

127. There were four submission points on SASM 30, including GDC, and no further submissions. Ms Anne Chapman (S425.002) requested more information about the significance of the site. Graeme & Helen O'Dea (S375.001 and S475.002) sought proof of the significance of the site.

128. The s42A Report relied on the work undertaken by Poutini Ngāi Tahu in preparing the mapped SASM and associated rules and did not support any changes based on the evidence. Ms Easton supported ensuring there was information available to affected landowners.

Hearing Panel's Evaluation

129. Poutini Ngāi Tahu did not submit on SASM 30 and Mr Madgwick did not provide evidence specific to this site. The evidence of Mr Madgwick generally referred to the provenance of Kā

Huru Manu. The Panel have referred to the publicly available information on Kā Huru Manu (www.kahurumanu.co.nz), guided by the evidence of Mr Madgwick, to understand the values of the site and found the following reference:

> *Te Miko is the Māori name for Perpendicular Point, the southern point of Irimahuwhero (Irimahuwheri Bay) near Barrytown in the Grey District of Te Tai Poutini (the West Coast). Miko is the shoot of the world's southernmost palm, the nīkau (Rhopalostylis sapida), which are numerous throughout the area.*

130. The Panel observe that there are no rules in Schedule Three that apply to SASM 30. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We therefore consider that retention of SASM 30 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

Hearing Panel's Recommendation

131. The Panel recommends no change to Schedule Three or the planning maps in associated with SASM 30.

SASM 31 – Punakaiki Area

132. There were eight submission points on SASM 31, including GDC, and Poutini Ngāi Tahu lodged three further submissions in opposition.

133. Desmond Pender (S265.001) sought removal of the overlay because there had been no archaeology report for the area or archaeologists on site. Scenic Hotel Group (S483.017) was concerned that it would limit further development, such as hotel extensions or conference centres, and could impact valuations or otherwise cost landowners. Peter Haddock (S417.006) wanted SASM 31 removed from 3 Webb Street, Punakaiki because he believed that that the town was only a food gathering area. In addition, Kristy Henderson (S125.008) sought clarification of what tino rangatiratanga and kaitiakitanga would mean in relation to SASM 31 in her submission on Policy SASM-P5. Neil Mouat (S535.078) supported retention of SASM 31.

134. Mr Madgwick explained that SASM 31 contained historic kāinga, mahinga kai gathering areas and is part of the coastal ara tāwhito. He noted the area contained archaeological sites including midden/oven remains and a cave/rock shelter, as in the operative Grey District Plan and recorded in Appendix Ten of the Plan. He said the Punakaiki area was important because Ngāi Tahu finally defeated Ngāti Wairangi at Paparoa, and the rugged pathway between Māwhera/Greymouth and Kawatiri/Westport was a key trade route for pounamu and mahinga kai from inshore fishing. He said that the pathway largely followed the beach but the vertical bluffs at Te Miko (Perpendicular Point) and Punakaiki fractured the pathway and a bush track cut overland through kiekie and nikau forest. He noted that the highway between the current visitor centre and the Pancake Rocks followed this old path. He also pointed to the Paparoa National Park Management Plan that records the Poutini Ngāi Tahu relationship with the Paparoa area.

Hearing Panel's Evaluation

135. The Panel accept the evidence that this area is of cultural significance to Poutini Ngāi Tahu. The Panel note that Schedule Three shows that there are no rules applying to SASM 31. However, we note the notified plan included SASM 31 within Rule SASM-R9 and that the right of reply evidence recommended it be retained in Table SASM-T8. The nature of Rule SASM-R9 means that property owners concerned about the impact of SASM 31 are unlikely to be affected because it will primarily affect network utility operators, although it will be relevant to discretionary and non-complying activities. The Panel therefore consider that retention of SASM 31 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

Hearing Panel's Recommendation

136. The Panel recommend no amendments to the planning maps and recommend inclusion of SASM 31 in Table SASM-T8 and Schedule Three to show that Rule SASM-R9 is applicable.

SASM 32 – Punakaiki River Nohoanga

137. There were four submission points on SASM 32, including GDC. Kristy Henderson (S125.008) sought clarification of what tino rangatiratanga and kaitiakitanga meant in relation to private landowners and SASM 32.

138. This point was not assessed as part of the s42A Report or right or reply and was not further examined in the evidence of Mr Madgwick for Poutini Ngāi Tahu.

Hearing Panel's Evaluation

139. There are no rules applying this SASM, so the Panel consider that tino rangatiratanga and kaitiakitanga are associated with recognition of the significance of this nohoanga to Poutini Ngāi Tahu. The objectives and policies of the SASM Chapter will be referenced when proposed activities within the SASM trigger discretionary or non-complying status in other chapters of the Plan, which will provide opportunity for assessment of effects on cultural values in the circumstances. SASM 32 sits within SASM 31, which the Panel has recommended to retain in the Plan.

Hearing Panel's Recommendation

140. The Panel recommend no changes to SASM 32, either in the planning maps or Schedule Three, in response to the submission points.

SASM 33 – Pakiroa Beach

141. There were five submission points on SASM 33, including GDC, and four further submissions in opposition from Poutini Ngāi Tahu.

142. Waitakere Trust (S497.003) requested more detail on the location and basis for SASM 33. Bruce Stuart-Monteath (S315.001) requested amendments due to lack of evidence of Māori activity on the properties, some of which were away from the beach; and requested that areas in QEII covenant should be excluded. G E & C J Coates (S415.011) sought to remove the

identified SASM that affected their properties. TiGa Minerals & Metals Limited (S493.126) requested the re-evaluation of SASM 33 to provide an accurate area on the planning maps showing kāinga sites.

143. The s42A Report noted that cultural values are more than just archaeological remains. Ms Easton supported Poutini Ngāi Tahu sharing information about the process of identification of the SASM and more information about sites and areas, but she did not support removal of SASM 33.

144. Mr Madgwick explained that SASM 33 contained a historic kāinga and mahinga kai gathering areas, well known for a concentration of cultural and archaeological sites, including multiple middens, pits, oven stones, stone working areas, evidence of fire and a track, as recorded in the operative Grey District Plan and in Appendix Ten in the Plan. As with other areas of high concentration of archaeological remains, Poutini Ngāi Tahu advised they had taken an area approach to mapping the site in acknowledgement that not all archaeological sites may yet have been uncovered. Mr Madgwick noted that a permitted activity pathway has been provided through Rule SASM-R6.

145. Mr George and Mrs Caryl Coates questioned information about villages, archaeological sites and burial sites based on the notified Plan, Mr Madgwick's evidence and discussion with a Ngāti Waewae representative. They recounted the history of land ownership associated with the mapped area and coastal changes that mean the SASM covers an area of ocean. They also considered that due to prior humping and hollowing there should be no SASM mapped east of the NZAA sites. Overall, they considered that SASM 33 covered an area larger than necessary.

146. Poutini Ngāi Tahu did not further address SASM 33 in response to Minute 37.

147. In Ms Easton's Right of Reply she reviews SASM 33 in relation to rule SASM-R4 and amends that rule to address the concerns of submitters regarding restrictions on indigenous vegetation clearance where SASMs intersect with areas of developed land.

Hearing Panel's Evaluation

148. The Panel accepts that SASM 33 has been drawn to extend across recorded archaeological sites and by taking an area approach to recognition of those sites and associations of Poutini Ngāi Tahu with the location. There is a close relationship between SASM 33 and SASM 34 and therefore the Panel consider it likely that SASM 33 will be reviewed at the time SASM 34 is reintroduced through a plan change process and may or may not be amended through that process. The Panel is satisfied that it is appropriate to recognise and provide for the relationship of Poutini Ngāi Tahu with SASM 33 and include application of SASM-R4 and SASM-R6. In doing so the Panel observe that existing use rights are not affected by these rules, which is relevant to the concerns expressed by Mr and Mrs Coates. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

Hearing Panel's Recommendation

149. The Panel recommend no changes to SASM 33, either in the planning maps or Schedule Three, in response to submissions and evidence.

SASM 34 – Te Nikau Scenic Reserve – silent file

150. Two submission points opposed SASM 34, GDC (S608.176) and G E & C J Coates on behalf of Nikau Deer Farm Limited (S415.003), although the Coates submission did not specifically identify the SASM affecting their properties.

151. The s42A Report did not specifically discuss SASM 34, although the position of the submitters was considered in more general terms.

152. Mr and Mrs Coates questioned the identified area and its status as a wāhi tapu. They had originally thought that the SASM was in the scenic reserve due to its name but were advised it was located on their family property. This has caused Mr and Mrs Coates to question whether the mapped SASM was in the right place because they had an understanding that there was a sacred site related to burials within the scenic reserve around 100m from the mapped boundary of the SASM. They noted that knowledge of the site had been passed on within the family from the generation before, including from a ceremony associated with the site.

153. Mr Madgwick's evidence did not contain discussion in relation to SASM 34.

154. In response to Minute 37, Poutini Ngāi Tahu advised that the boundaries of SASM 34 had been reviewed and there was agreement with Mr and Mrs Coates that the mapped location of Te Nikau Scenic Reserve needed to be amended to better reflect the situation on the ground. Poutini Ngāi Tahu consequently withdrew further submission point FS41.576 and indicated that SASM 34 would be revisited through a future plan change process.

155. Ms Easton's right of reply indicated support for the submission of Mr and Mrs Coates, and that she would consider whether there was scope to amend the maps through this hearing process once she received updated maps from Poutini Ngāi Tahu.

Hearing Panel's Evaluation

156. The Panel did not receive updated planning maps showing the confirmed location of SASM 34. Rules SASM-R4, SASM-R5 and SASM-R6 were proposed to apply to SASM 34 but the Panel considers that they should no longer apply to the area. We consider further investigation, and more accurate mapping is required to appropriately recognise and provide for Poutini Ngāi Tahu relationship with Te Nikau Scenic Reserve. We agree this should be achieved through a future plan change process.

157. The Panel note that SASM 33 will continue to apply to the area because SASM 34 was embedded within SASM 33.

Hearing Panel's Recommendation

158. The Panel recommends that SASM 34 be removed from the planning maps, Schedule Three, Tables SASM-T4 and SASM-T5, and Rule SASM-R6.

SASM 36 – Totara Bush Native Reserve

159. There were ten submission points on SASM 36, including GDC, variously opposing, seeking amendment to the mapped area or requesting more information on the SASM and its implications (Leanne Hart (S326.001), Margaret Steele (S214.001), Angela Sweetman (Trustee) & Patrick William Kennedy (S418.001 & S418.002), Angela Sweetman (S413.001 &

S413.002), Bruce Truman (S84.001), and Nyoli Waghorn-Rogatski (S301.001)). Bruce Truman considered that only a small area at SH7/Granville Road intersection has historical used, such that a 50 – 100m circle would be sufficient. Poutini Ngāi Tahu made further submissions in opposition to each point.

160. Angela Sweetman (Trustee) and Patrick William Kennedy sought proof of the original reserve. Mr Peter Kennedy presented to the Panel on behalf of these submitters and brought along historical maps showing the location of Totara Bush Native Reserve to show that the mapped area was in the wrong location.

161. Mr Madgwick explained in his written evidence that SASM 36 recognised the Totara Bush Native Reserve. He included text from Kā Huru Manu, as follows:

> *This 2,000-acre reserve, north-east of Greymouth, at Totara Flat, was land reserved by the Crown for the Survey Fund under the terms of the Arahura Purchase 1860. Unlike the other reserves allocated under the terms of the Deed, the ownership of this reserve was retained by the Crown. Portions of the reserve were to be sold to Pākehā settlers from time to time to finance the surveying of the other Native Reserves which had been allocated to individuals or allocated for special purposes as part of the Arahura Deed. A portion of the remaining original reserve was vested in Ngāi Tahu Forest Estates Limited as a result of the Ngāi Tahu Claims Settlement Process with surplus land retained by the Crown.*

162. In response to Minute 37, Poutini Ngāi Tahu agreed with Mr Kennedy that the mapped area was incorrect for SASM 36 and withdrew further submission point (FS41.583). Poutini Ngāi Tahu indicated that SASM 36 would be revisited through a future plan change process.

163. In her right of reply, Ms Easton confirmed that she now supported the submitters requesting that the overlay be corrected or removed, and that she would consider whether there was scope to amend the maps through this hearing process once she received updated maps from Poutini Ngāi Tahu.

Hearing Panel's Evaluation

164. The Panel did not receive updated planning maps showing the confirmed location of SASM 36 at the time of making recommendations. While there were no rules proposed in relation to SASM 36, the Panel considers that more investigation and accurate mapping is required to appropriately recognise Poutini Ngāi Tahu relationship with Totara Bush Native Reserve. We agree this should be achieved through a future plan change process.

Hearing Panel's Recommendation

165. The Panel recommends that SASM 36 be removed from the planning maps and Schedule Three.

SASM 39 – Kararoa

166. GDC were the only submitter on SASM 39 (S608.181), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

167. The s42A Report generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

168. Proposed SASM 39 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

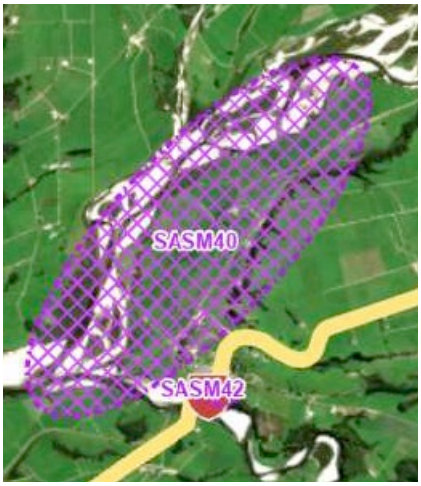
Hearing Panel's Recommendation

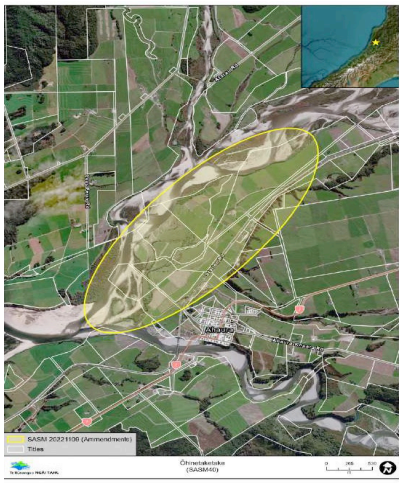
169. The Panel recommends that SASM 39 be removed from the planning maps and Schedule Three.

SASM 40 – Ōhinetaketake

170. There were two submission points on SASM 40, including GDC. Poutini Ngāi Tahu requested the following amendment to the mapped extent of the SASM (S620.327), which was supported in the s42A Report:

Notified SASM 40 *Amended SASM 40*





Hearing Panel's Evaluation

171. The Panel are satisfied that the requested amendment reduces the area of SASM 40 and that fewer properties are affected. The Panel note that there are no rules applying to SASM 40 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. We therefore consider that retention of SASM 40 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

Hearing Panel's Recommendation

172. The Panel recommend that the mapped extent of SASM 40 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

SASM 41 – Kotorepi (Nine Mile) – silent file

173. GDC sought the removal of SASM 41 (S608.183), which is addressed earlier in this Report. Bruce Annabell (S189.001) requested undeniable proof of the iwi relationship with SASM 41, having researched the area.

174. Mr Madgwick noted that SASM 41 was a very small area of great significance to Poutini Ngāi Tahu, which is why it is protected by a "silent file". He noted that any further disclosure of information regarding the site would need to be given in a forum with public excluded to protect the site.

Hearing Panel's Evaluation

175. The Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed hearing session. The Panel accepts that there around 10% of "silent files" amongst the notified SASM and that the mapped area is necessary to provide for their protection, while not disclosing the precise location. We consider this small percentage indicates "silent files" have been used sparingly as a mechanism in the Plan, considering the size of the region. We note the RMA contemplates circumstances where Māori need to protect culturally sensitive information (e.g. section 42 protection of sensitive information) and the Panel respects that need, whilst understanding this may be frustrating for the public and for the submitter.

176. The Panel is satisfied the Plan appropriately provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 41.

177. The Panel notes that Schedule Three, at the time of notification, did not reference Rule SASM-R3 for this SASM and consider this requires correction. The Panel notes that it was included in table SASM-T3 in the right of reply evidence.

Hearing Panel's Recommendation

178. The Panel recommends SASM 41 includes Rule SASM-R3 in Schedule Three and is included within the Table SASM-T3.

SASM 42 – Ahaura Township – silent file

179. Two submission points opposed SASM 42, including GDC, and Poutini Ngāi Tahu lodged further submissions in opposition.

180. Mr Ken McTigue (S551.001) did not want the overlay on his property and indicated his willingness to pass on any artefacts found (S551.002). He invited a site visit and considered that the site had been dug over in the past for housing. The Poutini Ngāi Tahu response to Minute 37 records that a letter was provided to Ken and Linda McTigue confirming that there were no permitted activity rules impacting their property.

181. Mr Madgwick noted that SASM 42 was located along a trail used by Māori, beside the Ahaura River. He advised it was the site of a battle and is a wāhi tapu, with no rules associated with earthworks. He quoted Kā Huru Manu in relation to this SASM, as follows:

> *The Ahaura River drains the western flanks of Kā Tiritiri-o-te-moana (the Southern Alps) before flowing into Māwhera (the Grey River). The Ahaura River was also the start of an*

> *alternative trail through the mountains to Waipara and Kaiapoi. Ahaura was the site of a battle during the Kai Huanga Feud; when a tauā (war-party) from Kaikōura raided the pā at Aromahana (Cobden) they were pursued and caught at Ahaura on the terrace where the township now stands. (Reference: Madgwick, P. (1992) Aotea: A history of the South Westland Maori. Greymouth, N.Z.: Greymouth Evening Star. P25.)*

Hearing Panel's Evaluation

182. The Panel did not seek a public excluded session to understand more about this "silent file" area and accepts the evidence that this wāhi tapu site is significant to Poutini Ngāi Tahu. The Panel note that there are no rules applying to SASM 42 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. The Panel therefore consider that retention of SASM 42 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

Hearing Panel's Recommendation

183. The Panel recommend no changes to SASM 42, either in the planning maps or Schedule Three, in response to submissions and evidence.

SASM 44 – Rapahoe to Nine Mile

184. Four submission points opposed SASM 44, including GDC, and Poutini Ngāi Tahu submitted to change the mapped area (S620.328), as well as lodging a further submission in opposition.

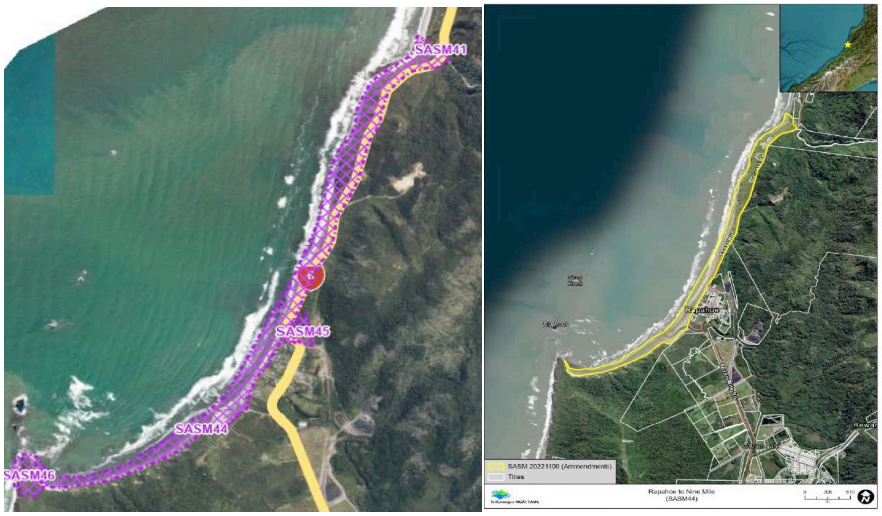
185. Bruce Annabell (S189.001) sought undeniable proof of an iwi relationship with the area, having done his own research. He considered that the area of significance ended before the Nine Mile Bluff. Madelene Gibson (S215.001) sought information on how the SASM would impact her property in the future. Helen Carter (S209.001) sought removal of the SASM.

186. Mr Madgwick explained that SASM 44 was an example of a 'cultural landscape', linked to Poutini Ngāi Tahu pounamu legends, as the landing point for Tairea Waka. He outlined the journey of Tairea Waka, pursued by Tama Ahua, and the drowning of Hineaotea in the Makaawhio River and Hinetangiwai at Piopiotahi, before the waka itself sank in the upper Arahura River with the loss of Hinekawakawa and Hinepounamu, which accounts for the pounamu in the Arahura River. He detailed that SASM 44 contained a known burial ground that pre-dated Ngāi Tahu conquest, and that there was an archaeological site recorded as a burial site in the operative Grey District Plan, as well as in Appendix Ten to the Plan. He included text from Kā Huru Manu, as follows:

> *Kotorepi (Nine Mile Creek) is located north of Māwhera (Grey River) on Te Tai Poutini (the West Coast). Kotorepi is the place where the renowned Tairea waka of the pounamu legends was bailed out. The waka was hauled ashore here for repairs before continuing on its journey, which is why pounamu is sometimes found here." (Reference: Taylor, W.A. (1952) Lore and history of the South Island Māori. Christchurch, N.Z.: Bascands. P175 & 187.)*

187. The submission of Poutini Ngāi Tahu requested the following amendment to the mapped area of SASM 44:

Notified SASM 44 *Amended SASM 44*



Hearing Panel's Evaluation

188. The Panel consider there is a reduction in the notified mapped extent of SASM 44 and the amended map provided in submission from Poutini Ngāi Tahu. On that basis the Panel accept the proposed amendment and the evidence of Mr Madgwick regarding the cultural significance of the area. We note that there are no rules applying to SASM 44 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. The Panel therefore consider that retention of SASM 44 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

Hearing Panel's Recommendation

189. The Panel recommend that the mapped extent of SASM 44 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change

SASM 47 – Māwheranui Native Reserve

190. There were two submission points on SASM 47, including GDC. Poutini Ngāi Tahu requested amendment to Schedule Three to remove application of Rules SASM-R4 and SASM-R6 (S620.329), which was supported in the s42A Report.

Hearing Panel's Evaluation

191. The Panel note that SASM 47 is not referenced in the rule tables as recommended in the s42A Report. We accept the evidence of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures or indigenous vegetation clearance as permitted activities in relation to SASM 47. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We consider that retention of SASM 47 in the planning maps and Schedule Three recognises the

significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

Hearing Panel's Recommendation

192. The Panel recommend that reference to Rules SASM-R4 and SASM-R6 are removed from Schedule Three in relation to SASM 47.

SASM 48 – Brunner

193. There were two submission points on SASM 48, including GDC. Poutini Ngāi Tahu requested the following amendment to its mapped extent (S620.330), which was supported in the s42A Report:

Notified SASM 48 *Amended SASM 48*



Hearing Panel's Evaluation

194. The Panel accept the proposed amendment reduces the extent of SASM 48 and on that basis the amendment is considered acceptable. We note that there are no rules applying to SASM 48 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. We therefore consider that retention of SASM 48 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

Hearing Panel's Recommendation

195. The Panel recommend that the mapped extent of SASM 48 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

SASM 51 No. 34 Kōtukuwhakaoko Native Reserve

196. There were two submission points on SASM 51, including GDC. Poutini Ngāi Tahu requested amendment to Schedule Three to remove application of Rule SASM-R6 (S620.331), which was supported in the s42A Report.

Hearing Panel's Evaluation

197. The Panel accept the evidence of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as a permitted activity in relation to SASM 51. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach

of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. The Panel consider that retention of SASM 51 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

Hearing Panel's Recommendation

198. The Panel recommend that reference to Rule SASM-R6 is removed from Schedule Three in relation to SASM 51.

SASM 52 – Cobden Native Reserve

199. GDC sought the removal of SASM 52 (S608.194), which is addressed earlier in this report. No other submissions were specific to this SASM.

Hearing Panel's Evaluation

200. The Panel notes that SASM 52 was included in Table SASM-T5 in the right of reply evidence. However, SASM 52 is not specifically referenced in notified Rule SASM-R5 and is not categorised in notified Schedule Three as "*Category Tahi (1)*". The Panel therefore considers SASM 52 should not be included in Table SASM-T5.

Hearing Panel's Recommendation

201. The Panel recommends SASM 52 is removed from Table SASM-T5 and no changes to Schedule Three.

SASM 54 - Motutapu

202. There were two submission points on SASM 54, including GDC. Poutini Ngāi Tahu requested the following amendment to its mapped extent, in order to merge together two sites (S620.332), which was supported in the s42A Report:

Notified SASM 54 *Amended SASM 54*





Hearing Panel's Evaluation

203. The Panel considers there is marginal difference between the notified area of SASM 54 and the amendment sought by Poutini Ngāi Tahu and on that basis accept the amendment.

Hearing Panel's Recommendation

204. The Panel recommend that the mapped extent of SASM 54 be amended as shown in the submission of Poutini Ngāi Tahu.

SASM 55 – Māwhera Burial Cave Site

205. Two submission points opposed SASM 55, including GDC, and Poutini Ngāi Tahu made a further submission in opposition. Mr Alan O'Connell (S6.001) requested his freehold section to be taken out of the overlay.

206. Ms Easton did not discuss this submission or further submission in her s42A Report.

Mr Madgwick explained that SASM 55 was a small but significant site because it was an ancient burial cave. He noted that although the burial cave was gone, due to blasting and quarrying for harbour works in the early 1900s, the site was still of great significance. He highlighted that SASM 55 was embedded within SASM 62.

207. Mr Madgwick considered that sale of the land by Māwhera Inc. did not change the cultural association for Poutini Ngāi Tahu. He included SASM 55 in his request for a public excluded session if further information was required, although his evidence did not specifically state that the site was a "silent file".

208. Ms Easton confirmed in her right of reply that due to the grazing of animals not being a relevant activity in this area, SASM 55 should be removed from Table SASM-T1, so that Rule SASM-R1 did not apply.

Hearing Panel's Evaluation

209. The Panel accepts that grazing animals is not a matter of concern for SASM 55 due to its location and small size and therefore accepts the amendment proposed by Ms Easton, including its removal from Table SASM-T1.

210. The Panel is satisfied that the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 55, through applicable rules in this case. We also accept that SASM 55 is a discrete area of high sensitivity and therefore the approach is appropriate to assist in protecting remaining values at the site, whilst providing pathways for appropriate subdivision, use and development.

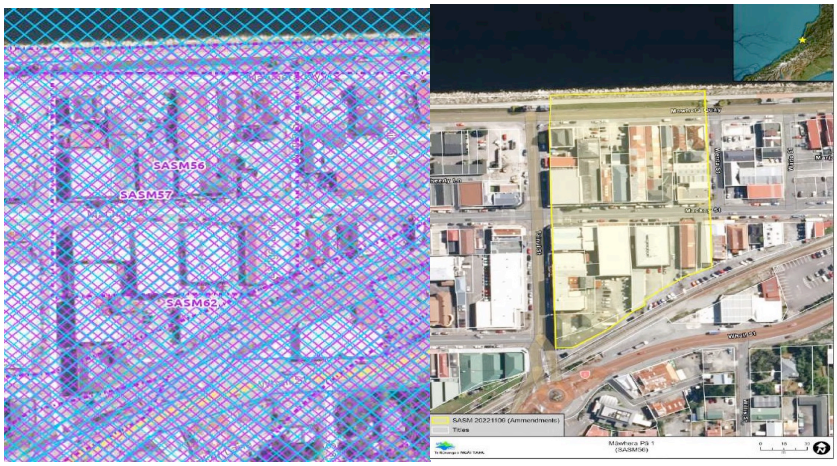
Hearing Panel's Recommendation

211. The Panel recommend the reference to Rule SASM-R1 is removed from Schedule Three in relation to SASM 55, and that SASM 55 is removed from Table SASM-T1.

SASM 56 – Māwhera Pā 1

212. GDC sought the removal of SASM 56, which is addressed earlier in this Report. Poutini Ngāi Tahu sought to amending the shape file (S620.333) as follows, which was supported in the s42A Report:

Notified SASM 56 *Amended SASM 56*



Hearing Panel's Evaluation

213. The Panel consider this requested amendment can be accommodated, to the extent that it does not increase the area of SASM and does not incorporate additional landowners within the footprint of the SASM.

214. The Panel notes that Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. We note that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9.

Hearing Panel's Recommendation

215. The Panel recommends SASM 56 includes Rule SASM-R9 in Schedule Three and is included within Table SASM-T8. We recommend amending the planning maps in relation to SASM 56 in accordance with the Poutini Ngāi Tahu submission point (S620.333) only to the extent that it does not increase the area of SASM and does not incorporate additional landowners within the footprint of the SASM.

SASM 57 – Māwhera Gardens

216. GDC sought the removal of SASM 57 (S608. 199), which is addressed earlier in this report. Black Singlet Investments Limited also sought to remove the SASM from their property (S395.001) because the land was purchased freehold from Māwhera Inc.

217. The s42A Report did not support these submissions. It noted that the significance of the Māwhera settlement around the lagoon area to Poutini Ngāi Tahu remained regardless of land tenure.

Hearing Panel's Evaluation

218. The Panel accept the area is of significance to Poutini Ngāi Tahu regardless of land ownership.

219. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with rule SASM-R9.

Hearing Panel's Recommendation

220. The Panel recommends no change to the planning maps in relation to SASM 57. We recommend including Rule SASM-R9 in Schedule Three and Table SASM-T8 in relation to this SASM.

SASM 58 – Greymouth Railway Land

221. GDC sought the removal of SASM 58 (S608.200), which is addressed earlier in this Report. Black Singlet Investments Limited sought to remove the SASM from their property (S395.001) because the land was purchased freehold from Māwhera Inc. Both submission points were rejected in the s42A Report.

Hearing Panel's Evaluation

222. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9.

Hearing Panel's Recommendation

223. The Panel recommends no change to the planning maps in relation to SASM 58. We recommend including Rule SASM-R9 in Schedule Three and Table SASM-T8 in relation to this SASM.

SASM 59 – Māwhera Pā 2

224. GDC sought the removal of SASM 59, which is addressed earlier in this report. Poutini Ngāi Tahu sought to amend the shape file (S620.334), with some increases and decreases in shape, as follows, which is supported in the s42A Report:

Notified SASM 59 *Amended SASM 59*



Hearing Panel's Evaluation

225. The Panel considers that requested amendment can be accommodated to the extent that it does not increase the area affected by the SASM or incorporate additional landowners within the footprint of the SASM.

226. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9.

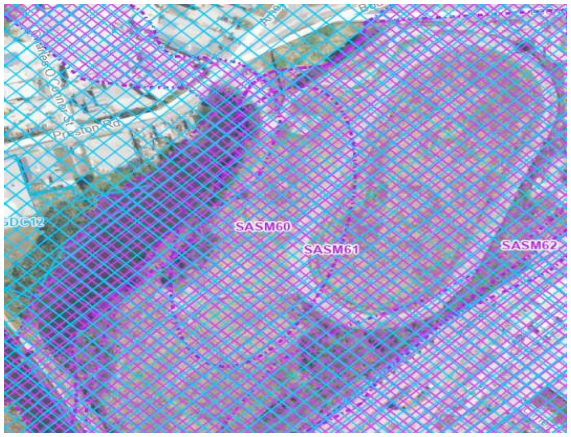
Hearing Panel's Recommendation

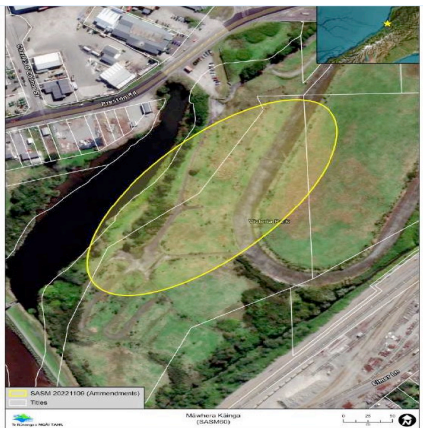
227. The Panel recommends SASM 59 includes Rule SASM-R9 in Schedule Three and is included within Table SASM-T8. We recommend that any change to the mapped extent of SASM 59 in response to the Poutini Ngāi Tahu submission is only to the extent it reduces the extent of land potentially affected by the SASM.

SASM 60 – Māwhera Kainga

228. GDC sought the removal of SASM 60 (S608.202), which is addressed earlier in this Report. Poutini Ngāi Tahu sought to amend the shape file (S620.335), to change the orientation of the shape as follows, which was supported in the s42A Report:

Notified SASM 60 *Amended SASM 60*





Hearing Panel's Evaluation

229. The Panel are not recommending any changes in mapped area of SASMs unless the change affects the same landowners, so if the proposed amendment involves new landowners within the shape of the SASM this will need to be made by way of a variation. The Panel has identified that Schedule Three at the time of notification did not reference SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in table SASM-T8 in the right of reply evidence, and that it was notified with rule SASM-R9.

Hearing Panel's Recommendation

230. The Panel recommends SASM 60 includes Rule SASM-R9 in Schedule Three and Table SASM-T8. We recommend accepting the change to the mapped extent of the SASM in response to the Poutini Ngāi Tahu submission to the extent that there are no incidental increases or any additional affected landowners as a result of the change.

SASM 61 – Victoria Park

231. GDC sought the removal of SASM 61 (S608.203), which is addressed earlier in this Report.

Hearing Panel's Evaluation

232. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with rule SASM-R9.

Hearing Panel's Recommendation

233. The Panel recommends SASM 61 includes Rule SASM-R9 in Schedule Three and within Table SASM-T8.

SASM 62 – No. 31 Māwhera Native Reserve

234. There were seven submission points on SASM 62 and Poutini Ngāi Tahu lodged five further submissions.

235. William Johnsen (S182.001) requested removal of the SASM from freehold property. Melva Crampton (S401.001) wanted the SASM removed due to concerns regarding future potential restrictions, consequences for valuations and sale prices, and that the property was purchased freehold 34 years previous, indicating that local iwi no longer had an interest in the property. Murray Cochrane (S435.001) wanted the SASM removed because of uncertainty about future restrictions and that it would affect his LIM report. Alain Daunes (S199.002) sought removal of the SASM from 36 Chapel Street, Greymouth, as did Mr Allan Hinch (S219.001), due to insufficient consultation. Black Singlet Investments (S395.001) wanted the SASM removed from 130 Māwhera Quay, Greymouth.

236. Ms Easton did not support these submissions in her s42A Report on the basis that land ownership was not a factor in considering cultural significance to Poutini Ngāi Tahu.

237. Mr Madgwick explained that SASM 62 recognised the Māwhera Native Reserve and contained archaeological sites recorded as 'burial tomo' and 'village', as recorded in the operative Grey District Plan and Appendix Ten of the Plan. Mr Madgwick shared text from Kā Huru Manu, as follows:

> *This 500-acre reserve is situated within Greymouth. In 1856, the reserve came under the control of Native Reserves Act and 181 acres were subdivided into town allotments with a system of leasing introduced. The remaining 319 acres of the reserve was regarded as being unsuitable for building. By 1875, there were approximately 323 leases in place. In 1878, the Young Commission determined that the ownership of the reserve resided with Wereta Tainui and 25 others in unequal shares as tenants in common. In 1921, management of the reserve was vested in the Māori Trustee, prior to this control had been with the Public Trust. Since 1976, the remaining land has been vested in the Māwhera Incorporation to facilitate the management, use and development of the land.*

238. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that SASM 62 would consequently be added to proposed Table SASM-T8 and acknowledged that this was accepted in the s42A Report.

Hearing Panel's Evaluation

239. The Panel confirms that the s42A Report recommended incorporating SASM 62 in Table SASM-T8 but did not add Rule SASM-R9 to Schedule Three in relation to SASM 62. We note Mr Kennedy (for Westpower) questioned the applicability of Rule SASM-R9 in this area and

the overlap with other SASM. We recognise the relevance of Rule SASM-R9 for maintenance, repair and upgrade of network utility structures within the urban portion of SASM 62, and that the other SASM, within SASM 62 in this urban portion, refer to rules other than Rule SASM-R9. In that respect, with SASM 62 being the larger area, we consider Rule SASM-R9 will apply to the other SASM located within SASM 62. However, the Panel is unable to find a submission point that would provide scope for the change sought by Poutini Ngāi Tahu to add reference to Rule SASM-R9. We therefore consider this needs to be addressed by a future plan change process.

240. The Panel accepts the evidence of Poutini Ngāi Tahu regarding cultural association with this area and consider submitters' concerns about effects on their freehold properties are unwarranted given their existing use rights will be largely unaffected. The main impact will be consideration of Poutini Ngāi Tahu values at the time of making application for any discretionary or non-complying activities.

Hearing Panel's Recommendation

241. The Panel recommends no changes in response to submissions.

SASM 63 – No. 32 Ngā Moana e Rua Native Reserve

242. Two submission points opposed SASM 63, including GDC, and Poutini Ngāi Tahu lodged a further submission.

243. Mr Ronald Olsen (S130.001) requested that his property at 138 Preston Road be left out of SASM 63 because it was sold by Māhwera Inc. some years ago. He indicated that the old grave site was situated over 100 metres away and so the property should not be considered significant.

244. The s42A Report did not support the submission because it did not consider land ownership status to be a relevant factor in recognising the areas significance to Poutini Ngāi Tahu.

245. Mr Madgwick explained that SASM 63 recognised the Ngā Moana e Rua Native Reserve. He cited Kā Huru Manu, as follows:

> *This 4-acre reserve is situated within Greymouth, and originally bordered Lake Karoro. Originally estimated at 8 acres, this was reduced to 4 acres and later subdivided into three smaller subdivisions (Lot 4 on DP 497 - urupā). In 1878, the Young Commission determined that the ownership of the reserve resided with Wereta Tainui and two others, as trustees of the burial ground. In 1921, management of the reserve was vested in the Māori Trustee, prior to this control had been with the Public Trust, with early records noting that leases had been arranged on the block as early as 1866. The ownership of the reserve wasn't determined until 1925, when the Court ascertained that nine people were entitled to an interest. Since 1976, the remaining land was vested in the Māwhera Incorporation to facilitate the management, use and development of the land.*

Hearing Panel's Evaluation

246. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9. We accept that the area is of cultural significance to Poutini Ngāi Tahu and note that the rule specific to SASM 63 potentially impacts network utility operators rather than landowners. We therefore consider that

retention of SASM 63 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development

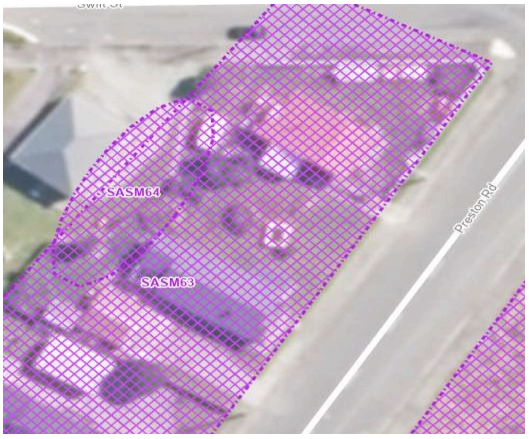
Hearing Panel's Recommendation

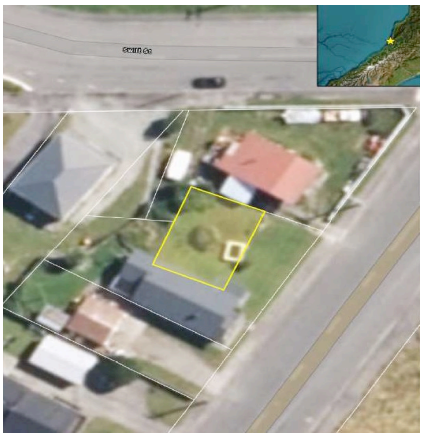
247. The Panel recommends SASM 63 includes Rule SASM-R9 in Schedule Three and is included within Table SASM-T8.

SASM 64 –Blaketown Part Reserve - Silent File

248. There were two submission points on SASM 64, including GDC. Poutini Ngāi Tahu requested amendment to its mapped extent (S620.336), which was supported in the s42A Report as follows:

Notified SASM 64 *Amended SASM 64*





Hearing Panel's Evaluation

249. The Panel note that the ellipse shape originally notified for SASM 64 was west of the requested amendment to its mapped location. The amendment affects a property already affected by the notified map location and reduces the effect on properties that were otherwise included in the SASM at the time of notification. On the basis that no new landowners are affected and there is a reduction in the size and effect of SASM 64, we consider the requested amendment is acceptable.

250. The Panel observe that SASM 64 is a small and discrete location that is indicated as a "silent file". We consider that the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 64, through applicable rules in this case.

Hearing Panel's Recommendation

251. The Panel recommend that the mapped extent of SASM 64 is amended as shown in the submission of Poutini Ngāi Tahu.

SASM 65 - Eruaerua Moana Lagoon

252. There were three submission points on SASM 65, including GDC.

253. Richard Cairney (S56.001) requested that SASM not apply to freehold properties. Poutini Ngāi Tahu sought to replace "*Eruaerua Moana Lagoon*" with "*Ngā Moana e Rua and Sawyers Creek*" as the title of the SASM (S620.337).

Hearing Panel's Evaluation

254. The Panel consider that retention of SASM 65 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

255. The Panel accept that Poutini Ngāi Tahu are best placed to determine the relationship with this area and the appropriate name for it.

Hearing Panel's Recommendation

256. The Panel recommend deleting "*Eruaerua Moana Lagoon*" and replacing it with "*Ngā Moana e Rua and Sawyers Creek*" in Schedule Three in relation to SASM 65.

SASM 66 - No. 33 Kaiata Native Reserve

257. There were two submission points on SASM 66, including GDC. Poutini Ngāi Tahu requested that Rule SASM-R6 no longer apply to this SASM, with corresponding amendment to Schedule Three (S620.339).

Hearing Panel's Evaluation

258. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as a permitted activity in this location.

Hearing Panel's Recommendation

259. The Panel recommend removing reference to Rule SASM-R6 from Schedule Three for SASM 66 and removing SASM 66 from Table SASM-T6.

SASM 67 - Kōtukuwhakaoko/Arnold River

260. GDC was the only submitter on SASM 67 (S608.209), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.

261. The s42A generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

262. The Panel have identified that the planning maps incorporate the whole of the river as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the river, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the river, as with other such waterbodies specified in the Schedule.

Hearing Panel's Recommendation

263. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

SASM 68 – Paroa Lagoon

264. There were a large number of submission points in relation to SASM 68 that sought realignment of the eastern border of the area to aligned with the western side of State Highway 7.

Amended SASM 68



Hearing Panel's Evaluation

265. The Panel note the s42A Report considered the submission points had been addressed by the TTPP Committee as a minor amendment under RMA Schedule 1 clause 16 to resolve the issue raised by the submitters. We note Poutini Ngāi Tahu also requested amending the eastern border of SASM 68 to align with the western side of the State Highway (S620.340). The Panel also consider that assigning "*Waterbody*" in the "*Values*" column of Schedule Three would account for any movement of the waterbody over time.

Hearing Panel's Recommendation

266. The Panel recommend removing reference to Rule SASM-R6 from Schedule Three for SASM 66 and removing SASM 66 from Table SASM-T6.

267. The Panel also recommends amending the planning maps to show SASM 68 aligning with State Highway 7 on its eastern boundary and incorporating reference to "*Waterbody*" in Schedule Three.

SASM 72 - Taramakau Kāinga

268. There were two submission points on SASM 72, including GDC. Poutini Ngāi Tahu requested that it be renamed as "*Taramakau Ngutu Awa*" and that its mapped extent be amended (S620.341, S620.342), which was supported in the s42A Report as follows:

Notified SASM 72 *Amended SASM 72*





Hearing Panel's Evaluation

269. The Panel accept the advice of Poutini Ngāi Tahu regarding the appropriate name for this SASM. The Panel consider the requested amendment to the mapped extent of SASM 72 is a reduction in extent and therefore consider it can be supported less land is included and the same landowners are affected.

Hearing Panel's Recommendation

270. The Panel recommend deleting "*Taramakau Kāinga"* and replacing it with "*Taramakau Ngutu Awa*" in relation to SASM 72; and amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission to the extent that there are no increases in the extent of land included and no additional landowners are potentially affected as a result of the change.

<u>SASM 74 – Lake Haupiri Nohoanga</u>

271. The Poutini Ngāi Tahu submission contained a request to amend the shape of SASM 74. Although the submission point for this amendment was not clear, being missed off the summary of submissions report, the s42A Report supported the requested amendment.

Notified SASM 74 *Amended SASM 74*





Hearing Panel's Evaluation

272. The Panel consider that the amendment can be accepted because there are no new landowners affected by the change.

Hearing Panel's Recommendation

273. The Panel recommend amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

SASM 75 – Taramakau Mussel Bed

274. GDC were the only submitter on SASM 39 (S608.217), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

275. The s42A Report generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

276. Proposed SASM 75 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

Hearing Panel's Recommendation

277. The Panel recommends that SASM 75 be removed from the planning maps and Schedule Three.

SASM 79 – Cashmere Bay, Te Kinga

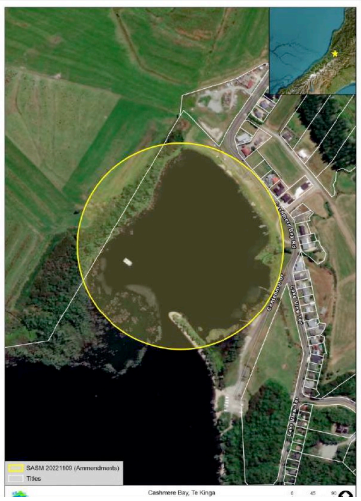
278. There were seven submission points on SASM 79, one in support (David Ellerm (S581.023) and six submissions sought amendments that were variously recorded as in support or opposed (Moreporks Lakeside Lodge Ltd (S470.002), Glenn Colenso (S155.001), Michael Chernishoff (S156.001), Te Kinga/Iveagh Bay Residents & Ratepayers Association (S531.001), Mike Greer Family Trust & Daniel Chima Trust (S530.001) and Poutini Ngāi Tahu (S620.343). Four submissions sought that SASM 79 should continue to have no specific rules apply to it[10], which the s42A Report supported.

279. The s42A Report recommended no further amendment to the boundaries of SASM 79 and relied on amendments already made by the TTPP Committee using RMA Schedule 1, clause 16.

280. Mr Madgwick explained that Poutini Ngāi Tahu submitted to shrink the area of SASM 79 to remove private properties inadvertently included in the circle. He recommended no further amendments to those made by the TTPP Committee, which he considered addressed submitter concerns.

[10] Moreporks Lakeside Lodge Ltd (S470.003), Jane Whyte & Jeff Page (S467.031), Mike Greer Family Trust and Daniel Chima Trust (S530.002) and Te Kinga/Iveagh Bay Residents & Ratepayers Association (S531.002)

Amended SASM 79



281. Te Kinga/Iveagh Bay Residents & Ratepayers Association were represented at the hearing by their Chairman Grant Moreton and their Secretary John Hanning. In their statement to the Panel, Mr Moreton and Mr Hanning outlined membership of the association, their purpose, and projects to enhance the area for the benefit of residents and the visiting public, including native plantings and pest management. They explained that their biggest project was refurbishment and reconstruction of the boat ramp on the foreshore, which was within the boundaries of SASM 79. They noted the amended SASM boundaries, to exclude private properties, still covered the lake foreshore and grass area. They requested that these areas also be excluded due to concerns it could affect access for residents and the public, or that Ngāi Tahu access would be prioritised. They emphasised the importance of the boat ramp for safely launching on the northeastern side of Lake Brunner, high use of the ramp (100 – 200 launchings on a busy day), and its role in local Civil Defence emergency planning. They also requested that Schedule Three remain blank in relation to "relevant Permitted Activity rules".

282. In response to Minute 37, Poutini Ngāi Tahu advised that a letter had been sent to Te Kinga/Iveagh Bay Residents & Ratepayers Association on 30 April 2024 to confirm that there would be no impact on public access to the boat ramp and surrounds at Cashmere Bay because SASM Chapter rules did not apply.

Hearing Panel's Evaluation

283. The Panel are satisfied that boundary amendments have been made in response to submitter concerns regarding application of the SASM to private properties by the TTPP Committee through RMA Schedule 1, Clause 16. We accept that there will be no impact on users of the foreshore or boat ramp as a consequence of the edges of the lake being included within the boundaries of SASM 79 because there are no applicable rules. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant.

284. The Panel consider that SASM 79 recognises Poutini Ngāi Tahu relationship with the historic pā site at the margin of the lake and foreshore area.

Hearing Panel's Recommendation

285. The Panel recommends no further change to SASM 79, either in relation to the mapped boundaries or application of rules.

SASM 81 – Takataka Islands

286. There was one submission specific to SASM 81 from GDC (S608.223).

Hearing Panel's Evaluation

287. The Panel notes that SASM 81 was included in Table SASM-T5 in the right of reply evidence and was part of notified SASM-R5 due to being categorised as "*Category Tahi (1)*". The Panel consider this is an error that needs correcting.

Hearing Panel's Recommendation

288. The Panel recommend that SASM 81 is retained in Table SASM-T5 and reference to SASM-T5 is made in Schedule Three in relation to SASM 81.

SASM 82 – Kōtukuwhakaoko/Lake Brunner (Moana)

289. There were two submission points on SASM 82, including GDC. Poutini Ngāi Tahu requested that reference to Statutory Acknowledgement be removed from Schedule Three (S620.344), which was supported in the s42A Report.

Hearing Panel's Evaluation

290. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them, as recognised by the Statutory Acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lake is a Statutory Acknowledgement Area arising from the Treaty Settlement process. The Panel consider that Schedule 25 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Kōtukuwhakaoko/Lake Brunner (Moana). The Panel also consider that Schedule Three should reflect that this SASM is a waterbody, so that both the planning maps and the Schedule work together to identify the relationship of Poutini Ngāi Tahu with this waterbody.

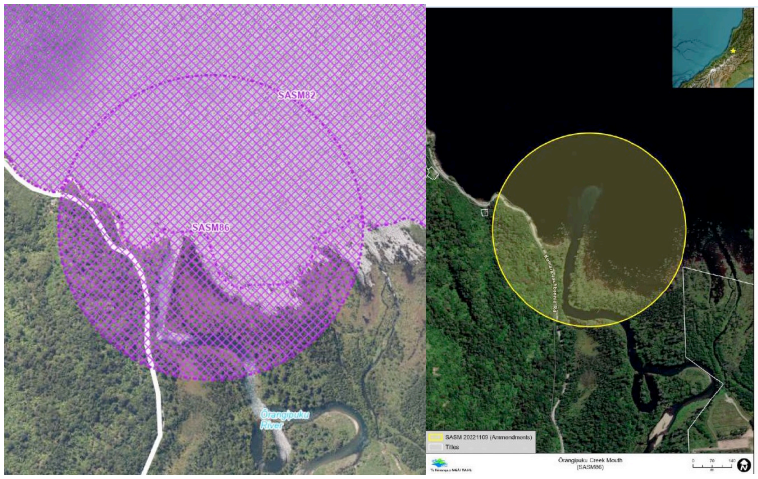
Hearing Panel's Recommendation

291. The Panel recommend amendment to Schedule Three in relation to SASM 82 to include "*Waterbody*" within the "*Values*" column.

SASM 86 - Ōrangipuku Creek Mouth

292. There were two submission points on SASM 86, including GDC. Poutini Ngāi Tahu requested changes to its mapped extent (S620.345), which as supported in the s42A Report as follows:

Notified SASM 86 Amended SASM 86



Hearing Panel's Evaluation

293. The Panel are satisfied that the change in mapped extent is a reduction in area included and accept this is acceptable give any potential effect of the SASM on landowners is also reduced.

Hearing Panel's Recommendation

294. The Panel recommend amendment to the map of SASM 86 as per the Poutini Ngāi Tahu submission only to the extent that there are no incidental increases in extent and no additional landowners are potentially impacted as a result of the change.

SASM 87 – Kapukapuka Lagoon

295. GDC was the only submitter on SASM 67 (S608.229), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.

296. The s42A generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

297. The Panel have identified that the planning maps incorporate the whole of the lagoon as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lagoon, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the lagoon, as with other such waterbodies specified in the Schedule.

Hearing Panel's Recommendation

298. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

<u>SASM 94 - No. 30 Arahura Native Reserve</u>

299. There was only one submission specific to SASM 94 from GDC (S608.236).

Hearing Panel's Evaluation

300. The Panel note the notified Plan included Rules SASM-R4 and SASM-R9 but this was not included in Schedule Three, which requires correction. The Panel note SASM 94 was included in the right of reply evidence and in notified Table SASM-T8.

Hearing Panel's Recommendation

301. The Panel recommend that Schedule Three include reference to SASM-R9 and in Table SASM-T8 in relation to SASM 94.

SASM 96 – Taramakau River

302. There were three submission points on SASM 96, including GDC. Ian Stewart (S124.001) sought amendment to the mapped area of the SASM. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.346).

303. Mr Ian Stewart presented in person at the hearing and brought with him aerial maps of the Taramakau River in relationship with his property. His main concern was the impact of gold dredging undertaken in the vicinity forty years ago that had changed the course of the river. Mr Stewart explained that he was progressing efforts to return the river to its original channel. He wanted to ensure the SASM connected with the river's the original channel when the river moved back, rather than staying where it was identified.

304. At the hearing, Mr Madgwick indicated willingness to work with Mr Stewart to resolve the matter. In response to Minute 37, the memorandum of counsel on behalf of Poutini Ngāi Tahu indicated that the SASM could be adjusted to follow the channel corresponding with the course of the river in the early 1900s, whilst noting that this would not be consistent with the approach taken for the rest of the river. The memorandum records that both the historic channel and line of SASM 96 were within the bed of the Taramakau River and therefore, the proposed change would not affect other landowners. A GIS file of the proposed change is shown in the map below:



Hearing Panel's Evaluation

305. The Panel acknowledge that the movement of waterbodies and their channels over time is a challenge for SASM that are mapped to follow waterbodies. The Panel understand that implementation of SASM rules is dependent upon both Schedule Three and the accompanying planning maps, such that Schedule Three may reference the active channel of waterbodies in combination with the maps. For Mr Stewart this would mean that an adjustment to the map could be made, as agreed by Mr Madgwick, but until the active channel of the river followed the old course of the river (as shown in the amended map), reference in the schedule to the active channel would mean the intent of the SASM would be preserved. The Panel do not consider it necessary to remove reference to the Statutory Acknowledgement for this river because the Panel understand that it is acknowledging Poutini Ngāi Tahu association with the river, irrespective of whether it moves over time. The Panel consider that Schedule 56 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Taramakau River. The Panel also consider that Schedule Three needs to reference this SASM as a waterbody, to ensure that the combination of the planning maps and Schedule apply to identify the river as a whole as a SASM.

306. The Panel note that SASM 96 was included in Rule SASM-R9, as notified, but this was not shown in Schedule Three. The right of reply evidence included SASM 96 in Table SASM-T8.

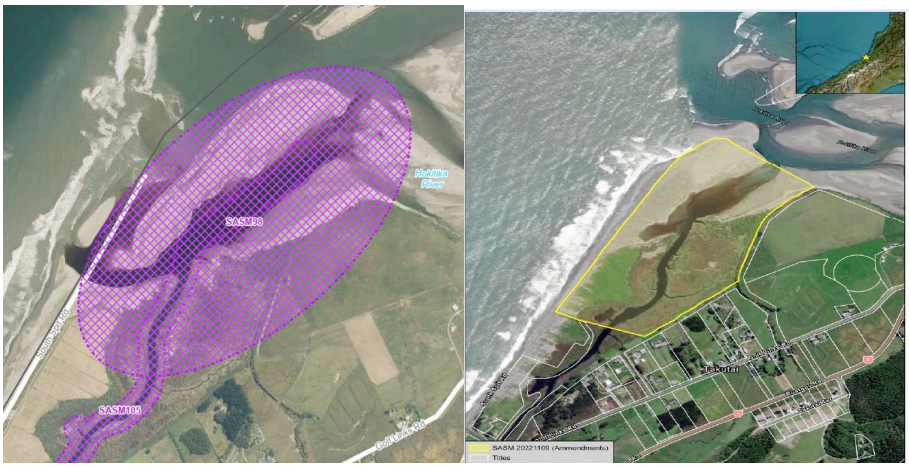
Hearing Panel's Recommendation

307. The Panel recommend that the map of SASM 96 is amended as agreed between Mr Madgwick and Mr Stewart, and as shown in the map above. The Panel recommend retaining reference to the Statutory Acknowledgement. The Panel also recommend that Schedule Three is amended to show Rule SASM-R9 and included in Table SASM-T8 in relation to SASM 96, and incorporate reference to "Waterbody" in the "Values" column.

SASM 98 - Māhinapua Pā

308. There were two submissions on SASM 98, including GDC. Poutini Ngāi Tahu requested changes to its mapped extent (S620.347), which was supported in the s42A Report as follows:

Notified SASM 98 *Amended SASM 98*



Hearing Panel's Evaluation

309. The Panel consider that the amended shape of the SASM helps to clarify the area of interest to Poutini Ngāi Tahu, however it appears to be a reduction in extent in some areas and potentially an increase in extent in other areas. The Panel recommends amendments where the extent of land included is reduced from the notified mapping.

Hearing Panel's Recommendation

310. The Panel recommends amending the mapping where the extent of land included in the SASM is reduced and where there are no incidental increases that impact on any additional landowners as a result of the change.

SASM 101 – Hokitika Pā

311. There were four submission points on SASM 101, including GDC. Samantha Pooley (S291.001), Susanne Pooley (S292.001) and Bradley Serong (S294.001) sought to remove SASM 101 from their freehold properties at Arthurstown Road. Both Samantha and Susanne Pooley noted Māwhera Inc. kept an interest in a neighbouring 8 metre strip, connecting a paper road to the Hokitika River, but they did not believe her property impeded interests in that site.

312. The s42A Report attributed these submission points to SASM 102 and did not support them because Ms Easton considered that Poutini Ngāi Tahu values were not dependent upon land ownership status.

313. Mr Madgwick on behalf of Poutini Ngāi Tahu provided evidence of the values of SASM 101, identify it as containing a pā site and cultivations, being part of No. 24 Hokitika Native Reserve. He notes that Kā Huru Manu records this as a 400 acre reserve situated on the south bank of the Hokitika River. He emphasised the importance of reserve lands because they were some of the few areas left in Māori ownership after the Arahura Deed of Purchase in 1860. He reiterated that sale by Māhwera Inc did not indicate there were no cultural values present.

Hearing Panel's Evaluation

314. The Panel note that SASM 101 is part of SASM 102, because SASM 102 is the whole of the No. 24 Hokitika Native Reserve. The Panel accept the evidence of Mr Madgwick regarding the values present within SASM 101.

Hearing Panel's Recommendation

315. The Panel recommends no change to the planning maps or Schedule Three in response to submissions.

SASM 102 – No.24 Hokitika Native Reserve

316. There were two submission points on SASM 102, including GDC. Poutini Ngāi Tahu sought to remove reference to Rule SASM-R4 and Rule SASM-R6 from Schedule Three in relation to this SASM, on the basis that earthworks, buildings and structures and indigenous vegetation clearance could occur at the site without the need to consult with Poutini Ngāi Tahu (S620.423).

317. The s42A Report supported the submission of Poutini Ngāi Tahu to remove permitted activity rule references.

Hearing Panel's Evaluation

318. The Panel note that the right of reply evidence included SASM 102 in Tables SASM-T4 and Rule SASM-T6. We consider this is an error because the reply evidence showed rules deleted in Schedule Three in response to the submission of Poutini Ngāi Tahu.

319. The Panel accept the advice of Poutini Ngāi Tahu regarding the values of the area and that it is not appropriate for the earthworks, buildings and structures or indigenous vegetation clearance permitted activity rules to apply to the area. We understand that the intent of Poutini Ngāi Tahu is to enable use of the land, which the Panel considers addresses some of the concerns expressed by the submitters on SASM 101 (within SASM 102), given that it will only be discretionary and non-complying activities that will need to address potential effects on the SASM.

Hearing Panel's Recommendation

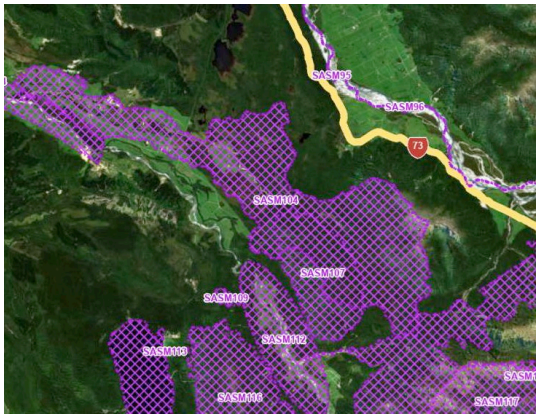
320. The Panel recommend deleting reference to Rule SASM-R4 and SASM-R6 from Schedule Three and from Table SASM-T4 in relation to SASM 102.

<u>SASM 104 – Kawhaka Creek Catchment</u>

321. A number of submission points opposed SASM 104, including GDC. Neil Bradley (S298.001, S298.002) requested information on why SASM 104 was scheduled and wanted it removed from his property. Kenneth Doig (S172.001) wanted the size of the SASM to be reduced to align better with the location of the waterbody. Myles Benge (S241.001) wanted the SASM removed from his property on Old Christchurch Road. Kawhaka Creek Catchment Residents (S297.002, S297.003) wanted the SASM removed from their properties, as did Ann Bradley (S371.001) and Bill Baxter (S210.001). Gerrit and Suzie Wolters (S308.002) wanted the boundaries reviewed in light of land modification. Carol Cameron (S152.001) and Katie Baxter (S211.001) requested the significance to be reconsidered.

322. Mr Madgwick explained that Poutini Ngāi Tahu submitted to have the area of SASM 104 reduced to just cover Kawhaka Creek (S620.349), which he considered addressed submitter concerns; and requested that the SASM would be re-name "*Kawhaka Creek*" (S620.350).

Notified SASM 104 *Amended SASM 104*





323. Mr Madgwick explained that the name Kawhaka commemorates an event within the pounamu legend whereby Tama Ahua was pursuing his wives who drowned, but that with the right karakia and action he had one chance to revive them. He instructed his slave Timuaki to

strike a fire and set an umu to cook two birds so the noa of the food would counter the tapu of death and save Hine Kawakawa and Hine Auhuka. However, Timuaki burnt his fingers on the hot stones as he opened the umu and instinctively put his fingers in his mouth to cool them breaking the karakia and with it hope of saving the women. Enraged, Tama Ahua struck and killed Timuaki who was turned into a hill and the women were petrified in the Arahura River. The area was named Kawhaka (to light the fire) in memory of the event and applied to the whole of the creek.

324. Mr Madgwick explained Kawhaka was significant because the Arahura River was searched for over and over for pounamu. He noted it was also described as an ara tāwhito, an old trail from the Arahura to Okuku and Taramakau, and over to Greenstone Creek (Ōhunu). As well as a trail up the creek that followed the Wainihinihi River down to the Taramakau River, both ending at Kōtukuwhakaoko (Lake Brunner) and eventually to the upper Taramakau River, over the alpine pass (Tarahanga of Rakamaunikura) and down the east coast to Kaiapoi pā.

325. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that the SASM, as described by Mr Madgwick, only applied to the creek and for it to be renamed, which was accepted in the s42A Report. However, she noted that this was not reflected in the text of proposed Table SASM-T8.

Hearing Panel's Evaluation

326. The Panel agree that reducing the mapped extent of the SASM to only apply to the creek is appropriate and is likely to satisfy many of the concerns of submitters. The Panel consider that, as with other waterbodies, the Poutini Ngāi Tahu association is with the active extent of the waterbody, which may differ from the mapped area over time, and therefore Schedule Three needs to record "*Waterbody*" in the "*Values*" column. The Panel also agree with Ms Pull that the name of the SASM needs to be amended in Table SASM-T8 and Rule SASM-R9 needs to be added to Schedule Three in relation to SASM 104 to correct an error in the notified Plan.

Hearing Panel's Recommendation

327. The Panel recommend amending the mapped extent of SASM 104 to only cover the creek rather than the whole catchment; deleting "*catchment*" from the name to read "Kawhaka Creek"; and amending Schedule Three to reference Rule SASM-R9 and Table SASM-T8 in relation to SASM 104, as well as "*Waterbody*" in the "*Values*" column.

SASM 105 - Tuwharewhare (Māhinapua Creek)

328. GDC was the only submitter on SASM 67 (S608.247), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.

329. The s42A generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

330. The Panel have identified that the planning maps incorporate the whole of the creek as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the creek, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the creek, as with other such waterbodies specified in the Schedule.

Hearing Panel's Recommendation

331. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

SASM 109 – Pyramid Hill/Timuaki Hill

332. There were two submission points on SASM 109, including GDC. Rex Scott (S25.001) sought that the SASM be removed from his property.

333. Mr Madgwick explained that SASM 109 was an example of a cultural landscape. The story of Timuaki, as relayed in explanation of SASM 104, was in relation to him turning into a hill, which is Pyramid Hill or Timuaki Hill. Timuaki originally came from Tūhua/Mayor Island in the Bay of Plenty and his hill is in the shadow of the mountain Tūhua, named after his home.

Hearing Panel's Evaluation

334. The Panel accept the evidence of Poutini Ngāi Tahu regarding the values present at the site.

Hearing Panel's Recommendation

335. The Panel recommend no amendments to the planning mapping, Schedule Three or rule tables in relation to SASM 109.

SASM 110 – Māhinapua

336. Mr Tangi Weepu (S630.001) described his association with Māhinapua and the lake where a great battle took place, impacting his tūpuna.

Hearing Panel's Evaluation

337. The Panel accept the oral submission of Mr Weepu regarding the values present at the site. There are a number of activities that will require certification by Poutini Ngāi Tahu in order to take place as permitted activities in this location, including minor earthworks, indigenous vegetation clearance, temporary activities, and earthworks, buildings and structures. The Panel has provided for certification of permitted activities to incorporate tikanga where appropriate.

Hearing Panel's Recommendation

338. The Panel recommend no amendments to SASM 110, associated Schedule Three or rule tables.

SASM 111 – Lake Māhinapua

339. GDC was the only submitter on SASM 111 (S608.253), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu. The oral submission of Tangi Weepu (S630.001) is also particularly relevant to this SASM.

340. The s42A generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

341. The Panel have identified that the planning maps incorporate the whole of the lake as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lake, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the lake, as with other such waterbodies specified in the Schedule. The Panel has also provided for certification of permitted activities to incorporate tikanga where appropriate.

Hearing Panel's Recommendation

342. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

SASM 112 – Arahura River at Tūhua

343. There were two submission points on SASM 112, including GDC. Mr Vernon Morris (S143.001) wanted his land at Milltown/Arahura Valley to be removed from the SASM unless genuine reasons could be demonstrated.

344. Mr Madgwick explained that SASM 112 recognises the Arahura River and the Wainihinihi River, because of the centrality of the Arahura in pounamu traditions and because of the ara tāwhito connected with the Wainihinihi River that facilitated pounamu trade, as outlined in relation to SASM 104. He noted SASM 112 was also connected with the nearby Waitaiki Historic Reserve, vested with Ngāi Tahu after Settlement, and the bed of the Arahura River that is also vested with Ngāi Tahu. Mr Madgwick cited Kā Huru Manu, as follows:

> *The Arahura River on Te Tai Poutini (the West Coast) was apparently named by Ngahue during his explorations, returning to Hawaiki with pounamu that was later used for the toki that carved the canoes for the major migrations. Arahura has always been an important source of pounamu (greenstone). There are two main traditions relating to Arahura and pounamu. The first concerns Tama-ki-te-Rangi, who came from Tūhua (Mayor Island) in search of his three wives, who had deserted him in the Tairea waka. By using his magic dart he followed the waka down the west coast of the South Island and up the Arahura River where the waka capsized. His wives had turned into pounamu. The Tairea waka was commemorated by being the name for the old Rūnanga Hall at Arahura. The second tradition records Arahura as the final resting place for Waitaiki, the essence of pounamu, who was captured and taken there by Poutini, the kaitiaki of pounamu. During the negotiations for the Crown purchase of Te Tai Poutini (the West Coast), Poutini Ngāi Tahu requested that all the land between the Māwhera (the Grey River) and Hokitika River be excluded. The Crown refused this request, and instead only agreed to exclude the Arahura River. When Poutini Ngāi Tahu lost control of their principal kāinga at Māwhera, due to the Crown taking over the Māwhera Reserve to create the expanding township of Greymouth in 1865 to meet the demands of the mid-19th century gold-rushes, Ngāi Tahu families began moving from Māwhera to Arahura to settle amongst the resident families. This gradual shift was completed in the early 1880s, directly after the death of Wereta Tainui. Arahura became the principal Ngāi Tahu settlement on Te Tai Poutini, and continues to be a stronghold for Poutini Ngāi Tahu." (References: Pukahu, H., Tauara, H., Te Kaapo, H., Te Naihi, W.K., Te Naihi, Rea, Te Naihi, Ripeka and Bannister, S. (1897) Nomenclature, legends as supplied by the Māoris in south Westland, 1897 in Andersen, Johannes Carl, 1873-1962 : Papers. Ref: MS-Papers-0148-112. Alexander Turnbull Library, Wellington, New Zealand. no.21.).*

Hearing Panel's Evaluation

345. The Panel accept the evidence of Mr Madgwick regarding the Poutini Ngāi Tahu values at this site. We note that SASM 112 was included in notified Rule SASM-R9 and was included in Table SASM-T8 of the right of reply evidence, but that this reference is missing from Schedule Three. The Panel consider this is an error that requires correction.

Hearing Panel's Recommendation

346. The Panel recommend adding reference to Rule SASM-R9 to Schedule Three and in Table SASM-T8 in relation to SASM 112

SASM 116 – Mt Tūhua

347. There were two submissions on SASM 116, including GDC. Ridgeline 3 Investments Limited (S127.002) sought that SASM 116 be removed because the title has been in private ownership since 1887 and it was not a Statutory Acknowledgement Area. The evidence of Mark Dixon on behalf of Ridgeline 3 Investments Limited is discussed in Section 1.3 of the Recommendations Report.

348. Mr Madgwick explained that Mt Tūhua was significant due to its relationship with the pounamu legends, which he noted were associated with the entire Arahura and environs, including Kawhaka, Tūhua, Timuaki, Raparapahoe, Mt Tara o Tama (the great mountain of the pounamu explorer Tama Ahua) and as far as Mt Kaniere (Mt Harman), named for sawing the pounamu. He noted these places were all remembered in whakapapa, waiata and oral histories because war parties trod these lands, and battles for ascendancy of this taonga see-sawed at Kokatahi, Kaniere, Māhinapua, Arahura and Kōtukuwhakaoko. Mr Madgwick cited Kā Huru Manu, as follows:

> *Tūhua is a mountain in the Arahura Valley on Te Tai Poutini (the West Coast). It is named after the volcanic island of that name, which is now known as Mayor Island in the Bay of Plenty. Tūhua features in several pounamu legends, one concerning Tama ki te Rangi and the Tairea waka which was wrecked at Arahura close to Tūhua. The waka was commemorated in the naming of the old Tairea Rūnanga Hall at Arahura that was opened in 1896. The other legend concerns Tamaahua whose wife Waitaiki, was captured from Tūhua by Poutini, the kaitiaki of pounamu. She was eventually taken to the Arahura River where she transformed into the essence of pounamu." (References: Pukahu, H., Tauara, H., Te Kaapo, H., Te Naihi, W.K., Te Naihi, Rea, Te Naihi, Ripeka and Bannister, S. (1897) Nomenclature, legends as supplied by the Maoris in south Westland, 1897 in Andersen, Johannes Carl, 1873-1962 : Papers. Ref: MS-Papers-0148-112. Alexander Turnbull Library, Wellington, New Zealand. no.166; and Mason, Maika cited in Beck, R.J. (2010) Pounamu: the jade of New Zealand. Auckland, N.Z.: Penguin. P44-45.).*

349. The s42A Report did not support the submissions and considered the area was significant to Poutini Ngāi Tahu regardless of land ownership.

Hearing Panel's Evaluation

350. The Panel accepts the evidence of Mr Madgwick regarding Poutini Ngāi Tahu values at this site and understand that these values and relationships are not dependent on the ownership status of land.

Hearing Panel's Recommendation

351. The Panel recommend no amendment to the planning maps, Schedule Three or associated rule tables in relation to SASM 116.

SASM 117 – Waiitaiki Catchment

352. There were two submission points on SASM 117, including GDC. Ridgeline 3 Investments Limited (S127.002) sought remove SASM 117 because the title had been in private ownership since 1887 and was not a Statutory Acknowledgement Area. The evidence of Mark Dixon on behalf of Ridgeline 3 Investments Limited is discussed in Section 1.3 of the Recommendations Report.

353. Mr Madgwick explained that SASM 117 recognised the Waitaiki catchment due to its connection with pounamu traditions. Mr Madgwick cited Kā Huru Manu, as follows:

> *Waitaiki is the Māori name for the Olderog Creek that flows into the Arahura River on Te Tai Poutini (The West Coast). Waitaiki was a young woman who was captured by Poutini – the kaitiaki (guardian) of pounamu – from her home of Tūhua (Mayor Island) in the Bay of Plenty. Poutini brought Waitaki down south, and when Tamaahua realised his wife had been taken, he used his powers of karakia to discover her whereabouts. Along with his slave Tumuaki, they went in search for Waitaki. Sensing Tamaahua in close pursuit Poutini fled all the way down the west coast of the South Island before reaching Piopiotahi (Milford Sound). Here Waitaki wept, and begged him to stop and turn back. With her tears she created the tangiwai pounamu that is still found there today. Reluctantly, Poutini turned back and went to the Arahura River. By this time Tamaahua was closing in, and realising that there was little chance of escaping and that Tamaahua was to powerful, Poutini decided that if he could not have Waitaki, neither would anyone else and he transformed her into his own likeness and essence – pounamu – and laid her in the bed of the river near the stream that today bears her name." (References: Mason, Maika cited in Beck, R.J. (2010) Pounamu: the jade of New Zealand. Auckland, N.Z.: Penguin. P44-45.).*

Hearing Panel's Evaluation

354. The Panel accept the evidence of Mr Madgwick regarding Poutini Ngāi Tahu values at this site and understand that values and relationships are not dependent on the ownership status of land.

The Panel note that notified Rule SASM-R9 included SASM 117 but there is no corresponding reference in Schedule Three. We note SASM 117 was included in Table SASM-T8 in the right of reply evidence. The Panel consider this is an error that requires correction.

Hearing Panel's Recommendation

355. The Panel recommend adding reference to Rule SASM-R9 in Schedule Three and in Table SASM-T8 in relation to SASM 117.

SASM 118 – Lake Kaniere

356. There were two submissions on SASM 118, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.351).

Hearing Panel's Evaluation

357. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lake is a Statutory Acknowledgement Area arising from the Treaty Settlement process. The Panel consider that Schedule 31 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Lake Kaniere. The Panel also consider that, as a consequence of the whole waterbody being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lake as a whole.

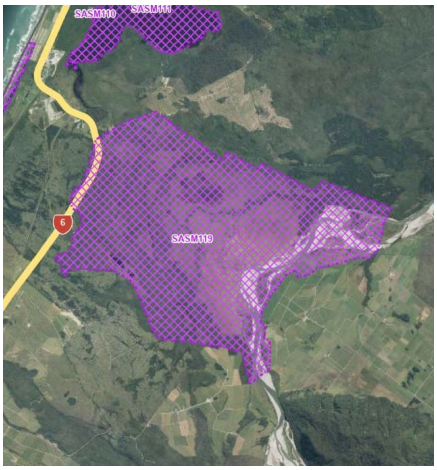
Hearing Panel's Evaluation

358. The Panel recommend including reference to "Waterbody" in the "Values" column of Schedule Three for SASM 118.

<u>SASM 119 – Orautahi (Eel Creek)</u>

359. There were two submissions on SASM 118, including GDC. Poutini Ngāi Tahu sought to amend the mapped area of this SASM (S620.352), which was supported in the s42A Report as follows:

Notified SASM 119 *Amended SASM 119*





Hearing Panel's Evaluation

360. The Panel notes this is a minor shift in location. We consider that the amendment can be accepted because there is not increase in extent and no new landowners affected by the change.

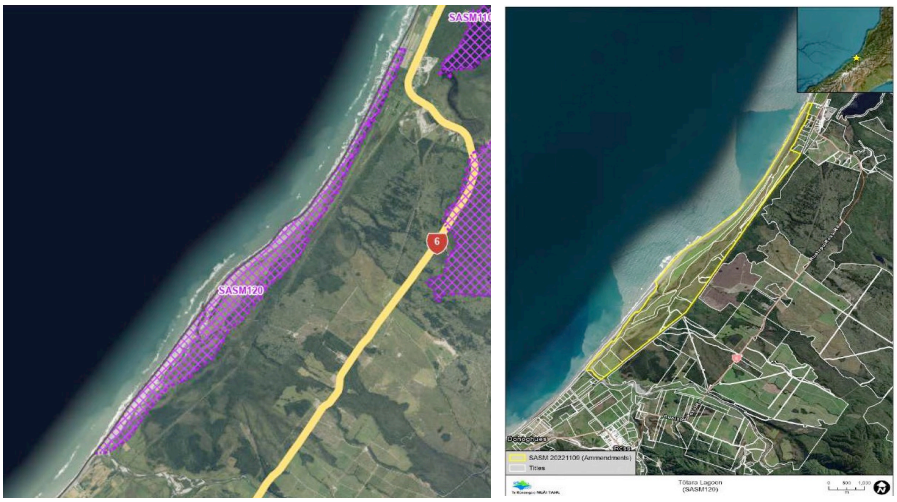
Hearing Panel's Recommendation

361. The Panel recommend amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission only to the extent that there are no incidental increases in extent that impact on any additional landowners as a result of the change.

SASM 120 – Tōtara Lagoon

362. There were three submissions on SASM 120, including GDC. Lyn McIntosh (S469.002) was concerned that her land had inadvertently been included, when it was meant to just be the lagoon. Poutini Ngāi Tahu sought to amend the mapped area of this SASM (S620.352), which was supported in the s42A Report as follows:

Notified SASM 120 *Amended SASM 120*



Hearing Panel's Evaluation

The Panel consider that the amendment can be accepted because it represents a reduction in extent of the mapped area so that no new landowners are impacted. However, while the extent of the SASM is reduced on Ms Mcintosh's land and area of land remains in the SASM. The Panel also consider that, as a consequence of the whole lagoon being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lagoon as a whole.

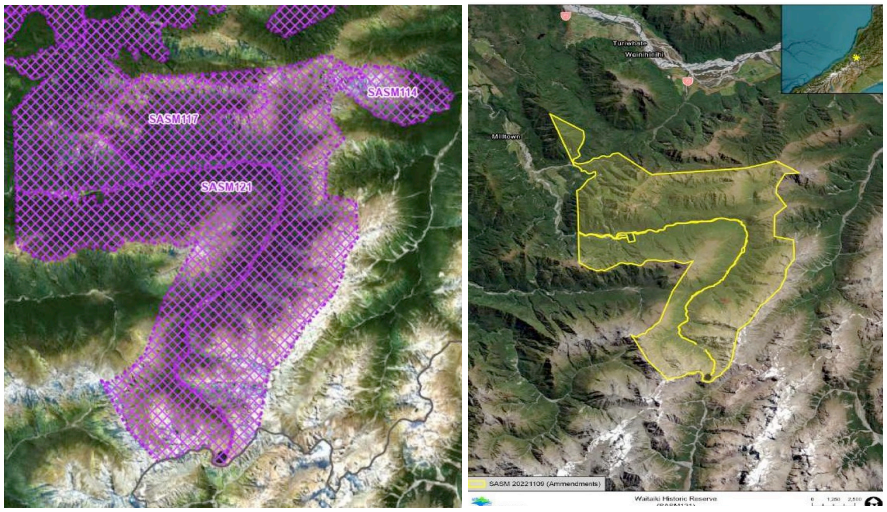
Hearing Panel's Recommendation

363. The Panel recommend amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission, only to the extent that there are no incidental increases in area of affected land parcels or any additional landowners affected as a result of the change. The Panel also recommend adding reference to "*Waterbody*" in the "*Values*" column of Schedule Three, noting also that the sandspit is intended to be included as part of the SASM.

SASM 121 – Waitaiki Historic Reserve

364. There were three submissions on SASM 121, including GDC. Ridgeline 3 Investments Limited (S127.002) sought the removal of SASM 121 because the title had been in private ownership since 1887 and was not a Statutory Acknowledgement Area. The evidence of Mark Dixon on behalf of Ridgeline 3 Investments Limited is discussed in Section 1.3 of the Recommendations Report. Poutini Ngāi Tahu sought to amend the mapped area of SASM 121 (S620.354), as follows.

Notified SASM 121 *Amended SASM 121*



365. Mr Madgwick explained that SASM 121 recognised the Waitaiki Historic Reserve due to its association with pounamu traditions. He noted that the reserve had been created for the purpose of protecting and preserving in perpetuity its significant natural, historic, archaeological, cultural and educational features. Mr Madgwick cited the Waitaiki Historic Reserve Management Plan, as follows:

> *The Waitaiki Historic Reserve has historical value to all New Zealanders as a place of spiritual and cultural significance, with its rich Māori and European history. Its central significance is as the source of pounamu and its place in the Poutini-Waitaiki creation tradition associated with pounamu. In particular, Waitaiki (Jade Creek) commemorates the resting place of Waitaiki, along with the surrounding features of Tamaahua (Mt Tara Tama); Tumuaki (Island Hill) and Tūhua. The long-standing use of pounamu within the Arahura catchment and sourced from Waitaiki, along with the associated trials and trade routes, as well as the subsequent European history associated with exploration, settlement and mining all form part of its unique history… …The ancestral landscapes of tangata whenua are inseparable from their identity and wellbeing. Among these landscapes are wāhi tapu (sacred sites), wāhi taonga (sacred treasures) and other places of significance..." (Reference: The Māwhera Incorporation (2019) The Waitaiki Historic Reserve Management Plan. P14.).*

Hearing Panel's Evaluation

366. The Panel accept the evidence of Mr Madgwick regarding Poutini Ngāi Tahu values at this site and understand that values and relationships are not dependent on land ownership status. The Panel have incorporated consideration of tikanga in Schedule Three (SCHED 3A) where relevant to the certification process for permitted activities, of which there are five attributed to this SASM.

367. The Panel note that SASM 121 was included in notified Rule SASM-R9 and was included in Table SASM-T8 in the right of reply evidence, but that this reference is missing from Schedule Three. The Panel consider this is an error that requires correction.

368. The Panel support the mapping amendments requested by Poutini Ngāi Tahu only to the extent that there is no increase in area and no new landowners are affected by the change.

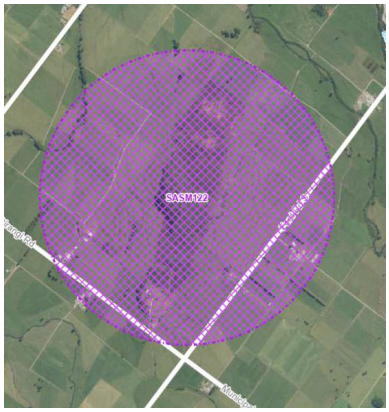
Hearing Panel's Recommendation

369. The Panel recommend adding reference to Rule SASM-R9 in Schedule Three and in Table SASM-T8 in relation to SASM 121. The Panel also recommend amending the mapped extent of SASM 121 to match the Poutini Ngāi Tahu submission, only to the extent that there is no increase in extent and no additional landowners are potentially affected as a result of the change.

SASM 122 – Kowhitirangi- silent file

370. Three were five submissions on SASM 122, including GDC. Janna Bradley (S593.001), James Bradley (S428.002) and Glen Bradley (S592.001) sought to remove SASM 122. Poutini Ngāi Tahu (S620.355) sought to reduce the size of the SASM to better reflect its location, as follows, although it was noted to be a silent file:

Notified SASM 122 *Amended SASM 122*





371. Mr Madgwick noted that SASM 122 was very significant to Poutini Ngāi Tahu, which was why it was protected by a "silent file". He explained that any further disclosure regarding the site would need to be given in a public excluded hearing session to protect the site.

Hearing Panel's Evaluation

372. The Panel accepts the evidence of Mr Madgwick regarding the significant values at this site. As with other silent files, the Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed session. The Panel is satisfied the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 122.

373. The Panel note that SASM 121 was included in notified Rule SASM-R9 and that it is included in Table SASM-T8 in the right of reply evidence, but that this reference is missing from Schedule Three. The Panel consider this is an error that requires correction.

374. The Panel support the mapping amendments requested by Poutini Ngāi Tahu on the basis that there is a reduction in the extent of area included and therefore less potential effect on landowners.

Hearing Panel's Recommendation

375. The Panel recommend adding reference to Rule SASM-R9 to Schedule Three and in Table SASM-T8 in relation to SASM 121. The Panel also recommend amending the mapped extent of SASM 121 to match the Poutini Ngāi Tahu submission, and only to the extent that there are no increases in extent and no additional landowners are affected as a result of the change.

SASM 111 – Lake Matahi/Lake Ianthe

376. GDC was the only submitter on SASM 125 (S608.253), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.

377. The s42A generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

378. The Panel have identified that the planning maps incorporate the whole of the lake as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lake, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the lake, as with other such waterbodies specified in the Schedule.

Hearing Panel's Recommendation

379. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

SASM 126 – Pouerua-hāpua/Saltwater Lagoon

380. There were two submission points on SASM 126, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.356).

Hearing Panel's Evaluation

381. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lagoon is a Statutory Acknowledgement Area arising from the Treaty Settlement process. The Panel consider that Schedule 53 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Pouerua-hāpua/Saltwater Lagoon. The Panel also consider that, as a consequence of the whole lake being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lake as a whole.

Hearing Panel's Recommendation

382. The Panel recommends amendment to Schedule Three for SASM 126 to incorporate reference to "*Waterbody*" in the "*Values*" column.

SASM 127 – Ulipa

383. The only submitter on SASM 127 was GDC seeking to remove it from the Plan (S608.269).

Hearing Panel's Evaluation

384. The Panel note that the notified Plan included SASM 127 in Rule SASM-R1 and that SASM-R1 was included in Schedule Three in the right of reply evidence. However, we note SASM 127 is missing from Table SASM-T1, which the Panel considers is an error that requires correction.

Hearing Panel's Recommendation

385. The Panel recommend inclusion of SASM 127 in Table SASM-T1 and no change to Schedule Three for SASM 127.

SASM 131 – Ōkārito Lagoon

There were two submission points on SASM 131, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.357)**.**

Hearing Panel's Evaluation

386. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lagoon is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 48 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Ōkarito Lagoon. We also consider that, as a consequence of the whole lagoon being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lagoon as a whole.

Hearing Panel's Recommendation

387. The Panel recommend amendment to Schedule Three for this SASM to incorporate reference to "*Waterbody*" in the "*Values*" column.

SASM 133 – No. 19 Ōkarito Native Reserve

388. The only submitter was GDC seeking removal of SASM 133 (S608.275).

Hearing Panel's Evaluation

389. The Panel note that the notified Plan included SASM 133 in Rule SASM-R1 and that SASM-R1 was included in Schedule Three, which was also reflected in the right of reply evidence. However, the Panel notes SASM 133 is missing from Table SASM-T1, which we consider is an error that requires correction.

Hearing Panel's Recommendation

390. The Panel recommend inclusion of SASM 133 in Table SASM-T1 and no change to Schedule Three for SASM 133.

SASM 135 – Ōkarito (No. 18 Koamaru Native Reserve) – silent file

391. There were two submission points on SASM 135, including GDC. Mr John Hughson (S445.001) was concerned about the lack of information due to the SASM being a "silent file" and considered that unhelpful, however, he indicated intent to work constructively with the proposal.

392. Mr Madgwick explained that SASM 135 recognised the Koamaru Native Reserve. He described that the pā site was located at the foot of the hill, overlooking the village and is tapu because it was the scene of some bloody battles. He noted it was a "silent file" due to the sensitive nature of the site. He cited Kā Huru Manu, as follows:

> *This 13-acre reserve originally adjoined the Ōkarito Township and was set aside as part of the Arahura Purchase 1860. The correct name is Kohuamaru; it was here that Te Niho and Takarei arrived after capturing the northern Poutini Ngāi Tahu at Kokatahi. In 1878, the Young Commission determined that the ownership of the reserve resided with Tare Parata, Riria Parata and Rena Parata, as tenants in common in equal shares. Since 1878, the Māori Land Court has maintained succession schedules detailing changes in ownership. The size of the reserve was reduced to just over 9 acres, as land was sold to the Crown or taken under the Public Works Act to lay out streets. In 1971, the land was converted to general title by way of status declaration pursuant to part 1 of the Māori Affairs Amendment Act 1967.*

Hearing Panel's Evaluation

393. The Panel accept the evidence of Mr Madgwick regarding the significant values at this site. As with other silent files, the Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed session. The Panel is satisfied the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 135.

Hearing Panel's Recommendation

394. The Panel recommend adding reference to Rule SASM-R9 to Schedule Three and in Table SASM-T8 in relation to SASM 135.

SASM 139 – Gillespies Beach

395. There were three submissions on SASM 139, including GDC. Margaret Williams (S394.001) wanted the southern boundary of the SASM moved to exclude freehold land and the northern boundary moved to the northern end of the beach to include the lagoon. Poutini Ngāi Tahu submitted to amend the boundaries of SASM 139 (S620.358) to remove freehold land.

396. Mr Madgwick explained that the amendment sought by Poutini Ngāi Tahu removed the submitter's property from the area of the SASM resolving their concerns.

397. The s42A Report supported the amendment requested by Poutini Ngāi Tahu as follows:

Notified SASM 139 *Amended SASM 139*



Hearing Panel's Evaluation

398. The Panel accept that the amended map for SASM 139 is a reduction in area and that this reduces the potential effect on landowners within the mapped area. We consider this amendment removes the submitter's property from the identified SASM.

Hearing Panel's Recommendation

399. The Panel recommends amending SASM 139 as requested in the Poutini Ngāi Tahu submission to the extent that there are no increases in the extent of area included and there are no additional landowners impacted as a result of the change.

SASM 140 – Lake Matheson

400. GDC was the only submitter on SASM 140 (S608.282), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.

401. The s42A generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

402. The Panel have identified that the planning maps incorporate the whole of the lake as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lake, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the lake, as with other such waterbodies specified in the Schedule.

Hearing Panel's Recommendation

403. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

SASM 144 – Karangarua Lagoon

404. There were two submission points on SASM 144, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.360) and to amend

the mapped extent of the SASM (S620.359), which was supported in the s42A Report as follows:

Notified SASM 144 *Amended SASM 144*





Hearing Panel's Evaluation

405. The Panel support the amended map of SASM 144 to the extent that it is a reduction in area. The Panel also consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lagoon is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 24 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Karangarua Lagoon. We also consider that, as a consequence of the whole lagoon being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lagoon as a whole.

Hearing Panel's Recommendation

406. The Panel recommend amending the map for SASM 144 as requested in the Poutini Ngāi Tahu submission to the extent that there is no increase incidental increase in extent and no additional landowners are impacted as a result of the change. We also recommend amendment to Schedule Three to include "*Waterbody*" within the "*Values*" column.

<u>SASM 145 – Kā Roimata-a-Hinehukatere/Franz Josef Glacier</u>

407. There were two submission points on SASM 145, including GDC. Skyline Enterprises Limited (S250.009) sought that SASM 145 and the SASM Chapter provide for development of an aerial cableway designed to provide access to the glacier, in conjunction with a special purpose zone. Skyline noted concern that the SASM could restrict these future development plans.

408. Ms Easton in her s42A Report for the SASM hearing and the Franz Josef hearing did not support removal of the SASM or excluding the Franz Josef Glacier given its cultural significance to Ngāti Māhaki and Poutini Ngāi Tahu. She emphasised that future development plans were not a relevant consideration when assessing cultural significance of a site or area. She noted the restrictions imposed by recognition of the SASM were "*fairly light*" and considered consultation with Poutini Ngāi Tahu around any design and location of proposed tourist facilities on the glacier would be appropriate. She noted that recognition of the glacier as an

outstanding natural feature (ONF 16) would likely introduce greater planning restrictions than recognition of SASM 145.

409. Skyline Enterprises Limited (SEL) presented evidence to the Panel at Franz Josef on 8 October 2024 regarding the proposed aerial cableway and requested a special purpose zone to enable the development. Mr Sean Dent, planner, and Ms Nikki Smetham, landscape architect, presented evidence for SEL in relation to SASM 145.

410. Ms Smetham noted the presence of the SASM in her description of the proposed special purpose zone and highlighted tangata whenua values were recognised in place names (Kā Roimata o Hine Hukatere) and interpretation panels on walks in the Waiho Valley and at Sentinel Rock. She did not specifically address the relationship between the outstanding natural feature of the glacier (ONF 16) and SASM 145 in the Plan.

411. Mr Dent identified the Franz Josef Valley was subject to the SASM 145 overlay. He noted SEL's submission sought recognition of the proposed cableway in the SASM Chapter. He referred to POU-P10 in the Strategic Directions chapter, which required protection of SASM while ensuring Poutini Ngāi Tahu have a key role in decision-making on their management. He provided suggested text for a proposed special purpose zone, the Franz Josef Amenities Area Zone (FJAAZ), as Appendix A to his evidence, which described SASM 145 as "*immediately adjacent to*" the special purpose zone. He provided a section 32AA evaluation to support his Appendix A, included as Appendix C, which assessed the relationship of proposed objective FJAAZ-O5 and proposed policy FJAAZ-P8, with SASM-O1 and SASM-O3. He acknowledged the need for a cultural impact assessment for any future resource consent application for the cableway development.

412. Mr Madgwick explained that SASM 145 recognised Kā Roimata-a-Hinehukatere/Franz Josef Glacier and applied to the ice bed of the glacier only. He cited Kā Huru Manu, as follows:

> *Kā Roimata-a-Hinehukatere is the traditional Māori name for the Franz Josef Glacier. Hinehukatere was a woman who in ancient times had a passion for mountaineering. Her sweetheart Wawe tried to keep up, but he was not as agile as Hinehukatere. When traversing the region at the head of the glacier, Wawe lost his footing and fell to his death. Hinehukatere witnessed the fatality, and became greatly stricken with grief. Her tears were so excessive that the gods froze them as a perpetual memorial to her sorrow. Even today her tears remain frozen as Kā Roimata-a-Hinehukatere — "The tears of Hinehukatere"." (Reference: Madgwick, P. (1992) Aotea: A history of the South Westland Māori. Greymouth, N.Z.: Greymouth Evening Star. P65.)*

Hearing Panel's Evaluation

413. The Panel did not receive any evidence that countered the cultural significance of Kā Roimata-a-Hinehukatere/Franz Josef Glacier to Poutini Ngāi Tahu. We note that Schedule Three of the Plan does not identify applicable rules for SASM 145 and on that basis the Panel agree with Ms Easton that greater restrictions are likely to apply as a result of other chapters in the Plan, particularly the Natural Features and Landscapes Chapter. SASM objectives and policies, along with other objectives and policies in the Plan, will apply in any resource consent process associated with a discretionary or non-complying activity. We note the planning maps show ONF 16 to be situated within SASM 145 and therefore the values associated with SASM 145 will form part of the description of values for ONF 16. We note that the Panel's recommendation in relation to ONF 16 is to retain the identified site as notified.

Hearing Panel's Recommendation

414. The Panel recommend no change to SASM 145 in response to submissions and evidence.

SASM 146 – Puketahi – The Sugar Loaf

415. There were two submission points on SASM 146, including GDC. Poutini Ngāi Tahu sought reference to "*Maunga*" and "*Ancestors Embedded in the Landscape*" in the "*Values*" column of Schedule Three in order to correct an error in the notified Plan (S620.361).

416. The s42A Report supported the proposed amendment.

Hearing Panel's Evaluation

417. The Panel are satisfied that there is a need to amend the Plan as requested by Poutini Ngāi Tahu, which will assist with application of Rule SASM-R6 and Table SASM-T7.

Hearing Panel's Recommendation

418. The Panel recommend adding the relevant values of "*Maunga*" and "*Ancestors Embedded in the Landscape*" to Schedule Three, associated with SASM 146.

SASM 151 – Bruce Bay/Manakaiaua

419. There were three submission points on SASM 151, including GDC (following the withdrawal of Te Tumu Paeroa's submission point).

420. Mr Robert Scott (S380.001) wanted the boundaries of the SASM reconsidered around his farmed block of land. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.155) initially sought that SASM 151 be re-evaluated to provide an accurate area that reflects cultural values at the site, however, this submission point was withdrawn on 21 March 2024.

421. Mr Madgwick explained that SASM 151 recognised the area of Bruce Bay/Manakaiaua and South Island Landless Native Reserve under the South Island Landless Natives Act 1906. He cited Kā Huru Manu, as follows:

> *The Bruce Bay/ Manakaiaua grant was made under the provisions of the South Island Landless Natives Act 1906 (SILNA). The SILNA grants were an attempt by the Crown to address the inadequate provision of reserves under previous awards. The Bruce Bay/ Manakaiaua award is situated in South Westland, 80km from Haast and 224km from Hokitika, and originally comprised twelve sections within the Karangarua and Bruce Bay Survey Districts. The sections were surveyed in 1898 and the resultant grants were recorded in the New Zealand Gazette on 9 June 1908 as an award to 135 people. Since 1982, most of the land (excluding sections 890 and 892) has been vested in the Māori Trustee to facilitate its management, use and development on behalf of the beneficial owners. In 1983, the ownership of the above blocks was combined through an Aggregation Order (the blocks retain individual titles, but have common ownership).*

Hearing Panel's Evaluation

422. The Panel accept the evidence of Mr Madgwick regarding the significant values present at the site. The Panel note that there are no permitted activity rules applicable in Schedule Three

and as such only discretionary and non-complying activities will need to consider the values of the SASM.

Hearing Panel's Recommendation

423. The Panel recommend no change to SASM 151 in response to submissions and evidence.

SASM 152 – Manakaiaua Mātaitai Reserve

424. GDC were the only submitter on SASM 152 (S608.294), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

425. The s42A Report generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

426. Proposed SASM 152 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

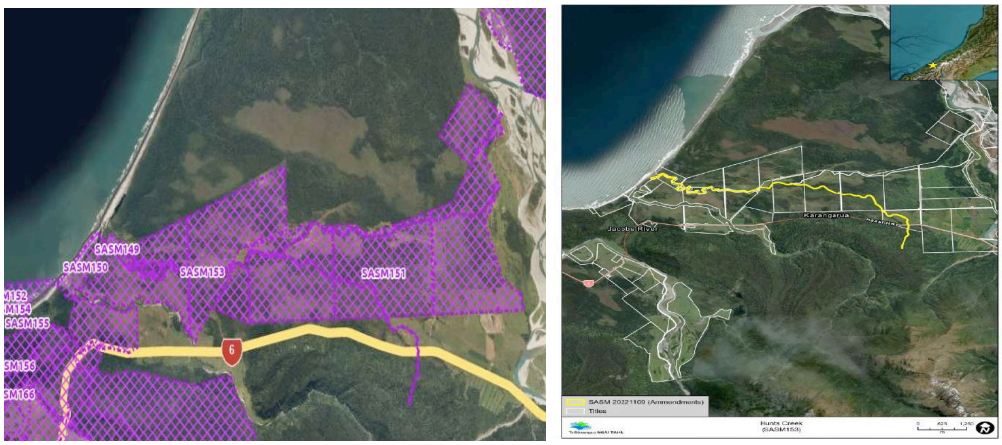
Hearing Panel's Recommendation

427. The Panel recommends that SASM 152 be removed from the planning maps and Schedule Three.

SASM 153 – Hunts Creek

428. There were two submission points on SASM 153, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.362) as follows:

Notified SASM 153 *Amended SASM 153*



Hearing Panel's Evaluation

429. The Panel support the amended map of SASM 153 as a reduction in extent of area included. The Panel understand that waterbodies will naturally move around over time and that the mapped outline for Hunts Creek may at times be different than the active channel, which is accounted for in introduction to the Schedule. We also consider it necessary to include reference to "*Waterbody*" in the "*Values*" column of Schedule Three so that the planning

maps and the Schedule work together to identify Poutini Ngāi Tahu relationship with the creek as a whole.

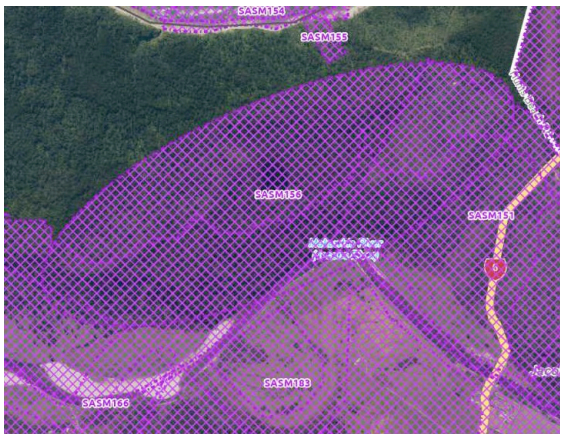
Hearing Panel's Recommendation

430. The Panel recommend amending the map for SASM 153 as requested in the Poutini Ngāi Tahu submission, and including the value "*Waterbody*" within Schedule Three for this SASM

SASM 156 – Te Puku o te Wairapa

431. There were two submission points on SASM 156, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.363) as follows:

Notified SASM 156 *Amended SASM 156*





Hearing Panel's Evaluation

432. The Panel support the amended map of SASM 156 on the basis that it does not increase the extent of land included and no additional landowners are impacted by the change.

Hearing Panel's Recommendation

433. The Panel recommend amending the map for SASM 156 as requested in the Poutini Ngāi Tahu submission, to the extent that there are no incidental increases in extent and there are no additional landowners impacted as a result of the change.

SASM 157 – No. 10 Makāwhio Native Reserve

434. There were two submission points on SASM 157, including GDC. Te Tumu Paeroa (S440.053) retained their submission point on SASM 157, while withdrawing others, and expressed concern with identification of the extent of the SASM, covering the entire record of title.

435. Mr Madgwick explained that SASM 157 was a Māori reserve and a mahinga kai. He identified the site as a pā site, as well as containing an urupā.

436. Ngāti Māhaki (represented by Te Rūnanga o Makaawhio) provided information attached as Appendix B to the joint statement from Te Tumu Paeroa and Poutini Ngāi Tahu (dated 14 August 2024) outlining the differences between SASM 157 and SASM 158, to explain why less restrictions were proposed in the rule framework affecting SASM 158 compared with SASM 157. This information records that SASM 157 is an older pā site and ancient urupā than the

area covered by SASM 158, with trees on site that were used for snaring and spearing birds, including virgin forest. The information from Ngāti Māhaki noted that SASM 157 had experienced some damage as a consequence of track clearing which caused concern and highlighted the need for greater controls on activities affecting the area.

Hearing Panel's Evaluation

437. The Panel accept the evidence of Mr Madgwick and Ngāti Māhaki regarding the significant values present at the site. We note there are a number of activities that will require certification by Poutini Ngāi Tahu to enable permitted activities in this location, including minor earthworks, demolition, removal or alteration of structures, indigenous vegetation clearance, temporary activities, and earthworks, buildings and structures. The Panel has provided for certification of permitted activities to incorporate tikanga where appropriate.

Hearing Panel's Recommendation

438. The Panel recommend no amendments to notified planning maps for SASM 157, associated Schedule Three or rule tables.

SASM 158 – No. 8 Makāwhio and No. 9 Makāwhio

439. GDC sought removal of SASM 158, which is addressed earlier in this Report.

440. Ngāti Māhaki (represented by Te Rūnanga o Makaawhio) provided information attached as Appendix B to the joint statement from Te Tumu Paeroa and Poutini Ngāi Tahu (dated 14 August 2024) to explain why less restrictions were proposed in the rule framework affecting SASM 158 compared with SASM 157. This information records that SASM 158 contains two pā sites and three urupā, with a mixture of virgin forest and highly modified areas used for grazing animals. Ngāti Māhaki sought to not inhibit existing farming activities, while providing for the opportunity to respond to expansion or intensification of activities.

Hearing Panel's Evaluation

441. The Panel note that SASM 158 was notified with reference to Rule SASM-R5 in Schedule Three but Rule SASM-R5 did not include reference to SASM 158. The right of reply evidence included SASM 158 in Table SASM-T5, which the Panel assume is correct. We consider the notified Rule SASM-R5 contained the error and that no further correction is required.

Hearing Panel's Recommendation

442. The Panel recommend SASM 158 is included in Table SASM-T5.

SASM 163 – No. Māori Beach Kāinga

443. GDC sought removal of SASM 163, which is addressed earlier in this Report.

Hearing Panel's Evaluation

444. The Panel note that SASM 163 was notified with reference to Rule SASM-R2 in Schedule Three but Rule SASM-R2 did not contain any reference to SASM 163. We note the right of reply evidence did not include SASM 163 in Table SASM-T2. The Panel assume notified Schedule Three is correct and consider that notified SASM-R2 contained the error. We consider SASM 163 should be included in Table SASM-T2.

Hearing Panel's Recommendation

445. The Panel recommend SASM 163 is included in Table SASM-T2.

SASM 164 – Mahitahi Mātaitai Reserve

446. GDC were the only submitter on SASM 164 (S608.306), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

447. The s42A Report generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

448. Proposed SASM 164 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean high water springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

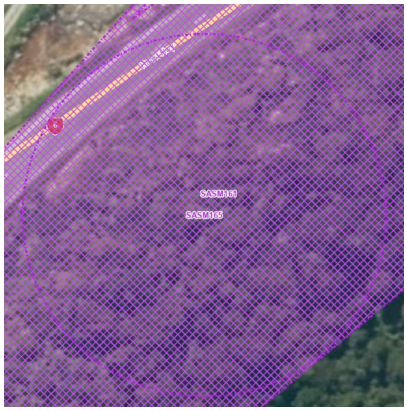
Hearing Panel's Recommendation

449. The Panel recommends that SASM 164 be removed from the planning maps and Schedule Three.

SASM 165 – No. 7 Mahitahi Beach Native Reserve - Silent File

450. There were two submission points on SASM 165, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.364) as follows:

Notified SASM 165 *Amended SASM 165*





Hearing Panel's Evaluation

451. The Panel support the amended map of SASM 165 on the basis that it clarifies the area of interest to Poutini Ngāi Tahu and it is a reduction in the extent of land included in the identified area.

Hearing Panel's Recommendation

452. The Panel recommend amending the map for SASM 165 as requested in the Poutini Ngāi Tahu submission.

SASM 166 – Makāwhio River (Jacobs River)

453. There were two submission points on SASM 144, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.365).

Hearing Panel's Evaluation

454. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the river is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 38 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Makāwhio River (Jacobs River). We also consider it necessary to include reference to "*Waterbody*" in the "*Values*" column of Schedule Three so that the planning maps and the Schedule work together to identify Poutini Ngāi Tahu relationship with the creek as a whole.

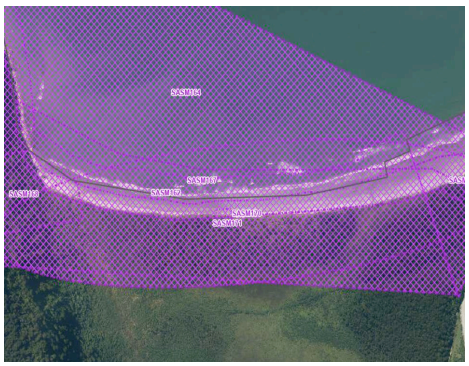
Hearing Panel's Recommendation

455. The Panel recommend amendment to Schedule Three to incorporate reference to "*Waterbody*" in relation to this SASM.

SASM 167 – Mahitahi Mussel & Pipi Bed

456. There were two submission points on SASM 167, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.366) as follows:

Notified SASM 167 *Amended SASM 167*





Hearing Panel's Evaluation

457. The Panel note that as a coastal SASM, it will only be relevant landward of the coastal marine area. The Panel could not discern any area of the proposed SASM that would be within the jurisdiction of the Plan.

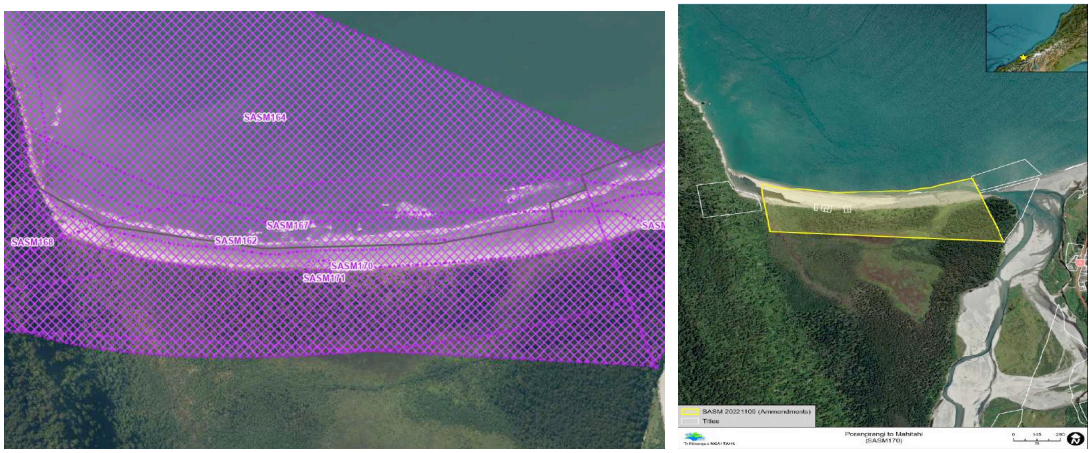
Hearing Panel's Recommendation

458. The Panel recommend deleting proposed SASM 167 from Schedule Three and the planning maps because it is outside the jurisdiction of the Plan, relying on the GDC request to remove the SASM from the Plan.

SASM 170 – Porangirangi to Mahitahi

459. There were two submission points on SASM 170, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.367) as follows:

Notified SASM 170 *Amended SASM 170*



Hearing Panel's Evaluation

460. The Panel support the amended map of SASM 170 as it more accurately reflects the area of interest to Poutini Ngāi Tahu and does not include any additional land. We note that as a coastal SASM, it will only be relevant landward of the coastal marine area.

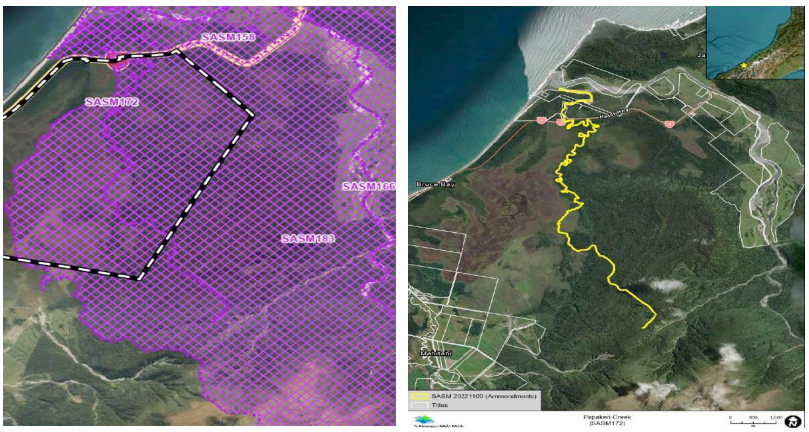
Hearing Panel's Recommendation

461. The Panel recommend amending the map for SASM 170, as requested in the Poutini Ngāi Tahu submission, to the extent that there are no incidental increases in the extent of land included and no additional landowners are impacted as a result of the change.

SASM 172 – Pāpākeri Creek

462. There were two submission points on SASM 172, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.368) as follows:

Notified SASM 172 *Amended SASM 172*



Hearing Panel's Evaluation

463. The Panel support the amended map of SASM 172 as it more accurately reflects the area of interest to Poutini Ngāi Tahu and does not include any additional land. As Pāpākeri Creek is a waterbody, the Panel also consider it necessary to reflect this in Schedule Three, allowing for any movement of the waterbody over time.

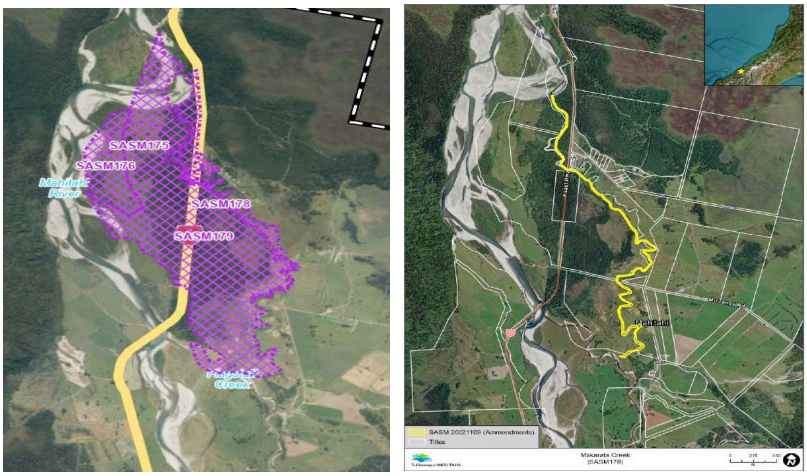
Hearing Panel's Recommendation

464. The Panel recommend amending the map for SASM 172, as requested in the Poutini Ngāi Tahu submission, and listing the SASM as a "*Waterbody*" in Schedule Three.

SASM 178 – Makarata Creek

465. There were two submission points on SASM 178, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.369) as follows:

Notified SASM 178 *Amended SASM 178*



Hearing Panel's Evaluation

466. The Panel support the amended map of SASM 178 as it more accurately reflects the area of interest to Poutini Ngāi Tahu and does not include any additional land. As Makarata Creek is a waterbody, the Panel also consider it necessary to reflect this in Schedule Three, allowing for any movement of the waterbody over time.

Hearing Panel's Recommendation

467. The Panel recommend adopting the amended map for SASM 178 as requested in the Poutini Ngāi Tahu submission and listing the SASM as a "*Waterbody*" in Schedule Three.

SASM 179 – No. 6 Mahitahi Reserve

468. Two submitters opposed SASM 179, however both Te Tumu Paeroa (S440) and WMS Group (HQ) Limited and WMS Land Co. Limited (S599) withdrew their submission points.

469. Mr Madgwick explained that SASM 179 recognised No.6 Mahitahi Māori Reserve. He cited Kā Huru Manu, as follows:

This 630-acre reserve at Bruce Bay was set aside as part of the Arahura Purchase 1860. In 1878, Reserves 6 and 7 were treated as being combined and the Young Commission determined that the ownership of the reserve resided with Kinihe te Kaoho and 58 others. Since 1878, the Māori Land Court has maintained succession schedules detailing changes in ownership. The reserve remained combined until 1915, when it was subdivided into three separate parcels: Sections 781A, 781B & 782 (Sections 781A and 781B comprising former Reserve No. 6). Over 100 acres of the reserve was taken under the Public Works Act for use as a road reserve; an aerodrome and as a scenic reserve. Since 1980, Section 781B has been vested in responsible trustees to facilitate the management, use and development of the land on behalf of the beneficial owners.

Hearing Panel's Evaluation

470. The Panel address the GDC request earlier in this Report.

Hearing Panel's Recommendation

471. The Panel recommend no change to the planning maps for SASM 179.

SASM 184 – Lake Pāringa

472. There were two submission points on SASM 184, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.370).

Hearing Panel's Evaluation

473. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the river is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 33 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Lake Pāringa. We also consider it necessary to include reference to "*Waterbody*" in the "*Values*" column of Schedule Three so that the planning maps and the Schedule work together to identify Poutini Ngāi Tahu relationship with the lake as a whole.

Hearing Panel's Recommendation

474. The Panel recommend amendment to Schedule Three to reference "*Waterbody*" in the "*Values*" column.

SASM 188 – Tauparikaka Mātaitai Reserve

475. GDC were the only submitter on SASM 164 (S608.330), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

476. The s42A Report generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

477. Proposed SASM 188 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

Hearing Panel's Recommendation

478. The Panel recommends that SASM 188 be removed from the planning maps and Schedule Three.

SASM 193 – Awarua/Haast River South Bank

479. There were two submission points on SASM 193, including GDC. Poutini Ngāi Tahu sought to remove reference to SASM-R6 in Schedule Three (S620.371), which was supported in the s42A Report.

Hearing Panel's Evaluation

480. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate for SASM 193 to be subject to the permitted activity rule.

Hearing Panel's Recommendation

481. The Panel recommend reference to Rule SASM-R6 is removed from Schedule Three in relation to SASM 193.

SASM 196 – Ōkuru River Nohoanga

482. There were three submission points on SASM 196, including GDC. Anthony Eden (S578.007) sought that SASM 196 be removed from private developed land and be confined to the lagoon and other sites of cultural value. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru. Nicola Main (S131.001) sought removal of Ōkuru from SASM 196, SASM 197 and SASM 198.

483. Mr Madgwick explained that SASM 196 was a nohoanga site recorded in the Ngāi Tahu Claims Settlement Act 1998 and was not in private ownership, due to nohoanga being Crown owned land adjacent to waterbodies and usually one hectare in size. He noted nohoanga literally means "*a place to sit*" and referred to seasonal occupation sites that were part of the mobile lifestyle of Ngāi Tahu Whānui as they pursued food and other natural resources. He described it as a traditional concept given contemporary effect through the Settlement process through the allocation of specific "camping" sites for mahinga kai activities. He noted that nohoanga provide all Ngāi Tahu with an opportunity to experience the landscape as their tupuna did, and to rekindle the traditional practices.

Hearing Panel's Evaluation

484. The Panel accept the evidence of Mr Madgwick regarding the values at this site.

Hearing Panel's Recommendation

485. The Panel recommend no change to SASM 196 or Schedule Three.

SASM 197 – Ōkuru

486. There were a number of submission points on SASM 197, including GDC. Anthony Eden (S578.006) sought that SASM 197 be removed from private developed land and be confined to the lagoon and other sites of cultural value. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru. Nicola Main (S131.001)

sought removal of Ōkuru from SASM 196, SASM 197 and SASM 198. Toni Chittock (S61.002) sought review of the SASM 197 boundaries, as did Rodney Wright (S62.002). Michael Snowden (S492.001) sought more precise mapping and differentiation between indigenous vegetation and improved pasture. Gary Gaasbeek (S398.003) sought historical evidence of any Māori village at Ōkuru. Ian and Sue Munro (S45.001) sought that the SASM be removed from private property, as did Lynn Findlay (S86.001) and Sue Templeton (S203.001). Hapuka Landing Limited (S514.007) sought amendment around the indigenous vegetation clearance rule to remove SASM 197 from the rule, which was supported by Poutini Ngāi Tahu's submission (S620.372).

487. Mr Madgwick explained that SASM 197 contained a historic kāinga/village, urupā, mahinga kai gathering areas, as well as containing a nohoanga site as recorded in the NTCSA; and was well known for a concentration of cultural and archaeological sites, including graves, artefacts, middens and ovens, as recorded in Appendix Ten in the Plan.

Hearing Panel's Evaluation

488. The Panel agree with submitters that sought removal of reference to Rule SASM-R4 in Schedule Three in relation to SASM 197, based on the advice of Poutini Ngāi Tahu that this is supported by mana whenua.

489. The Panel note that submitters did not mention Rule SASM-R9, which included reference to this SASM at the time of notification but was not included in Schedule Three. We note the right of reply evidence included SASM 197 in the associated Table SASM-T8. We concluded a correction is required to Schedule Three to correct this error.

Hearing Panel's Recommendation

490. The Panel recommend removing reference to Rule SASM-R4 in Schedule Three in relation to this SASM and removal of SASM 197 from table SASM-T4. The Panel recommend adding reference to Rule SASM-R9 in Schedule Three and including SASM 197 in SASM-T8.

SASM 198 – Ōkuru Mātaitai Reserve

491. There were three submitters on SASM 198, including GDC. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru. Nicola Main (S131.001) sought removal of Ōkuru from SASM 196, SASM 197 and SASM 198.

492. Mr Madgwick explained that SASM 198 was the Ōkuru`/Mussel Point Mātaitai Reserve, approved by the Ministry of Fisheries, covering approximately 0.2km^2 and extending seaward 200 metres from mean high-water mark. He noted the mātaitai provides for customary fishing and management practices and recognises it as a significant mahinga kai gathering area for Ngāti Māhaki.

Hearing Panel's Evaluation

493. The Panel accept the advice of Mr Madgwick regarding the values of this area. The Panel note that as a coastal SASM, it will only be relevant on the landward side of the coastal marine area. As the entirety of the SASM is within the coastal marine area it is outside the jurisdiction of this Plan. Although activities on the landward side of the SASM may impact on its values, introduction of the SASM will need to be included in a coastal plan.

Hearing Panel's Recommendation

494. The Panel recommend that SASM 198 is deleted from the planning maps and Schedule Three.

SASM 199 – Mussel Point - Silent File

495. There were two submission points on SASM 199, including GDC. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru.

496. Mr Madgwick noted that SASM 199 was a very small area of great significance to Poutini Ngāi Tahu, which was why it was protected by a "silent file". He explained that any further disclosure regarding the site would need to be public excluded to protect the site.

Hearing Panel's Evaluation

497. The Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed session. The Panel is satisfied the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of SASM 199.

Hearing Panel's Recommendation

498. The Panel recommend no changes to SASM 199 or Schedule Three.

SASM 200 – Jackon Bay – Ōkahu Village

499. There were two submission ponts on SASM 200, including GDC. Kathryn Bennie (S116.001) sought removal of the SASM from private property.

500. Mr Madgwick explained that SASM 200 recognised an historic pā site, kāinga and mahinga kai gathering areas and that archaeological remains have been found there. He cited Kā Huru Manu, as follows:

> *Ōkahu is the traditional name for Jackson Bay — a large, gently-curving bay in South Westland south of Haast. Ōkahu faces Te Tai-o-Rehua (the Tasman Sea) and is backed by Kā Tiritiri-o-te-moana (the Southern Alps). Ōkahu was traditionally the name of a pā located at the mouth of the Arawhata River, and has since been applied to the wider Jackson Bay area. Along with Ōkārito, and Maitahi (Bruce Bay), Ōkahu was one of the main Kāi Tahu kāika situated throughout South Westland." (References: Taylor, W.A. (1952) Lore and history of the South Island Māori. Christchurch, N.Z.: Bascands. P192.; Madgwick, P. (1992) Aotea: A history of the South Westland Māori. Greymouth, N.Z.: Greymouth Evening Star. P24, 25 & 43.)*

Hearing Panel's Evaluation

501. The Panel accept the evidence of Mr Madgwick regarding the significant values of the site. The Panel note that there are no permitted activity rules applying to this SASM, so it will only be discretionary and non-complying activities that will be required to consider the cultural values of the SASM.

Hearing Panel's Recommendation

502. The Panel recommend no changes to SASM 200 or Schedule Three.

SASM 201 – Ōkahu Rāhui

503. GDC were the only submitter on SASM 164 (S608.343), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

504. The s42A Report generally did not support removal of SASM from the Plan.

Hearing Panel's Evaluation

505. Proposed SASM 201 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean high water springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

Hearing Panel's Recommendation

506. The Panel recommends that SASM 201 be removed from the planning maps and Schedule Three.

SASM 208 – Arawhata Pā Site

507. There were three submission points on SASM 208, including GDC. John Sutton (S153.001) sought restriction of SASM 208 to Māori and public lands and the exclusion of freehold titles. Mandy Deans (S549.001) sought further consultation with the Neils Beach Community and noted that her submission incorrectly referred to SASM 1 instead of SASM 208.

508. Mr Madgwick explained that SASM 208 recognised the No.1 Arawhata Native Reserve and contained a historic pā site and urupā, as well as being known for a concentration of cultural and archaeological sites, including middens, as recorded in Appendix Ten. He cited Kā Huru Manu, as follows:

> *This reserve comprising 55 acres over two sections situated on the south bank of the Arawata River was set aside as part of the Arahura Purchase 1860. Originally estimated at 100 acres, the reserve was never allocated in its entirety. Instead, it was allocated as two separate grants: Arawata No. 1 (33 acres) and Arawata No. 2 (20 acres). This reduction was attributed to the surveyor laying off the rest of the area as settlement sections and as a gold mining reserve for an expected influx of European settlers. In 1878 the Young Commission determined that the ownership of the reserve resided with Ihaia Tanui and nine others in varying share amounts. Since 1878 the Māori land Court has maintained succession schedules detailing changes in the ownership of the block. Both sections remain in their entirety, having never been partitioned or subdivided.*

Hearing Panel's Evaluation

509. The Panel accept the evidence of Mr Madgwick regarding the significant value of the site. The Panel note that there are no permitted activity rules applying to this SASM, so it will only be discretionary and non-complying activities that will be required to consider the cultural values of the SASM.

Hearing Panel's Recommendation

510. The Panel recommend no changes to SASM 208 or Schedule Three.

SASM 216 – Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi

511. There were two submission points on SASM 216, including GDC. Poutini Ngāi Tahu submitted to remove reference to Statutory Acknowledgement for this SASM because although it was part of Treaty Settlement redress, it is not a Statutory Acknowledgement Area (S620.313). This was supported in the s42A Report.

Hearing Panel's Evaluation

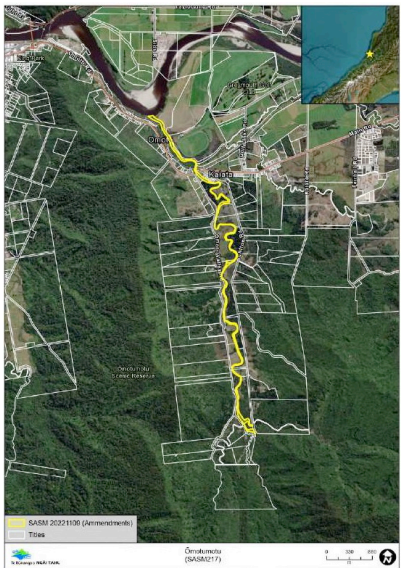
512. The Panel support the request to amend SASM 216 on the basis expressed, noting that the NTCSA includes this area as a Tōpuni in Schedule 86, consistent with the other values identified for this SASM.

Hearing Panel's Recommendation

513. The Panel recommend deleting reference to "*Statutory Acknowledgement*" in relation to SASM 216.

Proposed SASM 217 Ōmotumotu

514. GDC sought to remove SASM 217, which is addressed earlier in this Report. Poutini Ngāi Tahu sought to add Ōmotumotu to Schedule Three (S620.375) and record it as a mahinga kai area with no applicable permitted activity rules.



515. Ms Easton recommended acceptance based on the SASM being a waterbody and therefore a matter of Crown ownership rather than private land ownership. The right of reply evidence records this SASM as "*Nohoanga*", which does not correspond with the submission.

Hearing Panel's Evaluation

516. The Panel accept the recommendation to include SASM 217 in Schedule Three, with the recorded value as "*Mahinga Kai*", on the basis that no landowners are affected. The Panel understand that a waterbody may move over time but that this does not affect Poutini Ngāi Tahu association with the waterbody, and in that respect the Panel determine this SASM to be the active channel, bed, banks and immediate margins.

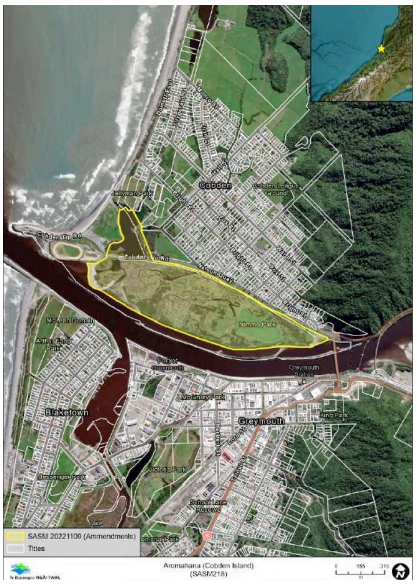
Hearing Panel's Recommendation

517. The Panel recommend including the area as SASM 217, named "*Ōmotumotu*" on the planning maps, following the current channel of the waterbody, and including it in Schedule Three with the values recorded as "*Mahinga Kai*" and "*Waterbody*"

<u>Proposed SASM 218 Aromahana/Cobden Island</u>

518. Poutini Ngāi Tahu (S620.376) requested adding new SASM 218.

519. Mr Madgwick explained SASM 218 was one of several included in the Poutini Ngāi Tahu submission that had been missed off the schedule and planning maps at the time of notification. He described it as a rich mahinga kai, an eeling ground, that was straight across the river from Māwhera Pā, on the edge of the pā site, and that it was very popular for harvesting. The area requested is shown below:



520. Ms Rusher, legal counsel for GDC, questioned the basis for identifying this area as significant to Poutini Ngāi Tahu, and raised issues of natural justice if it were to be included in the Plan by way of submission.

521. Mr McEnaney, for GDC, described the site as undeveloped land adjacent to the Grey River that was a mix of wetland (as part of the Cobden Aromahana Sanctuary and Recreation Areas) and pasture, with Council recreation facilities at the eastern end, including a boat ramp, wastewater dump station and freedom camping site. He expressed concern about consent requirements for minor indigenous vegetation clearance and temporary events held in the recreation area. He reiterated concern around lack of consultation with GDC and other affected landowners.

522. Ms Easton identified in her s42A Report that further consultation would be required with GDC regarding this SASM, and for this reason did not recommend including it in Schedule Three in her right of reply evidence.

Hearing Panel's Evaluation

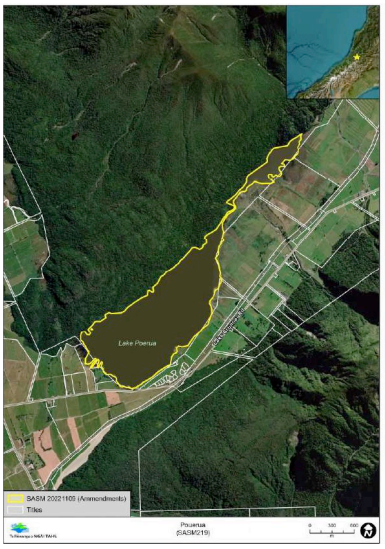
523. The Panel accept the evidence that SASM 218 should not be introduced to the Plan at this time, and that a plan change will be required for that purpose.

Hearing Panel's Recommendation

524. The Panel reject submission point S620.376 and therefore do not include Aromahana/Cobden Island in Schedule Three or the planning maps

Proposed SASM 219 Pouerua

525. Poutini Ngāi Tahu sought to add the "*Pouerua*" area to Schedule Three (S620.377) with the values listed as "*Mahinga kai*", with no applicable permitted activity rules. The requested area is shown below:



526. Ms Easton outlined in her s42A Report that SASM 219 was primarily a lake, located mainly within the OSZ but affecting a small area of the GRUZ. She recommended accepting the submission.

Hearing Panel's Evaluation

527. The Panel acknowledge that no rules are proposed to be attached to SASM 219 and that it is primarily a waterbody. As with other waterbodies, over time there may be some discrepancy between the mapped extent of the SASM and the active bed of the lake.

Hearing Panel's Recommendation

528. The Panel recommend incorporating the area as SASM 218, named "*Pouerua*", on the planning maps and in Schedule Three, with the values recorded as "*Mahinga kai*" and "*Waterbody*".

Proposed SASM 220 Parihaka Memorial

529. Poutini Ngāi Tahu sought to add the "*Parihaka Memorial*" to Schedule Three (S620.378), with the value listed as "*Cultural and Historic Area*".



530. Ms Easton in her s42A Report was concerned that more consultation would be required because of the urban location of the site, situated in the RESZ. She did not recommend its inclusion in Schedule Three.

Hearing Panel's Evaluation

531. The Panel agree with Ms Easton that this SASM should be introduced by way of a plan change process following further consultation, relying on recommended Method SASM M2 in the Plan.

Hearing Panel's Recommendation

532. The Panel reject submission point S620.378 and therefore do not recommend including Parihaka Memorial on the planning maps or in Schedule Three.

<u>Proposed SASM 221 Paringa</u>

533. Poutini Ngāi Tahu sought to add the "*Paringa*" to Schedule Three (S620.379), with the value listed as "*Mahinga kai*" and no applicable permitted activity rules.

534. Ms Easton in her s42A Report recommended acceptance of the submission on the basis that the SASM was a beach.



Hearing Panel's Evaluation

The Panel note that as a coastal SASM it would only be relevant on the landward side of the coastal marine area. The Panel consider that the proposed SASM appears to be primarily in the coastal marine area and therefore outside the jurisdiction of the district plan.

Hearing Panel's Recommendation

535. The Panel reject submission point S620.379 and therefore do not include Paringa on the planning maps or in Schedule Three.

Proposed SASM 222 – Mikonui

536. Poutini Ngāi Tahu sought to include a new SASM in the Plan for the "Mikonui" area, as shown in Appendix 6 to their submission (S620.380), with the value listed as "*Mahinga kai*" and no applicable permitted activity rules.

537. Ms Easton in her s42A Report recommended acceptance of the submission on the basis that the SASM was a beach.



Hearing Panel's Evaluation

538. The Panel note that as a coastal SASM it will only be relevant on the landward side of the coastal marine area. The proposed SASM appears to be primarily in the coastal marine area and therefore outside the jurisdiction of the district plan.

Hearing Panel's Recommendation

539. The Panel reject submission point S620.380 and therefore do not include Mikonui on the planning maps or in Schedule Three.

Proposed SASM 223 – Te Papakini

540. Poutini Ngāi Tahu sought to include a new SASM in the Plan for Te Papakini, as shown in Appendix 6 to their submission (S620.381), with the value listed as "*Mahinga kai*" and no applicable permitted activity rules.



541. Ms Easton in her s42A Report recommended acceptance of this SASM on the basis that it was OSZ and DOC land.

Hearing Panel's Evaluation

542. The Panel accept Ms Easton's advice that the area is a combination of OSZ and DOC land. The Panel accept that the area is valued as mahinga kai, and that the implications of including the SASM would be that its mahinga kai values would be considered in relation to discretionary and non-complying activities during the resource consent process.

Hearing Panel's Recommendation

543. The Panel recommend that the area is recorded as SASM 219 on the planning maps and in Schedule Three, named "*Te Papakini*", with its value recorded as "*Mahinga kai*", only to the extent that it covers public conservation land.

Proposed SASM 224 – Tauneke

544. Poutini Ngāi Tahu sought to include a new SASM in the Plan for the "*Tauneke"* area, as shown in Appendix 6 to their submission (S620.382), with the value listed as "*Mahinga kai*" and no applicable permitted activity rules.

545. Ms Easton in her s42A Report recommended acceptance of the submission on the basis that the SASM was a beach, OSZ and public conservation land.



Hearing Panel's Evaluation

546. The Panel note that as a coastal SASM it will only be relevant on the landward side of the coastal marine area. The proposed SASM appears to be primarily in the coastal marine area and therefore outside the jurisdiction of the district plan.

Hearing Panel's Recommendation

547. The Panel reject submission point S620.382 and therefore do not include Tauneke the planning maps or in Schedule Three.

<u>Proposed SASM 226 – Pororari River Nohoanga</u>

548. Poutini Ngāi Tahu sought to include a new SASM in the Plan for the "*Porari River Nohoanga*" area, as shown in Appendix 6 to their submission (S620.384), with the value listed as "*Nohoanga*" and no applicable permitted activity rules.



549. Ms Easton in her right of reply evidence has recommended acceptance based on the location being public conservation land. She has recorded it in Schedule Three as "*Pororari Nohoanga*" which differs from the submission.

Hearing Panel's Evaluation

550. The Panel accept the evidence of this location as a nohoanga on public conservation land and on that basis agree that it can be included in the planning maps and Schedule Three. The Panel note that Pororari River is recorded as a nohoanga in the NTCSA.

Hearing Panel's Recommendation

551. The Panel recommend that the area is recorded as SASM 220 and included on the planning maps and in Schedule Three as "*Pororari River Nohoanga*", with its value recorded as "*Nohoanga*".

Proposed SASM 227 – Makarore & Tiore Pātea

552. Ms Easton supported the submission of Queenstown Lakes District Council (**QLDC**) (S523.004) to include this additional SASM in the Plan, which is part of the QLDC district plan, with the area of overlap into Westland District indicated on the associated map. She did so on the basis that the QLDC request was supported by Poutini Ngāi Tahu and the proposed SASM area was within public conservation land. She considered that it should be linked to Rule SASM-R6 and that information from the QLDC district plan should be included in Schedule Three.

553. Mr Madgwick supported inclusion of SASM 227 ("*Makarore & Tiore Pātea*") in the Plan, which he acknowledged were important to Poutini Ngāi Tahu. He advised thatthe values should be recorded as *"Kainga, Mahinga Kai and Ara tāwhito*".

554. Ms Pull supported the inclusion of SASM 227 in Schedule Three and in Table SASM-T6 to provide for clarity and consistency users of the Plan and the Queenstown Lakes District Plan, allowing for a holistic approach to the management of the values of the site.

Hearing Panel's Evaluation

555. The Panel accept the recommendations to include this SASM in the Plan, on the planning maps and in Schedule Three. The Panel adopt the advice of Mr Madgwick with regard to the appropriate label to apply to the values, in order to be consistent with the remainder of the SASMs in the Plan. The Panel accept the recommendations of Ms Easton and Ms Pull to have the SASM subject to Rule SASM-R6, and therefore its inclusion in Table SASM-T6.

Hearing Panel's Recommendation

556. The Panel recommend that the area is included on the planning maps and in Schedule Three as SASM 221, named "*Makarore & Tiore Pātea*", with its value recorded as "*Kainga, Mahinga kai and Ara Tāwhito*", and with reference to Rule SASM-R6. The Panel also recommend its inclusion in the associated Table SASM-T6.

Schedule Three (SCHED 3) – Sites and Areas of Significance to Māori

557. The Panel recommendations for changes to the able in Schedule Three (SCHED 3) are included as Appendix 2 to this Recommendations Report.

Schedule Three (SCHED 3A) – Criteria for Certification

Submissions and Evidence/Statements

558. The Panel received advice from the planners through joint witness conferencing on their recommendations for criteria to be included in a schedule to the Plan that would guide a certification process for permitted activities, as discussed in the SASM rules section of this Report. The planners' recommended content for the schedule is as follows:

Schedule xx: Criteria for Certification within Sites and Areas of Significance to Māori and Pounamu and Aotea Overlay Areas

A number of the rules within the SASM Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori chapter require certification to confirm if an activity meets the conditions of the rule and falls within the permitted activity rule. Where certification is not achieved, the activity will become a Discretionary Activity.

The certification process will be undertaken by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga.

The table below sets out the criteria that will be applied to the certification process. More information on the criteria can be found in the Tangata Whenua section of the Plan.

Criterion	**Why this criterion is important to assess against Schedule 3 Values**	**How this criterion is used to measure against the specific SASM rules**
Kaitiakitanga	Poutini Ngāi Tahu value that includes having the intergenerational responsibility for ensuring resources are managed in a manner beneficial to the resource.	Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if natural resources will be protected or managed in a way beneficial to the values at the site, including ensuring resource availability for future generations.
Tino Rangatiratanga	Poutini Ngāi Tahu value that involves having the mana to determine how a resource is to be used and managed, and by whom. This value is about recognising the relationship of Poutini Ngāi Tahu within the site and their ability to	Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the proposed activity will impact the relationship of Poutini Ngāi Tahu with the values associated with the site.

	be actively involved in decision making processes.	
Mauri	Poutini Ngāi Tahu value that involves preserving the physical and spiritual health/life force of the environment.	Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will maintain or enhance the mauri of the site.
Mahinga kai	Poutini Ngāi Tahu practice that involves the gathering of food and other natural resources. It includes the social and educational elements as well as the process of gathering of natural resources.	Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect mahinga kai, which includes use and access to mahinga kai.
Ki Uta Ki Tai	Poutini Ngāi Tahu principle that reflects the interdependent nature and function of the various elements of the environment within a catchment.	Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect the whenua surrounding the site or any nearby waterways.
Wāhi tapu	Poutini Ngāi Tahu value that indicates an area of sacredness or restriction.	Note any Wāhi Tapu values on the site and if the activity will be carried out according to tikanga and kawa to determine if there are adverse effects.
Taonga	Poutini Ngāi Tahu value that indicates a site or resource highly prized and important. Taonga are treasures to be protected.	Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect the identified taonga.

Advice Note: upon receiving certification from the authorised representative of the relevant Poutini Ngāi Tahu Rūnanga, the applicant must provide the certification to the relevant District Council at least 10 working days prior to the activity commencing.

Hearing Panel's Evaluation

559. The Panel accept a new schedule is required to guide the Poutini Ngāi Tahu certification process for permitted activities.

560. The Panel consider the suggested title of the new schedule is shortened due to the recommended location of the new schedule within Schedule Three, using the shorthand "*SCHED 3A*", as per the table in the notified plan that includes all the individual SASM and uses the heading "*SCHED 3*". We consider the title should be "*SCHED 3A: Criteria and Process for Certification of Permitted Activities*" so that the purpose of the schedule is clearly described, using the same font as the title of "*SCHED 3: Sites and Areas of Significance to Māori*".

561. The Panel considers it is appropriate to amend the first paragraph drafted by the planners to make it clear that certification from Poutini Ngāi Tahu is required to meet the condition of the permitted activity rule. We consider the wording provided by the planners lacks clarity that certification must be achieved to meet the permitted activity rule.

562. The Panel considers additional wording is needed in the second paragraph drafted by the planners to make it clear that the authorised representative of the relevant Poutini Ngāi Tahu Rūnanga must be a suitably qualified or experienced person for the purposes of certification. We consider it is important that plan users have confidence that the person undertaking the review during the certification process constitutes a suitably qualified or experienced person and that they have the cultural expertise to undertake the required assessment. This is reflected in recommended amendments to the wording of this paragraph.

563. The Panel have reviewed the criteria in Appendix 2 to the Ōtorohanga District Plan in order to compare the expression of criteria in that appendix with the table of criteria proposed by the planners, since this was the model for certification in a permitted activity rule preferred in the JWS. The Panel observe a clear difference in expression within Appendix 2 to the Ōtorohanga District Plan when compared with the wording proposed by the planners in the JWS for the new Schedule. The Panel find that the recommendation falls short of what is needed to reflect the advice of legal counsel and respond to the concerns of submitters regarding clarity and certainty. As previously discussed in this Recommendations Report, the Panel have identified some basic components of the certification process that will be required in order to achieve these aims.

564. In particular, the Panel consider that an efficient and effective certification process will be reliant on:

- specific details of a proposed activity, as they are provided to Poutini Ngāi Tahu;
- consideration of the proposed activity by a suitably qualified or experienced person, authorised by Poutini Ngāi Tahu;
- a timely process, that meets the two week timeframe Poutini Ngāi Tahu indicated in evidence to the Panel;
- a determination directly linked to the values present within a particular SASM, as recorded in Schedule Three (rather than a suite of more generic values that have informed the notified Plan as a whole);

- a binary determination, rather than an assessment of the degree of any effect present (e.g. less than minor, minor or more than minor); and

- a clear communication of the outcome of the process.

565. The Panel have outlined these basic components of the process in recommendations for SCHED 3A, which may be expanded on through guidance created using new Method SASM-M1. Importantly, the Panel have identified a single relevant criterion that meets the legal test outlined by counsel, tied directly to the values present in a SASM. The Panel has also recognised the potential for delays in the process, which was a concern raised by submitters, and has therefore included the timeframe of 10 working days, as referenced in evidence from Poutini Ngāi Tahu, to support the efficiency and effectiveness of the process.

The Panel has also considered all the evidence received on the relationship between Poutini Ngāi Tahu and owners of Māori land, as defined in the Plan. The Panel understand that there are a wide range of Māori land owners, who may be members of Ngāti Waewae or Ngāti Māhaki, may be members of other Ngāi Tahu hapū, or other iwi, and may or may not live locally, or always be Māori, as a consequence of the history of each land parcel. On that basis the Panel expect that tikanga will variously apply, and in some cases may mean that the certification process is considered to be inappropriate in the circumstances. The Panel, therefore, provide for an optional alternative in the Schedule that may be used in such circumstances.

Hearing Panel's Recommendation

566. The Panel recommendation is for new **Schedule Three (SCHED 3A)** to consist of the following:

SCHED 3A: CRITERIA AND PROCESS FOR CERTIFICATION OF PERMITTED ACTIVITIES

A number of the permitted activity rules within the SASM Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori Chapter require certification to be provided by Poutini Ngāi Tahu in order to meet the conditions of the rule.

Suitably Qualified or Experienced Person (SQEP)

The certification process will be undertaken by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga who has the necessary expertise to assess activities against the criteria, and is therefore a SQEP for the purposes of certification in accordance with this Schedule.

Criterion

In order for an activity to be able to rely on the relevant permitted activity rule, the SQEP will be required to certify that:

"The proposed activity does not give rise to any unacceptable effects on any of the values of the identified SASM recorded in Schedule Three."

General Process

The following elements of process support certification:

1. Certification is specific to details of the proposed activity as provided to Poutini Ngāi Tahu;

2. **The outcome of the process will be communicated to those seeking to undertake the proposed activity within 10 working days of them providing specific details of the proposed activity to Poutini Ngāi Tahu; and**

3. **In the event that the outcome of the process is that the SQEP cannot provide certification against the Criterion, then Poutini Ngāi Tahu will advise those seeking to undertake the proposed activity either:**

(i) the nature of any effects of concern, in order to inform any subsequent process; or

(ii) that based on the specific details provided to Poutini Ngāi Tahu the SQEP cannot conclude that there are no effects of concern, which may be due to lack of information to support a definitive conclusion.

Optional Criterion and Process for Māori Land

The SQEP may determine, in relation to Māori Land, that tikanga applies in the circumstances and that, therefore, the General Process with associated Criterion is inappropriate for the purposes of certification.

In such circumstances the SQEP may instead certify that:

"The proposed activity will be undertaken in accordance with tikanga."

In such circumstances the process between the parties will also be guided by tikanga.

Note

More information on Poutini Ngāi Tahu Values can be found in the Tangata Whenua section of the Plan.

Recommendations on Appendix Four – Accidental Discovery Protocols – Te Āpitihanga Tuawhā: Ngā Tikana o te Kite Pokerehū

Submissions and Evidence/Statements

567. GDC (S608.626) sought that a standardised Accidental Discovery Protocol be included in the Plan in Appendix Four. Stephen Page (S270.009) sought that contacting the Police should be the first action upon finding human remains. HNZPT (S140.079) sought that the HNZPT Accidental Discovery Protocol be included in Appendix Four of the Plan. Poutini Ngāi Tahu (S620.388) sought a version of the protocol specific to Te Tai o Poutini, utilising Ngāi Tahu protocol, which was opposed by Māwhera Inc.

568. Ms Pull provided amended wording for Appendix Four in her evidence at the SASM hearing. She referred to the Protocol contained in the Mahaanui Iwi Management Plan 2013 as a guide. She observed that the HNZPT and Poutini Ngāi Tahu protocols were very similar in terms of steps to be taken but that tikanga around partnership was absent from the HNZPT protocol. She supported the quantifiable 20m setback in the NZHPT protocol. She considered it likely, due to the extent of occupation and use by Poutini Ngāi Tahu in the region, that any archaeological site would involve a connection with Ngāi Tahu and warrant notification at the time of discovery. She blended the protocols, in the absence of being able to confer with HNZPT in advance of writing her evidence. She confirmed at that hearing that she had since combined feedback from HNZPT, and that both parties were happy with the protocol.

569. HNZPT did not provide evidence to the SASM hearing.

Hearing Panel's Evaluation

570. The Panel are satisfied that a protocol that addresses the needs of both HNZPT and Poutini Ngāi Tahu is appropriate, and that a protocol is required.

Hearing Panel's Recommendation

571. The Panel recommends the following amendments to **Appendix Four** based on the submissions and evidence received in both the SASM and Historic Heritage hearings:

Appendix Four: Accidental Discovery Protocols~~~~ Te Āpitihanga Tuawhā: Ngā Tikana o te Kite Pokerehū

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose:

In the event that an unidentified archaeological site is located during works, the Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or archaeological sites are accidentally discovered.

Background:

Land use activities involving earthworks have the potential to disturb material of cultural significance to tāngata whenua. In all cases, such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is an offence under s87 to modify or destroy the whole or any part of an archaeological site (known or unknown) without an authority from Heritage New Zealand irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act.

Protocol:

~~On~~**Immediately following the** discovery of ~~any human remains or~~ **material suspected to be a taonga, kōiwi or archaeological site**, ~~the owner of the site or the consent holder must take~~ the following steps **shall be taken**:

1. ~~*Cease works and secure the area* Immediately cease a~~All works **on the site will cease immediately at that place and** within 20m ~~of any part of~~ **around** ~~the discovery~~ **the site,** ~~including shutting down all earth disturbing machinery and stopping all earthmoving activity~~.
- ~~Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed;~~

2. ~~*Inform relevant authorities and parties*~~ **Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed**.

3. ~~Inform the following parties immediately of the discovery:~~
- ~~The New Zealand Police;~~
- ~~Poutini Ngāi Tahu;~~
- ~~Heritage New Zealand Pouhere Taonga;~~
- ~~The relevant District Council in all cases.~~

The contractor/works supervisor/owner will notify the Rūnanga, Council and the Area Archaeologist of Heritage New Zealand. In the case of kōiwi (human remains), the New Zealand Police must be notified.

~~3. *Wait for and enable inspection of the site*~~
- ~~The New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discover.~~
- ~~A site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Poutini Ngāi Tahu representatives,~~
- ~~Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, until the requirements of this Rule are met.~~

4. **The Rūnanga and Heritage New Zealand will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.**

5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand before work resumes (as per the Heritage New Zealand Pouhere Taonga Act 2014).

6. The contractor/works supervisor/owner will also consult the Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.

7. **If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Rūnanga. Remains are not to be moved until such time as Rūnanga, NZ Police and Heritage New Zealand have responded.**

~~*4. Recommencement of work*~~

~~Work within the area determined by the Council must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:~~

~~1. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;~~

~~2. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;~~

~~3. Any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;~~

~~4. Where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Poutini Ngāi Tahu, that:~~

- ~~Any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and~~
- ~~Any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.~~

~~5. Resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.~~

8**. Works in the site area shall not recommence until authorised by the Rūnanga, Heritage New Zealand (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.**

9. All parties will work towards work recommencing in the shortest possible timeframe while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the Heritage New Zealand Pouhere

Taonga Act 2014 if necessary. Appropriate management may include recording or removal of archaeological material.

10. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Rūnanga, and any taonga (Māori artefacts) that may be discovered. Where Rūnanga so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HERITAGE NEW ZEALAND ARCHAEOLOGIST

Contact Details:

Rūnanga Contact:

Te Rūnanga o Ngāti Waewae - hamiria.hutana@ngaitahu.iwi.nz;

Te Rūnanga o Makaawhio – Makaawhio.admin@ngaitahu.iwi.nz

Poutini Environmental: poutini.environmental@ngatiwaewae.org.nz

NZ Police 123

Heritage New Zealand Archaeologists contact details:

ArchaeologistCW@heritage.org.nz

AsstArchaeologistCW@heritage.org.nz

Recommendations on Appendix Ten – New Zealand Archaeological Association Sites of Māori Origin

Submissions and Evidence/Statements

572. There were four submissions received specific to Appendix Ten, from Frida Inta and Buller Conservation Group (S552.207, S553.207, S553.210) and Poutini Ngāi Tahu (S620.391). Frida Inta sought location descriptions and a record of all known sites. Poutini Ngāi Tahu sought that all the sites listed in Appendix Ten should remain and be included in an alert layer with the planning maps.

573. Ms Easton advised that there were no submissions seeking deletion of Appendix Ten and that at the time of notification the Appendix was not connected specifically to any policies or rules. She advised that the estimated cost of mapping Appendix Ten sites, for instance with buffer circles given they are indicative locations only and unverified, would be in the order of $15,000, and that work could not begin on the project until at least 2026. She advised that the work was not currently programmed to occur. She considered the priority to be development of information on the Historic Heritage scheduled items, as well as ONL and hazard mapping. This evidence is also discussed in the Historic Heritage Chapter Recommendation Report.

574. Ms Pull, for Poutini Ngāi Tahu, noted the relationship between the SASM Chapter and Appendix Six: Nohoanga Entitlements Te Āpitihanga Tuaono: Ngā Āheinga Nohoanga, which she supported in evidence at the first hearing. She considered Appendix Ten: New Zealand Archaeological Association Sites of Māori Origin and the fact that there are no rules attached to it; and that the listed sites were not necessarily accurate in terms of location, scale or completeness. She expressed support for the Poutini Ngāi Tahu submission point that an 'alert layer' be created using the listed sites, to raise awareness of any increased likelihood of unearthing archaeological material of Māori origin. She emphasised that protecting archaeological sites from inappropriate subdivision, use and development was a matter of national importance; and was not persuaded that a $15,000 estimated cost for an alert layer was in any way unreasonable given the purpose. She compared this to the role of information on a LIM report to alert landowners of special characteristics on their properties. She recommended that an alert layer be created based on the archaeological sites listed in Appendix Ten.

Reporting Officer Reply Evidence

575. Ms Easton responded to a question regarding the number of archaeological sites outside of SASM, how this information could be included in the Plan and how other plans deal with them. She explained that the NZ Archaeological Association mapped sites did not differentiate between sites of Māori and European origin. However, she noted an analysis of West Coast sites revealed around 400 sites of Māori origin amongst the approximately 1000 NZAA mapped sites. She estimated the cost of an archaeological alert layer to be in the region of $15,000. She discovered during her analysis of other district plans that New Plymouth District Council had used the NZAA sites on their planning maps, whilst others simply noted that not all sites had been identified in their district. Ms Easton recommended retaining Appendix Ten as an "information only" appendix in the Plan to serve as an alert to plan users.

Hearing Panel's Evaluation

576. The Panel agree that Appendix Ten should remain in the Plan, and have recommended a new Method HH-M5 in the Historic Heritage Chapter Recommendation Report that addresses the submission points of Frida Inta and Poutini Ngāi Tahu.

Hearing Panel's Recommendation

577. The Panel recommendation is to retain Appendix Ten in the Plan as notified.



Dean Chrystal

Hearings Panel – Chair



Anton Becker

Hearings Panel Member



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 9 September 2025

APPENDIX 1:RECOMMENDATIONS FOR DEFINITIONS, SITES AND AREAS OF SIGNIFICANCE TO MĀORI CHAPTER

Definitions

Cleanfill area	**means an area used exclusively for the disposal of cleanfill material**
Cleanfill material	**means virgin excavated materials including clay, gravel, sand, soil and rock that are free of:** **a) combustible, putrescible, degradable or leachable components;** **b) hazardous substances and materials;** **c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices;** **d) medical and veterinary wastes, asbestos, and radioactive substances;** **e) contaminated soil and other contaminated materials; and** **f) liquid wastes**
Cultural landscape	means broader geographical areas that hold significant value to Poutini Ngāi Tahu due to the concentration of wāhi tapu or taonga values, or the importance of the area to cultural traditions, history or identity~~.~~**, as identified as part of sSites and Areas of Significance to Māori.** **Advice Note: where Sites and Areas of Significance to Māori have been identified within outstanding natural landscapes the values associated with those sites and areas have been included within the descriptions in Schedule Five: Outstanding Natural Features and Landscapes – Te Rārangi Tuarima: Ngā Whenua Aotūroa Puru Rourou**
Cultural materials	**means hangi stones, pigments and dyes, aotea and pounamu, plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture**
Hazardous facilities	**means activities that involve the manufacturing and disposal of hazardous substances**
Landfill	**means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.**
Upper slopes	**means the area within a 50 metre radius (measured on the horizontal plane) from the summit of the mountain or hill.**
Wastewater treatment facilities	**means municipal or community scale facilities for the treatment and disposal of wastewater, excluding domestic septic tank/on site and dairy shed effluent treatment and disposal facilities.**

Glossary

~~Ahikaroa~~ ahi kā roa	continuous occupation

Sites and Areas of Significance to Māori Chapter

Overview

The Sites and Areas of Significance to Māori -Ngā Wāhi Tāpua ki te Māori Chapter only relates to identified sites and areas of significance to Poutini Ngāi Tahu. A number of sites and areas are Māori land.

The West Coast/Te Tai o Poutini Councils acknowledge Poutini Ngāi Tahu as mana whenua. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are the only elected and mandated bodies with authority to represent and administer to all Poutini Ngāi Tahu interests. The West Coast/Te Tai o Poutini Councils also acknowledge Te Rūnanga o Ngāi Tahu as the Iwi Authority with jurisdiction over the West Coast/Te Tai o Poutini. They have legal mandate to represent wider Ngāi Tahu whānui interests, and support the positions of Poutini Ngāi Tahu.

Poutini Ngāi Tahu live and travel extensively across the West Coast/Te Tai o Poutini ~~and,~~ and have historical and ongoing cultural connections with land and waterways throughout the area. There are a wide range of sites and areas of significance to Māori, these include:

- Cultural Landscapes - or areas of association. These are areas with significant associations to cultural traditions, history or identity and include ancestral maunga;
- Wāhi taonga – places that are treasured due to their high intrinsic values and their role in maintaining a balanced and robust ecosystem, sustaining quality of life and providing for the needs of present and future generations.
- Mahinga kai - Mahinga kai is central to the Poutini Ngai Tahu way of life. Mahinga kai includes the gathering of food and natural materials and the places where these resources are gathered. The mahinga kai custom of producing or procuring food resources from a range of resources throughout the region on a seasonal basis is a fundamental practice. Mahinga kai resources include kai/food, rokoa/medicine, other materials such as feathers and fibres;
- Wāhi tapu - sacred sites or areas held in reverence according to whakapapa. They may be associated with tāngata whenua creation stories, particular events or ceremonies, or valued resources, and include sites such as urupā, pā, tuhituhi o neherā, and tauranga waka;
- Pounamu and Aotea management areas **-** Pounamu and Aotea are taonga of Poutini Ngāi Tahu. Under the Pounamu Vesting Act, all pounamu on the West Coast/Tai o Poutini ~~is owned by Poutini~~ **formerly owned by the Crown was vested in Te Rūnanga o** Ngāi Tahu. **In the case of pounamu in the Arahura River catchment, this has in turn been vested in Māwhera Incorporation.** ~~Their presence~~ **Pounamu** is widespread across parts of the West Coast/Tai o Poutini. Aotea is only found in the Makaawhio River, over which Te Rūnanga o Ngāi Tahu hold a statutory acknowledgement and Te Rūnanga o Makaawhio hold a ~~Crown M~~**m**ining ~~P~~**p**ermit **under the Crown Minerals Act 1991. There may be circumstances where Victorian title applies to an area of land.**

In parallel with the process of identifying significant sites and areas, threats to the values of the sites and areas from a range of land use activities have been considered. Based on this, the approach to management of activities agreed with Poutini Ngāi Tahu is a layered approach with the following characteristics:

1. In some locations a resource consent is needed for a range of activities that could adversely affect cultural values of these areas. Different types of activities affect the different cultural values and some sites need a higher degree of management and oversight by Poutini Ngāi Tahu than others. Different rules relate to different Sites and Areas of Significance to Māori, and these are identified within the Rule, and cross referenced to the description in Schedule Three.
2. Across the region as a whole, policies and matters of discretion provide for consideration of effects on cultural values, particularly when consent is required for key activities with the potential to impact on cultural values, and there are also enabling provisions for customary harvest or other cultural practices of benefit to Poutini Ngāi Tahu.

Sites and Areas of Significance to Māori are listed and described in Schedule Three and mapped on the planning maps. Where mapped areas extend in to the coastal marine area, provisions of this plan only apply landward of the coastal marine area (mean high water springs).

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant to Sites and Areas of Significance to Māori, including:

• Historic Heritage – the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One. It also contains objectives and policies that are relevant to Sites and Areas of Significance to Māori and Appendix Ten. Appendix Ten contains New Zealand Archaeological Association listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in Appendix Ten for information purposes. Like all archaeological sites, these are protected under the Heritage New Zealand Pouhere Taonga Act 2014.
• Notable Trees – the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in Schedule Two due to their Poutini Ngāi Tahu values.
• Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the outstanding landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas outstanding.
• Subdivision – the Subdivision Chapter contains provisions which relate to the subdivision of land within Sites and Areas of Significance to Māori, in particular rules SUB-R10 and SUB-R17.
• Financial Contributions – the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where heritage items, including Sites and Areas of Significance to Māori, are protected.
• Activities on the Surface of Water – the Activities on the Surface of Water Chapter contains provisions for the surface of waterbodies. In some instances, activities are restricted on some waterbodies due to the potential impacts on Poutini Ngāi Tahu values.
• Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains provisions for the management of indigenous vegetation and biodiversity. This includes provisions relating to indigenous vegetation clearance in the coastal environment.

SASM – O1	Sites and areas of significance to Poutini Ngāi Tahu are recognised and identified and Poutini Ngāi Tahu are actively involved in decision-making that affects their values to provide for tino rangatiratanga and kaitiakitanga.
SASM – O2	Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes **with landowner agreement**.
SASM – O3	The values of sites and areas of significance to Māori and cultural landscapes are protected from inappropriate subdivision, use and development**,** including inappropriate modification, demolition or destruction.

Cultural Landscapes

SASM - P1

Protect Poutini Ngāi Tahu cultural landscapes from adverse effects of **inappropriate** subdivision, use and development**,** while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu access and cultural use**, in agreement with landowners.**

Identification and access to significant sites and areas

SASM – P2

Work with Poutini Ngāi Tahu to identify and list sites and areas of significance to Poutini Ngāi Tahu in Schedule Three ~~and protect the identified values of the sites and areas.~~

SASM – P3

Upon accidental discovery of kōiwi (skeletal remains) or ~~urupā~~ **taonga** ensure that the Accidental Discovery Protocol in Appendix Four is followed.

~~**SASM - P4**~~

~~Promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in Schedule Three, including through:~~

~~a. Formal arrangements, such as co-management, joint management or relationship agreements, easements; and/or~~

~~b. Informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.~~

Poutini Ngāi Tahu Roles

SASM - P~~5~~4

Recognise and provide for the exercise of tino rangatiratanga and kaitiakitanga by Poutini Ngāi Tahu in decisions made in relation to identified sites and areas of significance in Schedule Three.

SASM - P~~6~~5

Within the Pounamu **Management Area** and Aotea **Management Area** ~~O~~**o**verlay**s**, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the **unauthorised and deliberate** disturbance or removal of this resource by non-hapū members.

Management of Activities on Identified Significant Sites and Areas

SASM – P~~7~~6

Protect and maintain sites and areas of significance to Māori from adverse effects by:

a. Ensuring identified sites and areas of significance to Māori are not disturbed, destroyed, removed and/or visually encroached upon by inappropriate activities; and

b. Requiring activities on sites and areas of significance to Māori to minimise adverse effects on cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu.

SASM – P~~8~~7

Where an activity is proposed within any site or area of significance to Māori identified in Schedule Three**,** ensure that:

a. Engagement with Poutini Ngāi Tahu occurs to ensure that effects of the activity on the values of the sites or area are understood;

b. The ~~a~~**A**ccidental ~~d~~**D**iscovery ~~p~~**P**rotocol in Appendix Four is adopted for any earthworks;

c. Any adverse effects on identified values are avoided, unless it can be demonstrated that to the functional need~~s~~ **or operational need** of the activity it is not possible to avoid all adverse effects; and

d. Any residual effects that cannot be practicably avoided are mitigated in a way that protects, maintains or enhances the values of the site or area.

SASM – P~~9~~8

Require that activities within sites and areas of significance to Poutini Ngāi Tahu ~~that~~ support taonga species and mahinga kai resources as identified in Schedule Three**, by**:

a. Minimis~~e~~**ing** adverse effects on indigenous habitats and waterbodies;

b. Enabl~~e~~**ing** the maintenance and enhancement of these areas; and

c. Maintain**ing** and where appropriate improv~~e~~**ing** access for Poutini Ngāi Tahu to these areas**, with landowner agreement**.

Inappropriate Activities

SASM – P~~10~~9

Restrict buildings, structures, forestry, network utility structures**, installation of fence posts,** mining and earthworks on the upper slopes and peaks of ancestral maunga as identified in Schedule Three.

SASM – P~~11~~10

Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites and areas by:

1. avoiding the following activities in, or in close proximity to, these areas:

~~a. Mining and quarrying other than Poutini Ngāi tahu collection of P~~**p**~~ounamu and A~~**a**~~otea;~~

~~b~~**a**. Landfills ~~and waste disposal facilities~~, hazardous facilities and offensive industries;

~~c~~**b**. Intensive indoor primary production;

~~d~~**c**. Cemetaries and crematoria; and

~~e~~**d**. Wastewater treatment ~~plants and disposal~~ facilities; and

2. only allowing mineral extraction and quarrying other than by Poutini Ngāi Tahu where this is supported by Poutini Ngāi Tahu.

SASM – P~~12~~11

Avoid the demolition or destruction of sites and areas of significance to Māori identified in Schedule Three.

Appropriate Activities

SASM – P~~13~~12

Enable activities in sites and areas of significance to Poutini Ngāi Tahu included in Schedule Three where the cultural and spiritual values of the site or area are protected. This includes:

a. Alterations to, demolitions and removal of existing buildings and structures;

b. Maintenance, operation, repair and upgrading of existing network utility structures and ~~critical~~ **regionally significant** infrastructure;

c. Customary harvest and other cultural practices in accordance with tikanga;

d. Indigenous vegetation clearance;

e. Temporary events;

f. Small-scale earthworks for burials within an urupā, fencing, archaeological survey and maintenance of overhead network utilities, roads and tracks; **and**

g. Animal grazing where identified values are maintained.

SASM – P~~14~~13
Allow subdivision of sites or areas of significance to Māori listed in Schedule Three where it can be demonstrated that: a. The values identified in Schedule Three are maintained and protected; b. Sufficient land is provided around the site or area listed in Schedule Three to protect identified values; c. The remainder of the site is of a size which continues to provide it with a suitable setting to the values identified in Schedule Three; and d. Measures are taken to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for mahinga kai, karakia, monitoring, cultural activities and ahi kā roa.
SASM – P~~15~~14
Allow any other use and development on the sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to: a. Whether there are alternative methods, locations or designs that would avoid or reduce the impact on the values associated with the site or area of significance; b. The functional **need** or operational need for the activity to be undertaken in the location; c. Outcomes articulated by Poutini Ngāi Tahu through an assessment of environmental effects, cultural impact assessment or iwi planning documents; d. The potential to enhance the values of the site **or area** of significance and the relationship of Poutini Ngāi Tahu with their taonga, commensurate with the scale and nature of the proposal; e. How the values of significance to Poutini Ngāi Tahu, including tikanga, kaitiakitanga and mātauranga Māori may be incorporated; and f. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, cultural activities and ahi kā roa.

Sites and Areas of Significance to Māori Rules
Advice Notes:
1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan

users should take to determine the status of an activity are provided in General Approach.
2. Under the Pounamu Vesting Act all pounamu ~~is owned by~~ **formerly owned by the Crown was vested in** Te Rūnanga o Ngāi Tahu. **In the case of pounamu in the Arahura River catchment, this has in turn been vested in Māwhera Incorporation.** Please contact ~~a~~ Poutini Ngāi Tahu ~~Rūnanaga~~ or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made, **and return it to the relevant owner.**
3. Poutini Ngāi Tahu may place a restriction on fossicking to protect pounamu resources or for cultural reasons. These restrictions may limit both the activity and the locations available for collection.
4. Fossicking for pounamu on the beaches of the West Coast/Te Tai o Poutini is limited to what an individual can physically lift by themselves and take unaided within a 24 hour period.
5. The rules are accompanied by methods that are shown at the end of the rules and indicate the means by which the policies and rules of the chapter will be implemented. This differs from other parts of the plan that do not contain methods.

Permitted Activities

SASM -R1 **Grazing of Animals on ~~Sites and Areas in Schedule Three –~~ Sites and Areas of Significance to Māori listed within Table SASM – T1**

1. Where the activity is not ~~on the following~~ **in the** Sites and Areas of Significance to Māori ~~as identified in Schedule Three~~ **listed within Table SASM – T1**: ~~SASM 22 Ōkari Lagoon; SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 127 Ulipa; SASM 133 No. 19 Ōkārito Native Reserve; SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve); SASM 168 No. 4 Heretaniwha Native Reserve; or SASM 207 Awawhata Reserve at River Mouth.~~

Activity status where compliance not achieved: Discretionary

SASM - R2 **Minor Earthworks on ~~Sites and Areas in Schedule Three –~~Sites and Areas of Significance to Māori listed within Table SASM – T2**

Activity Status Permitted

1. These are earthworks associated with:

~~i~~**a**. Burials at urupā; or

~~ii~~**b**. Archaeological survey by Pouhere Taonga – Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or

~~iii~~**c**. Installing fence posts and the replacement of poles for overhead network utility lines provided that:

~~A~~**i**. The area of land disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; and

~~B~~**ii**. The activity does not involve installation or digging of new holes for overhead network utility lines; or

~~iv~~**d**. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/track; and

2. In relation to standards ~~ii.~~**a)**, ~~iii.~~**b)** and ~~iv.~~**c)** these earthworks are not undertaken at the ~~following Sites and Areas of Significance to Māori identified in Schedule Three~~ **Sites and Areas of Significance to Māori listed in Table SASM – T2** except ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga which~~ **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification** is provided to the relevant District Council at least 10 working days prior to the activity commencing~~:~~

~~i.a) SASM 17 Kawatiri South Bank Native Reserve; SASM 41 Kotorepi (Nine Mile); SASM 54 Motutapu; SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 110 Māhinapua; SASM 127 Ulipa; SASM 130 Whataroa Native Reserves Secs 21; SASM 133 No. 19 Ōkārito Native Reserve; SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 165 No 7. Mahitahi Beach Native Reserve; SASM 168 No. 4 Heretaniwha Native Reserve; SASM 170 Porangirangi to Mahitahi; SASM 185 Lake Moeraki Reserve; or SASM 207 Awawhata Reserve at River Mouth~~; and

3. An Accidental Discovery Protocol commitment has been completed and the form submitted to Council 10 working days prior to the commencement of any earthworks.

Activity Status where compliance not achieved: Discretionary

Advice Note:
1. Rule SASM – R2 relates to minor earthworks on Sites and Areas of Significance toMāori within Table SASM – T2. There are additional rules for earthworks in other SASMs outlined in rule SASM – R6.

SASM – R3	**Demolition, removal of, or alterations to a building or structure on ~~Sites and Areas in Schedule Three –~~Sites and Areas of Significance to Māori listed within Table SASM – T3**

Activity Status Permitted

Where:

1. In relation to the Sites and Areas of Significance to Māori ~~identified in Schedule Three identified in 2. Below~~ **listed in Table SASM-T3**:

   ~~i~~**a**. The activity does not occur except ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga which~~ **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification** is provided to the relevant District Council at least 10 working days prior to the activity commencing; and

   ~~ii~~**b**. No land disturbance is involved; and

   ~~iii~~**c**. There is no change in the size or location of the structure**'**s foundation or building footprint occupied by the structure~~;~~**.**

~~2. SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site; SASM 64 Blaketown Part Reserve; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 121 Waitaiki Historic Reserve; SASM 127 Ulipa; SASM 135 Ōkārito (No. 18 Koamaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 168 No. 4 Heretaniwha Reserve; and SASM 170 Porangirangi to Mahitahi;~~

Activity Status where compliance not achieved: Discretionary

SASM – R4 Indigenous vegetation clearance on ~~Sites and Areas in Schedule Three –~~Sites and Areas of Significance to Māori listed in Table SASM – T4

Activity Status Permitted

Where:

1. The activity does not occur ~~o~~**i**n the ~~following~~ Sites and Areas of Significance to Māori ~~identified in Schedule Three~~ **listed in Table SASM-T4**, except ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga which~~ **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification** is provided to the relevant District Council at least 10 working days prior to the activity commencing~~:~~**; or**

2. The activity is hand clearance for:

a. the maintenance of existing fencelines within 1m of the fenceline; or

b. removal of planted garden vegetation.

~~i. All sites identified in Category Tahi (1) and Category Rua (2) in Schedule Three;~~

~~ii. SASM 52 Cobden Native Reserve;~~

~~iii. SASM 109 Pyramid Hill/Tumuaki Hill;~~

~~iv. SASM 117 Waitaiki Catchment;~~

~~v. SASM 156 Te Puku o te Wairapa;~~

~~vi. SASM 159 Tikitiki o Rehua;~~

~~vii. SASM 162 Heretaniwha;~~

~~viii. SASM 170 Porangirangi to Mahitahi;~~

~~ix. SASM 192 Awarua;~~

~~x. SASM 197 Ōkuru;~~

~~xi. SASM 204 Waiototo Lagoon, South Bank Nohoanga; and~~

~~xii. SASM 214 Huruhuru Manu/Spoon River.~~

Activity Status where compliance not achieved: Discretionary

Advice Note:

1. Indigenous vegetation clearance is also subject to the provisions in the ECO – Ecosystems and **Indigenous** Biodiversity Chapter.

SASM – R5	**Temporary Events on ~~Sites and Areas in Schedule Three –~~Sites and Areas of Significance to Māori listed in Table SASM – T5**

Activity Status Permitted

Where:

1. These are Poutini Ngāi Tahu cultural events in accordance with tikanga; or

2. They are temporary events and activities in accordance with the Temporary Activities Chapter; and

3. On ~~the following~~ Sites and Areas of Significance to Māori ~~identified~~ **listed** in ~~Schedule Three~~ **Table SASM-T5**, these only occur: ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga that~~ **(i) where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification** is provided to the relevant District Council at least 10 working days prior to the activity commencing**; or (ii) where the activity is permitted in accordance with Rule ASW-R2.**

~~:~~

~~i) All sites identified in Category Tahi (1) in Schedule Three;~~

~~ii) SASM 1 Kahurangi Point; SASM 3 Whakapoai Native Reserve 7B; SASM 17 No. 37 Kawatiri South Bank Native Reserve; SASM 34 Te Nikau Scenic Reserve; SASM 67 Kōtukuwhakaoko/Arnold River including on the surface of its waters; SASM 94 No. 3 Arahura Native Reserve; SASM 107 Island Hill/Raparapahoi; SASM 109 Pyramid Hill/Tumuakai Hill; SASM 110 Māhinapua; SASM 114 Tara o Tama; SASM 116 Mt Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 130 Whataroa Native Reserves Secs 21; SASM 131 Ōkarito Lagoon; SASM 162 Heretaniwha; SASM 165 No.7 Mahitahi Beach Native Reserve; SASM 169 No. 5 Mahitahi Native Reserve; SASM 170 Porangirangi to Mahitahi; and SASM 205 No. 2 Waiototo Native Reserve.~~

Activity Status where compliance not achieved: Discretionary

Advice Notes:

1. Where Temporary Events are proposed on the Surface of Water within Sites and Areas of Significance to Māori then this Rule SASM -R5 will apply.

SASM – R6	**Earthworks, Buildings and Structures ~~not provided for in SASM-R2 in Schedule Three –~~within Sites and Areas of Significance to Māori listed in Table SASM – T6 and SASM – T7**

Activity Status Permitted

Where:

1. The **earthworks, buildings and structures** ~~activity does not occur on the following Sites and Areas of Significance to Māori identified in Schedule Three, except with written approval from the relevant~~

~~Poutini Ngāi Tahu rūnanga which~~ **within Sites and Areas of Significance to Māori listed in Table SASM-T6 or SASM-T7** ~~have been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification~~ is provided to the relevant District Council at least 10 working days prior to the activity commencing~~,~~:

~~i) All sites identified in Category Tahi (1), Category Rua (2), Category Toru (3) and Category Wha (4) in Schedule Three; and~~

~~ii) SASM 3 Whakapoai Native Reserve 7B and SASM 170 Porangirangi to Mahitahi;~~

~~iii)~~ provided that~~:~~:

2. No earthworks, buildings or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – T7.**

Activity Status where compliance not achieved:

Discretionary where Standard 1 is not complied with.

Non-complying where Standard 2 is not complied with.

SASM – R7	**~~Farm~~ Quarries, including Farm Quarries, and Mineral Extraction Activities within the Pounamu Management Area and Aotea ~~Overlay~~ Management Area~~s~~ or in a Site or Area of Significance to Māori in Schedule Three**

Activity Status Permitted

Where:

1. ~~In relation to~~ **The activity is mineral** extraction that **disturbs or removes** ~~A~~**a**otea:

   ~~i~~**a**. ~~Any extraction of Aotea~~ **this** is only undertaken by Te Rūnanga o Makaawhio or their authorised representatives or contractors; **and**

   ~~ii~~**b**. Where an Aotea Management Plan prepared by Te Rūnanga o Makaawhio exists, ~~any extraction of Aotea is~~ **the activity is undertaken** in accordance with that plan; **and**

   ~~iii~~**c**. Where ~~this is Aotea extraction~~ **the activity occurs** in the Aotea ~~overlay~~ **Management Area**, notice of the activity is provided to the Westland District Council by Te Rūnanga o Makaawhio~~,~~ at least 10 working days prior to the activity ~~occurring~~ **commencing**.

2. ~~In relation to~~ **The activity is mineral** extraction ~~of~~ **that disturbs or removes** ~~P~~**p**ounamu:

   ~~i~~**a**. ~~Any extraction of Pounamu~~**This** is only undertaken by **Te Rūnanga o Ngāi Tahu,** Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or their authorised representatives or contractors; **and**

   ~~ii~~**b**. Where a~~n~~ ~~P~~**p**ounamu Management Plan prepared by Poutini Ngāi Tahu exists, ~~any extraction of P~~**p**~~ounamu is~~ the activity is undertaken in accordance with that plan; **and**

   ~~iii~~**c**. Where ~~this Pounamu extraction is~~ **the activity occurs** within the Pounamu ~~overlay~~ **Management Area**, notice of the activity is provided to the relevant district council by the relevant Poutini Ngāi Tahu rūnanga, at least 10 working days prior to the activity commencing;

3. ~~In relation to other~~**The activity is** mineral extraction and quarrying activity **(including farm quarries) that disturbs or removes pounamu and is not undertaken by Poutini Ngāi Tahu:**

~~i~~**a**. ~~Written approval is provided by~~ **The mineral extraction or quarrying** ~~the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity can occur within the Pounamu and/or Aotea overlay(s) and the written confirmation shall be~~ **has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification is** provided to the relevant district council at least 10 working days prior to the activity commencing.

Activity Status where compliance not achieved:

Prohibited where Standard 1 ~~or 2~~ is not complied with.

Discretionary where Standard **2 or** 3 is not complied with.

Advice Note~~s~~:

1. ~~Under the Pounamu Vesting Act, all pounamu is owned by Te Rūnanga o Ngāi Tahu. Any pounamu or Aotea disturbed shall be returned to the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio.~~

This rule manages the adverse cultural effects of mineral extraction and quarrying in relation to the cultural taonga of pounamu and aotea. This rule is in addition to the rules in the zone chapters for mineral extraction and quarrying.

SASM – R8	**Land disturbance from ~~F~~fossicking of Aotea by Ngāti Mahaki whanui within the Aotea ~~overlay~~ Management Area**

Activity Status Permitted

Where:

1. Any **land disturbance associated with** fossicking **for** ~~of~~ ~~A~~**a**otea stone is only undertaken by Ngāti Māhaki o Makaawhio whanui and only occurs seaward of the State Highway Bridge on the Makaawhio (Jacobs) River within the Aotea ~~overlay~~ **Management** ~~a~~**A**rea.
2. Any **land disturbance associated with** fossicking of ~~A~~**a**otea is in accordance with:

   ~~i~~**a**. An Aotea Management Plan prepared by Te Rūnanga o Makaawhio; or

   ~~ii~~**b**. Where there is no Aotea Management Plan, ~~the fossicking~~ **any resulting removal of aotea** is limited to what an individual can hold within one hand within any 24 hour period.

Activity Status where compliance not achieved: Prohibited

Advice Note:

1. Te Rūnanga o Makaawhio do not allow public fossicking to protect the ~~A~~**a**otea resource and for cultural reasons.

SASM – R9	**Maintenance, Repair and Upgrading of Network Utility ~~Structures~~ Infrastructure and Regionally Significant Infrastructure on or within Sites and Areas of Significance to Māori ~~identified in Schedule Three~~ listed in Table SASM – T8**

Activity Status Permitted

Where:

1. The activity occurs within the Sites and Areas of Significance to Māori listed within Table SASM – T8. ~~in the following Sites and Areas of Significance to Māori as identified in Schedule Three:~~

~~i. SASM 10 Kawatiri Pā~~

~~ii. SASM 12 Kawatiri Town Reserve~~

~~iii. SASM 15 No. 42 Kawatiri (Township) Native Reserve~~

~~iv. SASM 31 Punakaiki Area~~

~~v. SASM 56 Māwhera Pā 1~~

~~vi. SASM 57 Māwhera Gardens~~

~~vii. SASM 58 Greymouth Railway Land~~

~~viii. SASM 59 Māwhera Pā 2~~

~~ix. SASM 60 Māwhera Kāinga~~

~~x. SASM 61 Victoria Park~~

~~xi. SASM 63 No. 32 Nga Moana e Rua Native Reserve~~

~~xii. SASM 94 No. 30 Arahura Native Reserve~~

~~xiii. SASM 96 Taramakau River~~

~~xiv. SASM 104 Kawhaka Creek Catchment~~

~~xv. SASM 112 Arahura River at Tūhua~~

~~xvi. SASM 117 Waitaiki Catchment~~

~~xvii. SASM 121 Waitaiki Historic Reserve~~

~~xviii. SASM 197 Ōkuru~~

Activity Status where compliance not achieved: Controlled

Controlled Activities

SASM -R10	**Maintenance, Repair and Upgrading of Network Utility ~~Structures~~ Infrastructure and Regionally Significant Infrastructure on or within ~~Sites and Areas in Schedule Three –~~Sites and Areas of Significance to Māori where Permitted Activity standards are not met**

Activity Status Controlled

Where:

1. Notice of works is provided to the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga of Makaawhio, 10 working days prior to any earthworks commencing; and

2. The work**s** ~~is~~ **are** in an area that has previously been disturbed by the network utility **infrastructure or regionally significant infrastructure and the area of land disturbed is limited to what is necessary for the work required**; ~~and~~ **or**~~:~~

~~a. For the maintenance, repair and upgrading of above ground structures any earthworks involves no more than 0.3m2 to a maximum depth of 450mm at the base of the above ground structure; and~~

~~b. For underground structures, a maximum area of 10m2 or a maximum volume of 5m3 of land; or.~~

3. The work is installing customer connections to an existing network, provided that any associated earthworks are limited to the extent that is necessary to install the connection; or

4. The work is the trimming or removal of trees or vegetation for the purpose of protecting the integrity of the structure or is otherwise undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Matters of control are:

a. Area and depth of earthworks for above ground structures;
b. Area and volume of earthworks for underground structures;
c. Extent of earthworks for new customer connections;
d. Extent of any vegetation trimming or removal;
e. Impacts of the activity on the cultural values on any site or area of significance to Māori;
f. Implementation of any advice received from the relevant Poutini Ngāi Tahu rūnanga on ways to manage the effects on cultural values of the proposed maintenance works.

Activity Status where compliance not achieved: Discretionary

Advice Note:

1. This rule applies to all Sites and Areas of Significance to Māori, not only those sites and areas within Table SASM– T8

Discretionary Activities

SASM -R11	**~~Farm~~ Quarries, including Farm Quarries, and Mineral Extraction Activities within the Pounamu Management Area and Aotea ~~Overlay~~ Management Area~~s~~ or in a Site or Area of Significance to Māori in Schedule Three not meeting Permitted Activity Standards**

Activity Status Discretionary

Activity Status where compliance not achieved:

N/A

~~Advice Note:~~

~~Under the Pounamu Vesting Act all pounamu is owned by Te Rūnanga o Ngāi Tahu.~~

Notification:

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

SASM -R12	**Earthworks, Buildings and Structures, including Demolition and Removal of Buildings and Structures on or within ~~Sites and Areas in Schedule Three –~~Sites and Areas of Significance to Māori not meeting Permitted Activity Standards.**

Activity Status Discretionary

Where:

1. No earthworks or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – R7;**
2. This is not Mineral Extraction subject to Rule SASM – ~~R14~~**15;** and
3. This will not result in the destruction of a Site or Area of Significance to Māori.

Activity Status where compliance not achieved: Non-complying

Notification:

~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

SASM -R13	**Maintenance, Repair~~,~~ and Upgrade of ~~and New~~ Network Utility ~~Structures~~ Infrastructure and Regionally Significant Infrastructure on or within Sites and Areas of Significance to Māori in Schedule Three not meeting Controlled Activity Standards, and any New Network Utility Infrastructure and Regionally Significant Infrastructure**

Activity Status Discretionary

Where:

1. There are no new structures on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – R7.**

Activity Status where compliance not achieved: Non-complying

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**.

SASM -R14	**Grazing, Indigenous Vegetation Clearance and Temporary Events on Sites and Areas of Significance to Māori in Schedule Three not meeting Permitted Activity Standards**

Activity Status Discretionary

Activity Status where compliance not achieved: N/A

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

SASM -R15 **Quarries, including Farm Quarries, and Mineral Extraction Activities ~~by~~ other than by Poutini Ngāi Tahu in Sites and Areas of Significance to Māori identified in Schedule Three**

Activity Status ~~Non-complying~~ Discretionary

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose** Zone (other than AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ) or INZ – Industrial Zone

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

Advice Note:

1. Mineral Extraction in RESZ – Residential Zones and ~~COMZ~~ **CMUZ**– Commercial and Mixed Use Zones is not regulated by this rule. Refer to relevant zone rules for the status of industrial activities in these areas.

Activity Status where compliance not achieved: N/A

Non-complying Activities

SASM -R16 **~~Plantation~~Commercial forestry or planting of ~~shelterbelts or~~ woodlots on land in ~~Schedule Three~~ Sites and Areas of Significance to Māori identified in Schedule Three**

Activity Status Non-complying

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose** Zone (other than AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ) or INZ – Industrial Zone

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

Advice Note:

~~1. Plantation~~**Commercial** ~~F~~**f**orestry ~~shelterbelts~~ and woodlots in RESZ – Residential Zones and ~~COMZ~~ **CMUZ**– Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules and the NES – ~~Plantation~~ Commercial Forestry for the status of these activities in these areas.

Activity Status where compliance not achieved: N/A

SASM -R17	**Landfills, ~~waste disposal facilities,~~ new crematoria, hazardous facilities, intensive indoor primary production, and wastewater treatment plants ~~and wastewater disposal facilities,~~ on or within 50m of sites and areas ~~in Schedule Three~~ Sites and Areas of Significance to Māori identified in Schedule Three**

Activity Status Non-complying

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose** Zone or INZ – Industrial Zone

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

Advice Note:

1. Where these activities are proposed in RESZ – Residential Zones and ~~COMZ~~ **CMUZ** – Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules for the status of these activities in these areas.

Activity Status where compliance not achieved: N/A

SASM -R18	**Earthworks, Buildings or Structures on the Upper Slopes, Ridgelines or Peaks of Ancestral Maunga in ~~Schedule ThreeSites and Areas of Significance to Māori~~ Table SASM – T7not meeting Permitted, Controlled, ~~– Restricted Discretionary –~~ or Discretionary Activity Standards**

Activity Status Non-complying

~~Where:~~

~~1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special Zone or INZ – Industrial Zone~~

Notification:

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

~~**Advice Note:** Where these activities are proposed in RESZ – Residential Zones and COMZ – Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules for the status of these activities in these areas~~.

Activity Status where compliance not achieved: N/A

Prohibited Activities	
SASM -R19	**Quarries, including Farm Quarries, and ~~M~~mineral extraction that disturb or remove aotea, or land disturbance from fossicking of ~~A~~aotea, ~~or Mineral Extraction of~~**

~~Pounamu~~ by anyone other than ~~Poutini Ngāi Tahu~~ Ngāti Māhaki whanui in the ~~Pounamu –~~ Aotea ~~Overlay~~ Management aArea ~~not meeting Rule SASM – R7~~
No application for resource consent will be accepted for this activity.
Sites and Areas of Significance to Māori Tables
SASM – T1 Table for Rule SASM - R1 Grazing of Animals
SASM 41 Kotorepi (Nine Mile)
SASM 81 Takataka Islands
SASM 84 Ōkarito (No. 18 Kaomaru Native Reserve)
SASM 127 Ulipa
SASM 133 No. 19 Ōkarito Native Reserve
SASM 168 No 4. Heretaniwha Native Reserve
SASM 207 Arawhata Reserve at River Mouth – Silent File
SASM – T2 Table for Rule SASM – R2 Minor Earthworks
SASM 41 Kotorepi (Nine Mile)
SASM 54 Motutapu
SASM 55 Māwhera Burial Cave Site
SASM 81 Takataka Islands
SASM 84 Knoll Point
SASM 110 Māhinapua
SASM 127 Ulipa
SASM 130 Whataroa Native Reserves Secs 21
SASM 133 No. 19 Ōkārito Native Reserve
SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)
SASM 155 Hunts Beach Māori Reserve
SASM 157 No. 10 Makāwhio Native Reserve
SASM 162 Heretaniwha
SASM 163 Māori Beach Kāinga
SASM 165 No 7. Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 185 Lake Moeraki Reserve

SASM 207 Arawhata Reserve at River Mouth

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM – T3 Table for Rule SASM – R3 Demolition, Removal or Alteration of a Structure

SASM 41 Kotorepi (Nine Mile)

SASM 55 Māwhera Burial Cave Site

SASM 64 Blaketown Part Reserve

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 162 Heretaniwha

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM – T4 Table for Rule SASM – R4 Indigenous Vegetation Clearance

SASM 23 No. 45 Watarakau Native Reserve

SASM 25 Tiroroa

SASM 27 Fox River

SASM 28 Te Ana Matuku

SASM 29 Pahautane Beach

SASM 33 Pakiroa Beach

SASM 38 Kararoa

SASM 41 Kotorepi (Nine Mile)

SASM 52 Cobden Native Reserve

SASM 54 Motutapu

SASM 55 Māwhera Burial Cave Site

SASM 74 Lake Haupiri Nohoanga

SASM 78 Lady Lake Nohoanga

SASM 80 Pah Point

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 109 Pyramid Hill/Tumuaki Hill

SASM 110 Māhinapua

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 156 Te Puku o te Wairapa

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 159 Tikitiki o Rehua

SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 171 Mahitahi River Nohoanga

SASM 173 Mahitahi River

SASM 175 No.6 Mahitahi - Silent File Wāhi tapu

SASM 176 Mahitahi Reserve Lot 1-3 DP346435

SASM 179 No. 6 Mahitahi Reserve Māori Reserve

SASM 180 No. 3 Paringa Native Reserve

SASM 181 Paringa River Reserve -Rural Section 727A

SASM 182 Paringa River Reserve - Lot1 DP 3785

SASM 185 Lake Moeraki Reserve

SASM 192 Awarua Māori Reserve

SASM 199 Mussel Point

SASM 204 Waiatoto Lagoon, South Bank Nohoanga

SASM 205 No. 2 Waiatoto Native Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 209 No. 1 Arawata Native Reserve - West Reserve Block

SASM 211 Cascade River Nohoanga

SASM 213 Barn Bay

SASM 214 Huruhuru Manu/Spoon River

SASM 215 Hautai

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM – T5 Table for Rule SASM – R5 Temporary Events

SASM 1 Kahurangi Point

SASM 3 Whakapoai Native Reserve7B

SASM 17 No. 37 Kawatiri South Bank Native Reserve

SASM 41 Kotorepi (Nine Mile)

SASM 55 Māwhera Burial Cave Site

SASM 67 Kōtukuwhakaoko/ArnoldRiver

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 94 No. 30 Arahura Native Reserve

SASM 107 Island Hill/Raparapahoi

SASM 109 Pyramid Hill/Tumuaki Hill

SASM 110 Māhinapua

SASM 114 Tara o Tama

SASM 116 Mt Tūhua Maunga

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 131 Ōkārito Lagoon

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 162 Heretaniwha

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 205 No. 2 Waiatoto Native Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM – T6 Table for Rule SASM – R6 Earthworks, Buildings and Structures

SASM 1 Kahurangi Point

SASM 2 Whakapoai / Heaphy Māori Reserve

SASM 3 Whakapoai Native Reserve 7B

SASM 6 Karamea (Pā point)

SASM 16 Tauranga Bay

SASM 17 No. 37 Kawatiri South Bank Native Reserve

SASM 18 No. 38 Kawatiri North Bank Native Reserve

SASM 19 Ōkari

SASM 21 No. 46 Oweka Native Reserve

SASM 23 No. 45 Watarakau Native Reserve

SASM 25 Tiroroa

SASM 27 Fox River

SASM 28 Te Ana Matuku

SASM 29 Pahautane Beach

SASM 33 Pakiroa Beach

SASM 38 Kararoa

SASM 41 Kotorepi (Nine Mile)

SASM 49 Kōtukuwhakaoko River Mouth

SASM 50 Aromahana

SASM 54 Motutapu

SASM 55 Māwhera Burial Cave Site

SASM 56 Māwhera Pā 1 Pā site, Kāinga

SASM 60 Māwhera Kāinga

SASM 64 Blaketown Part Reserve

SASM 71 Taramakau

SASM 72 Taramakau Ngutu Awa

SASM 74 Lake Haupiri Nohoanga

SASM 76 Taramakau Pā

SASM 77 Kotukuwhakaoko (Moana) Nohoanga

SASM 78 Lady Lake Nohoanga

SASM 80 Pah Point

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 88 Timuaki Pā

SASM 101 Hokitka Pā

SASM 110 Māhinapua

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārito (No. 18 Kaomaru Native Reserve)

SASM 144 Karangarua Lagoon

SASM 149 No.12 Manakaiaua Native Reserve

SASM 150 Hunts Beach Kāinga

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 171 Mahitahi River Nohoanga

SASM 173 Mahitahi River

SASM 175 No.6 Mahitahi - Silent File Wāhi tapu

SASM 176 Mahitahi Reserve Lot 1-3 DP346435

SASM 179 No. 6 Mahitahi Reserve Māori Reserve

SASM 180 No. 3 Paringa Native Reserve

SASM 181 Paringa River Reserve -Rural Section 727A

SASM 182 Paringa River Reserve - Lot1 DP 3785

SASM 185 Lake Moeraki Reserve

SASM 190 Waita River Kāinga, Urupā, Mahinga kai

SASM 193 Awarua/Haast River South Bank

SASM 199 Mussel Point

SASM 205 No. 2 Waiatoto Native Reserve

SASM 206 Arawata Beach Reserve Māori Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 209 No. 1 Arawata Native Reserve - West Reserve Block

SASM 211 Cascade River Nohoanga - Nohoanga, Mahinga kai

SASM 213 Barn Bay Kāinga, Urupā

SASM 214 Huruhuru Manu/Spoon River Traditional nohoanga, Mahinga kai

SASM 215 Hautai Kāinga, Mahinga kai

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM 226 Makarore & Tiore Pātea

SASM – T7	**Table for Rules SASM – R6, SASM – R12, SASM-R13, SASM – R14 and SASM – R18 Ancestral Maunga**

SASM 107 Island Hill/Raparapahoi

SASM 109 Pyramid Hill/Tumuaki Hill

SASM 114 Tara o Tama

SASM 116 Mt Tūhua Maunga

SASM 117 Waitaiki Catchment

SASM 142 Pawaiuru/Malcolms Knob

SASM 146 Puketahi - The Sugar Loaf

SASM 155 Hunts Beach Māori Reserve

SASM 156 Te Puku o te Wairapa

SASM 159 Tikitiki o Rehua

SASM 162 Heretaniwha

SASM – T8	**Table for Rule SASM – R9 Maintenance, Repair and Upgrading of Network Utility Infrastructure and Regionally Significant Infrastructure**

SASM 10 Kawatiri Pā

SASM 12 Kawatiri Town Reserve

SASM 15 No. 42 Kawatiri (Township) Native Reserve

SASM 31 Punakaiki Area

SASM 56 Māwhera Pā 1

SASM 57 Māwhera Gardens

SASM 58 Greymouth Railway Land

SASM 59 Māwhera Pā 2

SASM 60 Māwhera

SASM 61 Victoria Park

SASM 63 No. 32 Ngā Moana e Rua Native Reserve

SASM 94 No. 30 Arahura Native Reserve

SASM 96 Taramakau River

SASM 104 Kawhaka Creek

SASM 112 Arahura River at Tūhua

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 197 Ōkuru

OTHER METHODS

SASM – M1:

Councils to develop and provide, in partnership with Poutini Ngāi Tahu, the following:

a. written protocols to guide engagement with Poutini Ngāi Tahu for permitted activities (including the certification process), resource consents or plan change applications; and

b. guidance for the public on how to apply for a resource consent for an activity on a site containing an identified Site and Area of Significance to Māori;

c. information available for landowners of identified Sites and Areas of Significance to Māori and their values, including the nature and form of that information.

SASM – M2:

The Councils in partnership with Poutini Ngāi Tahu will encourage the provision or development of access for Poutini Ngāi Tahu to identified Sites and Areas of Significance to Māori listed in Schedule Three through a range of methods, including:

a. Formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or

b. Informal arrangements or understanding between landowners and local Poutini Ngāi Tahu hapū and/or marae.

APPENDIX 2 - SCHEDULE THREE (SCHED 3) – SITES AND AREAS OF SIGNIFICANCE TO MĀORI

APPENDIX 2 – RECOMMENDATIONS FOR SCHEDULE THREE (SHED 3) – SITES AND AREAS OF SIGNIFICANCE TO MĀORI, SASM MAPS AND APPENDICES

Schedule Three (SCHED 3) – Sites and Areas of Significance to Māori

All Sites and Areas of Significance to Māori shown in this Schedule are also shown on the planning maps, which outline each identified site or area.[1]

Where mapped Sites and Areas of Significance to Māori extend in to the coastal marine area, this Schedule only applies landward of the coastal marine area (above mean high water springs).[2]

All waterbodies that are identified as a whole on the planning maps as a Site or Area of Significance to Māori and listed in this Schedule include their active channels, beds, banks and immediate margins where they fall outside the outline on the planning maps. The planning maps are indicative of Poutini Ngāi Tahu relationship with the waterbody.[3]

Unique Identifier	Name	Values	~~Category~~[4]	Relevant Permitted Activity Rules
SASM 1	Kahurangi Point	Wāhi tohu	~~Whā (4)~~	Temporary ~~Activities~~ **Events**[5] – Rule SASM – R5**, Earthworks, Buildings, Structures - Rule SASM - R6**[6]
SASM 2	Whakapoai / Heaphy	Māori Reserve	~~Whā (4)~~	Earthworks, Buildings, Structures – Rule SASM - R6
SASM 3	Whakapoai Native Reserve 7B	Māori Reserve	-	Temporary ~~Activities~~ **Events**[7] – Rule SASM – R5, Earthworks, Buildings, Structures – **Rule SASM - R6**[8]
SASM 4	Karamea (township) Native Reserve	Māori Reserve, Kāinga	~~Whā (4)~~	~~Earthworks, Buildings, Structures – Rule SASM - R6~~[9]
SASM 5	Karamea Native Reserve	Māori Reserve	-	
SASM 6	Karamea (Pā point)	Pā site, Kāinga	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6

[1] RMA First Schedule, Clause 16
[2] RMA First Schedule, Clause 16
[3] A range of submitters, for example Jennifer Lake S323.001, William & Vicki Molloy S227.001, Ian Stewart S124.001, Ann Bradley S371.001, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.351, S620.362, Lyn McIntosh S469.002, and West Coast Regional Council S488.013
[4] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.115
[5] RMA First Schedule, Clause 16
[6] RMA First Schedule, Clause 16, amendment to correct an error in the notified Plan
[7] RMA First Schedule, Clause 16
[8] RMA First Schedule, Clause 16, amendment to correct an error in the notified Plan
[9] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.314

SASM 7	No. 47 Kongahu Native Reserve	**Former** Māori Reserve[10]	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 8	Mokihinui Native Reserve	Māori Reserve	~~Rua (2)~~	~~Indigenous vegetation clearance Rule SASM - R4, Earthworks, Buildings, Structures Rule SASM - R6~~[11]
SASM 9	Waimangaroa Native Reserve	Māori Reserve, Kāinga	~~Whā (4)~~	~~Earthworks, Buildings, Structures - Rule SASM - R6~~[12]
SASM 10	Kawatiri Pā	Pā site		**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[13]
SASM 11	Carters Beach Kāinga	Kainga, Mahinga Kai		
SASM 12	Kawatiri Town Reserve	Current and former Māori Reserve		**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[14]
SASM 13	No.36 Kawatiri South Bank Native Reserve	Māori Reserve, Kāinga site		
SASM 14**A**[15]	No. 43 Orowaiti Native Reserve	**Current and former**[16] Māori Reserve		~~Earthworks, Buildings, Structures - Rule SASM - R6~~[17]
SASM 14B	**No. 43 Orowaiti Native Reserve**	**Current and former Māori Reserve**[18]		
SASM 15	No. 42 Kawatiri (Township) Native Reserve	Former Māori Reserve	-	**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[19]
SASM 16	Tauranga Bay	Pā site, Kāinga, Mahinga kai, Tauranga waka	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 17	No. 37 Kawatiri South Bank Native Reserve	Wāhi Tapu	~~Whā (4)~~	~~Minor Earthworks - Rule SASM - R2~~[20], Temporary ~~Activities~~ **Events**[21] - Rule SASM-R5, Earthworks, Buildings,

[10] RMA First Schedule, Clause 16, clarification based on evidence of Mr Madgwick through the hearing process
[11] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.317
[12] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.422
[13] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[14] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[15] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.318
[16] RMA First Schedule, Clause 16, based on clarification by Mr Madgwick at the hearing
[17] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.319
[18] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.318 and S620.319
[19] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[20] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.320
[21] RMA First Schedule, Clause 16

				Structures - Rule SASM - R6
SASM 18	No. 38 Kawatiri North Bank Native Reserve	Former Māori Reserve, Kāinga	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 19	Ōkari	Kāinga, Mahinga kai	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 20	Te Kuha	Former & Current Māori Reserve	~~-~~	
SASM 21	No. 46 Oweka Native Reserve	Māori Reserve, Traditional nohoanga, Cultivations, Mahinga kai	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 22	Ōkari Lagoon	Statutory Acknowledgement, Mahinga Kai **Waterbody**[22]	~~Rua (2)~~	~~Grazing Animals Rule SASM - R1~~[23], ~~Indigenous vegetation clearance - Rule SASM - R4~~[24], ~~Earthworks, Buildings, Structures - Rule SASM - R6~~[25]
SASM 23	No. 45 Watarakau Native Reserve	Māori Reserve, Mahinga kai	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 24	Totara River	Urupā	~~-~~	
SASM 25	Tiroroa	Pā site	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 26	Tiropahi - Silent File	Wāhi tapu		
SASM 27	Fox River	Kāinga, Cultivations, Mahinga kai, Ara tāwhito	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 28	Te Ana Matuku	Traditional nohoanga, Cave	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 29	Pahautane Beach	Wāhi taonga, Ara tāwhito	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6

[22] Jennifer Lake S323.001 and West Coast Regional Council S488.013
[23] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.116
[24] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.119
[25] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.322

SASM 30	Te Miko	Ara tāwhito		
SASM 31	Punakaiki Area	Kāinga, Cave, Mahinga kai, Ara tāwhito		**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[26]
SASM 32	Punakaiki River Nohoanga	Nohoanga, Mahinga kai		
SASM 33	Pakiroa Beach	Kāinga sites	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
~~SASM 34~~	~~Te Nikau Scenic Reserve - Silent File~~	~~Wāhi tapu~~	~~Rua (2)~~	~~Indigenous vegetation clearance - Rule SASM - R4, Temporary Activities - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6~~[27]
SASM 35	Maukurunui (17 Mile Bluff)	Tohu whenua	~~-~~	
~~SASM 36~~[28]	~~Totara Bush Native Reserve~~	~~Former Māori Reserve, Mahinga kai~~	~~-~~	
SASM 37	Kararoa Māori Reserve 35	Māori Reserve, Cultivations	~~-~~	
SASM 38	Kararoa - Silent File	Wāhi tapu	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
~~SASM 39~~	~~Kararoa~~	~~Mahinga kai~~[29]		
SASM 40	Ōhinetaketake	Pā site, multiple Kāinga		
SASM 41	Kotorepi (Nine Mile) - Silent File	Wāhi tapu	~~Tahi (1)~~	Grazing **Animals** Rule SASM - R1, Minor Earthworks - Rule SASM - R2, **Demolition, removal of, or alterations to a structure – Rule SASM – R3,**[30] Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[31] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6

[26] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[27] G E & C J Coates on behalf of Nikau Deer Farm Limited, S415.003
[28] Angela Sweetman (Trustee) & Patrick William Kennedy, S418.001 & S418.002
[29] Grey District Council S608.181
[30] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[31] RMA First Schedule, Clause 16

SASM 42	Ahaura Township - Silent File	Wāhi tapu		
SASM 43	Ahaura Native Reserve	Māori Reserve		
SASM 44	Rapahoe to Nine Mile	Ancestors embedded in the landscape		
SASM 45	Rapahoe	Māori Reserve		
SASM 46	Point Elizabeth	Tohu whenua, Wāhi taonga		
SASM 47	Māwheranui Native Reserve	Māori Reserve	~~Rua (2)~~	~~Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6~~[32]
SASM 48	Brunner	Wāhi taonga	~~-~~	
SASM 49	Kōtukuwhakaoko River Mouth - Silent File	Wāhi tapu	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 50	Aromahana	Kāinga, Urupā	~~Whā (4)~~	Earthworks, Buildings, Structures – Rule SASM - R6
SASM 51	No. 34 Kōtukuwhakaoko Native Reserve	Māori Reserve	~~Whā (4)~~	~~Earthworks, Buildings, Structures – Rule SASM - R6~~[33]
SASM 52	Cobden Native Reserve	Māori Reserve	~~-~~	Indigenous vegetation clearance - Rule SASM - R4
SASM 53	~~Nga~~ **Ngā**[34] Moana e Rua - Silent File	Wāhi tapu	~~-~~	
SASM 54	Motutapu	Wāhi tapu	~~Rua (2)~~	Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance – Rule SASM - R4, Earthworks, Buildings, Structures – Rule SASM - R6
SASM 55	Māwhera Burial Cave Site	Burial cave	~~Tahi (1)~~	~~Grazing Animals Rule SASM - R1~~[35], Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[36]

[32] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.329
[33] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.331
[34] RMA First Schedule, Clause 16
[35] Mr Alan O'Connell, S6.001 sought removal of the SASM as a whole, whereas the amendment is limited to removing restriction on one activity type at the site
[36] RMA First Schedule, Clause 16

				- Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 56	Māwhera Pā 1	Pā site, Kāinga	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6**, Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[37]
SASM 57	Māwhera Gardens	Pā site, Cultivations	-	**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[38]
SASM 58	Greymouth Railway Land	Pā site, Māori Reserve	-	**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[39]
SASM 59	Māwhera Pā 2	Pā site	-	**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[40]
SASM 60	Māwhera Kāinga	Kāinga	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6**, Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[41]
SASM 61	Victoria Park	Māori Reserve		**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[42]
SASM 62	No 31. Māwhera Native Reserve	Māori Reserve, Pā site, Urupā, Cultivations		
SASM 63	No. 32 Nga Moana e Rua Native Reserve	Māori Reserve		**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[43]
SASM 64	Blaketown Part Reserve - Silent File	Wāhi tapu	~~Wha (4)~~	Demolition Removal or Alteration of Structures - Rule SASM - R3,

[37] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[38] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[39] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[40] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[41] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[42] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[43] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan

				Earthworks, Buildings, Structures - Rule SASM - R6
SASM 65	~~Eruaerua Moana Lagoon~~ ~~Nga~~ Ngā **Moana e Rua and Sawyers Creek**[44]	Mahinga kai	-	
SASM 66	No. 33 Kaiata Native Reserve	Māori Reserve	~~Wha (4)~~	~~Earthworks, Buildings, Structures -Rule SASM - R6~~[45]
SASM 67	Kōtukuwhakaoko/Arnold River	Mahinga kai, **Waterbody**[46]		Temporary ~~Activities~~ **Events**[47] - Rule SASM -R5
SASM 68	Paroa Lagoon	Mahinga kai, Ara tāwhito, **Waterbody**[48]		
SASM 69	Taramakau North Bank Reserve	Māori Reserve		
SASM 70	Taramakau River Nohoanga	Nohoanga, Mahinga kai, Cultivations		
SASM 71	Taramakau - Silent File	Wāhi tapu	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 72	Taramakau ~~Kāinga~~ **Ngutu Awa**[49]	Pā site, Kāinga, Urupā, Cultivations	~~Whā (4)~~	Earthworks, Buildings, Structures – Rule SASM - R6
SASM 73	Taramakau Kāinga	Kāinga, Cultivations	-	
SASM 74	Lake Haupiri Nohoanga	Nohoanga, Mahinga kai	~~Rua (2)~~	Indigenous vegetation clearance – Rule SASM - R4, Earthworks, Buildings, Structures – Rule SASM - R6
~~SASM 75~~	~~Taramakau Mussel Bed~~	~~Mahinga kai~~[50]	-	
SASM 76	Taramakau Pā	Pā site, Māori Reserve	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 77	Kotukuwhakaoko (Moana) Nohoanga	Nohoanga, Mahinga kai	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 78	Lady Lake Nohoanga	Nohoanga, Mahinga kai	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 79	Cashmere Bay, Te Kinga	Pā site		
SASM 80	Pah Point - Silent File	Wāhi tapu	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM -

[44] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.337
[45] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.338 and S620.339
[46] West Coast Regional Council S488.013, cconsequential amendment, to ensure consistency with response to submissions on other SASM that are waterbodies
[47] RMA First Schedule, Clause 16
[48] A number of submitters, including William & Vicki Molloy S227.001
[49] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.341
[50] Grey District Council S608.217

				R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 81	Takataka Islands	Pā site	~~Tahi (1)~~	Grazing **Animals** Rule SASM - R1, Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM - R4 ~~TA~~, **Temporary Events – SASM– R5,**[51] Earthworks, Buildings, Structures - Rule SASM - R6
SASM 82	Kōtukuwhakaoko/Lake Brunner (Moana)	Statutory Acknowledgement, Mahinga kai, **Waterbody**[52]		
SASM 83	Ōhonu Kāinga	Kāinga		
SASM 84	Knoll Point	Pā site	~~Tahi (1)~~	Grazing Rule SASM - R1, Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[53] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 85	Ta Kinga, Kōtukuwhakaoko	Urupā		
SASM 86	Ōrangipuku Creek Mouth	Tauranga waka		
SASM 87	Kapukapuka Lagoon	Mahinga kai, **Waterbody**[54]		
SASM 88	Timuaki Pā	Pā site	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 89	Arahura Pā South Bank	Pā site, Cultivations		
SASM 90	Māori Point	Traditional nohoanga, Kāinga		

[51] RMA First Schedule, Clause 16, amending error in notified Plan
[52] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.344, and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[53] RMA First Schedule, Clause 16
[54] West Coast Regional Council S488.013, consequential amendment to ensure consistency with response to submissions on other waterbodies that are SASM

SASM 91	Arahura Pā	Pā site		
SASM 92	Arahura Urupā	Urupā		
SASM 93	Arahura Marae	Marae		
SASM 94	No. 30 Arahura Native Reserve	Māori Reserve, Ancestors embedded in the landscape		Temporary ~~Activities~~ **Events**[55] - Rule SASM -R5**,** **Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[56]
SASM 95	No. 28 Waimea Native Reserve	Former Māori Reserve		
SASM 96	Taramakau River	Statutory Acknowledgement, Mahinga kai, Ara Tāwhito, **Waterbody**[57]		**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[58]
SASM 97	Inchbonnie Quarry	Urupā		
SASM 98	Māhinapua Pā	Old Pā site		
SASM 99	Pakihi Native Reserve	Former Māori Reserve, Kāinga		
SASM 100	Tauotikirangi	Pā site		
SASM 101	Hokitika Pā	Pā site, Cultivations	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 102	No.24 Hokitika Native Reserve	Māori Reserve	~~Rua (2)~~	~~Indigenous vegetation clearance -Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6~~[59]
SASM 103	No. 25 Kaniere Native Reserve	Māori Reserve, Mahinga kai	-	
SASM 104	Kawhaka Creek ~~Catchment~~[60]	Pounamu legends, Ancestors embedded in the landscape, **Waterbody**[61]	-	**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[62]
SASM 105	Tuwharewhare (Māhinapua Creek)	Wāhi tapu, **Waterbody**[63]	-	
SASM 106	Ōtira	Traditional nohoanga on pounamu trail	-	

[55] RMA First Schedule, Clause 16
[56] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[57] Ian Stewart S124.001 and West Coast Regional Council S488.013, consequential amendment to ensure consistency with response to submissions on other waterbodies that are SASM
[58] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[59] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.423
[60] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.350
[61] A number of submitters, including Kenneth Doig S172.001
[62] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[63] West Coast Regional Council S488.013, consequential amendment to ensure consistency with response to submissions on other waterbodies that are SASM

SASM 107	Island Hill/Raparapahoi	Maunga, Ancestors embedded in the landscape	~~Toru (3)~~	Temporary Activities **Events**[64] - Rule SASM -R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 108	Kāurupātaka	Mahinga kai on Ara tāwhito		
SASM 109	Pyramid Hill/Tumuaki Hill	Maunga, Ancestors embedded in the landscape	~~Toru (3)~~	Indigenous vegetation clearance – Rule SASM - R4, Temporary ~~Activities~~ **Events**[65] – Rule SASM -R5, Earthworks, Buildings, Structures – Rule SASM - R6
SASM 110	Māhinapua	Pā site, Battle site	~~Rua (2)~~	Minor Earthworks - Rule SASM -R2, Indigenous vegetation clearance - Rule SASM -R4, Temporary Activities **Events**[66] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 111	Lake Māhinapua	Wāhi tapu, **Waterbody**[67]		
SASM 112	Arahura River at Tūhua	Ancestors embedded in landscape		**Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[68]
SASM 113	Lake Kaniere Nohoanga	Nohoanga, Mahinga kai		
SASM 114	Tara o Tama	Ancestors embedded in the landscape	~~Toru (3)~~	Temporary ~~Activities~~ **Events**[69] - Rule SASM -R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 115	Pukehika Pā	Pā site	~~-~~	
SASM 116	Mt Tūhua	Maunga, Ancestors embedded in the landscape	~~Toru (3)~~	Temporary ~~Activities~~ **Events**[70] - Rule SASM -R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 117	Waitaiki Catchment	Ancestors embedded in the landscape	~~Toru (3)~~	Indigenous vegetation clearance - Rule SASM - R4, Temporary ~~Activities~~

[64] RMA First Schedule, Clause 16
[65] RMA First Schedule, Clause 16
[66] RMA First Schedule, Clause 16
[67] West Coast Regional Council S488.013, consequential amendment to ensure consistency with response to submissions on other waterbodies that are SASM
[68] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[69] RMA First Schedule, Clause 16
[70] RMA First Schedule, Clause 16

				Events[71] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6**, Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[72]
SASM 118	Lake Kaniere	Statutory Acknowledgement, Mahinga kai, Ancestors embedded in the landscape, **Waterbody**[73]		
SASM 119	Orautahi (Eel Creek)	Mahinga kai		
SASM 120	Tōtara Lagoon	Mahinga kai, Ara tāwhito, **Waterbody**[74]		
SASM 121	Waitaiki Historic Reserve	Pounamu legends, Ancestors embedded in the landscape	~~Rua (2)~~	Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM - R4, Temporary ~~Activities~~ **Events**[75] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM -R6**, Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[76]
SASM 122	Kowhitirangi - Silent File	Wāhi tapu		
SASM 123	Mikonui River, North Bank Nohoanga	Nohoanga, Mahinga kai		
SASM 124	Mikonui River, South Bank Nohoanga	Nohoanga, Mahinga kai		
SASM 125	Lake Matahi/Lake Ianthe	Mahinga kai, **Waterbody**[77]		
SASM 126	Pouerua-hāpua/Saltwater Lagoon	Statutory Acknowledgement, Mahinga kai, Ara tawhito, **Waterbody**[78]		

[71] RMA First Schedule, Clause 16
[72] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[73] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.351 and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[74] Lyn McIntosh S469.002 and West Coast Regional Council S488.013
[75] RMA First Schedule, Clause 16
[76] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[77] West Coast Regional Council S488.013, consequential amendment to ensure consistency with response to submissions on other waterbodies that are SASM
[78] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.356 and, West Coast Regional Council S488.013 to ensure consistency with response to submissions on other waterbodies that are SASM

SASM 127	Ulipa - Silent File	Wāhi tapu	~~Tahi (1)~~	Grazing **Animals**[79] Rule SASM - R1, Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[80] - Rule SASM - R5, Earthworks, Buildings, Structures – Rule SASM - R6
SASM 128	Whataroa Native Reserves Sec 22	Māori Reserve		
SASM 129	Waitangiroto Nature Reserve	Former Māori Reserve, Mahinga kai		
SASM 130	Whataroa Native Reserves Secs 21 - Silent File	Wāhi tapu	~~Rua (2)~~	Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[81] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 131	Ōkārito Lagoon	Statutory Acknowledgement, Mahinga kai, Mātaitai, Ancestors embedded in the landscape, **Waterbody**[82]		Temporary ~~Activities~~ **Events**[83] - Rule SASM - R5
SASM 132	Ōkārito Mātaitai Reserve	Mahinga kai		
SASM 133	No.19 Ōkarito Native Reserve	Māori Reserve, Kāinga	~~Tahi (1)~~	Grazing **Animals**[84] Rule SASM - R1, Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[85] - Rule SASM - R5, Earthworks, Buildings,

[79] RMA First Schedule, Clause 16
[80] RMA First Schedule, Clause 16
[81] RMA First Schedule, Clause 16
[82] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.357 and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[83] RMA First Schedule, Clause 16
[84] RMA First Schedule, Clause 16
[85] RMA First Schedule, Clause 16

				Structures - Rule SASM - R6
SASM 134	Ōkārito River/Lagoon Nohoanga	Nohoanga, Mahinga kai	-	
SASM 135	Ōkārito (No. 18 Koamaru Native Reserve) - Silent File	Wāhi tapu	~~Tahi (1)~~	Grazing **Animals**[86] Rule SASM - R1, Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[87] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 136	No. 15 Omoeroa Native Reserve	Māori Reserve, Traditional nohoanga		
SASM 137	No. 17 Waiahope Native Reserve	Māori Reserve, Traditional nohoanga		
SASM 138	No. 16 Waikohai Native Reserve	Māori Reserve, Traditional nohoanga, Kāinga		
SASM 139	Gillespies Beach	Māori Reserve, Kāinga		
SASM 140	Lake Matheson	Mahinga kai, **Waterbody**[88]		
SASM 141	No. 14 Wehenga Native Reserve	Māori Reserve, Traditional nohoanga		
SASM 142	Pawaiuru/Malcolms Knob	Wāhi tapu	~~Toru (3)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 143	Kairaumati	Former Māori Reserve, Traditional nohoanga	-	
SASM 144	Karangarua Lagoon	Statutory Acknowledgement, Mahinga kai, **Waterbody**[89]	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 145	Kā Roimata-a-Hinehukatere / Franz Josef Glacier	Ancestors embedded in the landscape	-	

[86] RMA First Schedule, Clause 16
[87] RMA First Schedule, Clause 16
[88] West Coast Regional Council, S488.013, consequential amendment to ensure consistency with response to submissions on other waterbodies that are SASM
[89] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.360 and West Coast Regional Council, S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM

SASM 146	Puketahi - The Sugar Loaf	**Maunga, Ancestors embedded in the landscape**[90]	~~Toru (3)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 147	Karangarua River Nohoanga	Nohoanga, Mahinga kai	-	
SASM 148	Te Moeka-o-Tuawe / Fox Glacier	Ancestors embedded in the landscape	-	
SASM 149	No.12 Manakaiaua Native Reserve	Māori reserve, Mahinga kai	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 150	Hunts Beach Kāinga	Kāinga, Cultivations, Mahinga kai	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 151	Bruce Bay/Manakaiaua	Māori Reserve		
~~SASM 152~~	~~Manakaiaua Mātaitai Reserve~~	~~Mahinga kai~~[91]		
SASM 153	Hunts Creek	Mahinga kai, **Waterbody**[92]		
SASM 154	Hunts Beach Mussel & Pāua Bed	Mahinga kai		
SASM 155	Hunts Beach Māori Reserve - Silent File	Wāhi tapu	~~Tahi (1)~~ ~~Toru (3)~~	Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM - R4, Temporary ~~Activities~~ **Events**[93] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 156	Te Puku o te Wairapa	Maunga, Ancestors embedded in the landscape	~~Toru (3)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 157	No. 10 Makāwhio Native Reserve	Māori Reserve, Pā site, Urupā	~~Tahi (1)~~	Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[94] - Rule SASM -

[90] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.361
[91] Grey District Council S608.294
[92] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.362 and West Coast Regional Council, S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[93] RMA First Schedule, Clause 16
[94] RMA First Schedule, Clause 16

				R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 158	No. 8 Makāwhio and No. 9 Makāwhio	Māori Reserve, Pā site, Urupā, Mahinga kai	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, ~~Temporary Activities - Rule SASM - R5,~~ Earthworks, Buildings, Structures - Rule SASM - R6
SASM 159	Tikitiki o Rehua	Maunga, Ancestors embedded in the landscape	~~Toru (3)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 160	Te Tauraka Waka ā Māui Marae	Marae		
SASM 161	No. 7 Mahitahi Native Reserve	Māori Reserve, Kāinga, Urupā		
SASM 162	Heretaniwha - Silent File	Wāhi tapu	~~Toru (3)~~	Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures – Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[95] - Rule SASM - R5, Earthworks, Buildings, Structures – Rule SASM - R6
SASM 163	Māori Beach Kāinga	Kāinga, Cultivations	~~Rua (2)~~	Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance - Rule SASM -R4, Earthworks, Buildings, Structures - Rule SASM - R6
~~SASM 164~~	~~Mahitahi Mātaitai Reserve~~	~~Mahinga kai~~[96]	~~-~~	
SASM 165	No. 7 Mahitahi Beach Native Reserve - Silent File	Wāhi tapu	~~Rua (2)~~	Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance – Rule SASM - R4, Temporary Activities **Events**[97] – Rule SASM - R5, Earthworks, Buildings, Structures – Rule SASM - R6

[95] RMA First Schedule, Clause 16
[96] Grey District Council S608.306
[97] RMA First Schedule, Clause 16

SASM 166	Makāwhio River (Jacobs River)	Statutory Acknowledgement, Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu, Mahinga kai, **Waterbody**[98]		
~~SASM 167~~	~~Mahitahi Mussel & Pipi Bed~~	~~Mahinga Kai~~[99]		
SASM 168	No. 4 Heretaniwha Native Reserve - Silent File	Wāhi tapu	~~Tahi (1)~~	Grazing **Animals**[100] Rule SASM - R1, Minor Earthworks - Rule SASM - R2, Demolition Removal or Alteration of Structures - Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[101] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 169	No. 5 Mahitahi Native Reserve	Māori Reserve, Kāinga	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Temporary ~~Activities~~ **Events**[102] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 170	Porangirangi to Mahitahi	Kāinga		Minor Earthworks - Rule SASM - R2, Demolition, Removal or Alteration of Structures – Rule SASM - R3, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[103] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 171	Mahitahi River Nohoanga	Nohoanga	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks,

[98] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.365 and West Coast Regional Council, S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[99] Grey District Council S608.309
[100] RMA First Schedule, Clause 16
[101] RMA First Schedule, Clause 16
[102] RMA First Schedule, Clause 16
[103] RMA First Schedule, Clause 16

				Buildings, Structures - Rule SASM - R6
SASM 172	Pāpākeri Creek	Mahinga kai, **Waterbody**[104]		
SASM 173	Mahitahi River	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM -R6
SASM 174	Bruce Bay Sites 1, 2, 3	Māori Reserve	~~-~~	
SASM 175	No.6 Mahitahi - Silent File	Wāhi tapu	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 176	Mahitahi Reserve Lot 1-3 DP 346435	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 177	Copland Track	Ara tāwhito	~~-~~	
SASM 178	Makarata Creek	Mahinga kai, **Waterbody**[105]	~~-~~	
SASM 179	No. 6 Mahitahi Reserve	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 180	No. 3 Paringa Native Reserve	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 181	Paringa River Reserve - Rural Section 727A	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures – Rule SASM - R6
SASM 182	Paringa River Reserve - Lot 1 DP 3785	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance – Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 183	Makāwhio River Catchment (Jacobs River)	Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu, Mahinga kai	~~-~~	

[104] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.368 and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM

[105] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.369 and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM

SASM 184	Lake Pāringa	Statutory Acknowledgement, Mahinga kai, **Waterbody**[106]	-	
SASM 185	Lake Moeraki Reserve	Māori Reserve, Mahinga kai	~~Rua (2)~~	Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 186	Whakapoai	Māori Reserve	-	
SASM 187	Arnott Point	Traditional nohoanga, Cave, Battle site, Wāhi tapu	-	
~~SASM 188~~	~~Tauparikaka Mātaitai Reserve~~	~~Mahinga kai~~[107]	-	
SASM 189	Waita River Nohoanga	Nohoanga	-	
SASM 190	Waita River	Kāinga, Urupā, Mahinga kai	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 191	Tawharekiri Lake (Māori Lakes)	Mahinga kai		
SASM 192	Awarua	Māori Reserve		Indigenous vegetation clearance – Rule SASM - R4
SASM 193	Awarua/Haast River South Bank	Pā site	~~Whā (4)~~	~~Earthworks, Buildings, Structures - Rule SASM - R6~~[108]
SASM 194	Popotai/Taumaka Rāhui	Mahinga kai		
SASM 195	Taumaka/Popota (Open Bay Islands)	Māori Reserve, Mahinga kai		
SASM 196	Ōkuru River Nohoanga	Nohoanga		
SASM 197	Ōkuru	Kāinga, Nohoanga, Urupā, Mahinga kai.		~~Indigenous vegetation clearance – Rule SASM - R4~~,[109] **Maintenance, Repair and Upgrading of Network Utility Structures – Rule SASM – R9**[110]
~~SASM 198~~	~~Ōkuru Mātaitai Reserve~~	~~Mahinga kai~~[111]		
SASM 199	Mussel Point - Silent File	Wāhi tapu	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks,

[106] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.370 and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[107] Grey District Council S608.330
[108] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.371
[109] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.372
[110] RMA First Schedule, Clause 16, to correct an error in the notified version of the Plan
[111] Nicola Main S131.001

				Buildings, Structures - Rule SASM- R6
SASM 200	Jacksons Bay - Okahu Village	Pā site, Kāinga, Mahinga kai		
~~SASM 201~~	~~Ōkahu Rāhui~~	~~Mahinga kai~~[112]		
SASM 202	Waiatoto Lagoon, North Bank Nohoanga	Nohoanga, Mahinga kai		
SASM 203	Arawata Native Reserve 752	Māori Reserve		
SASM 204	Waiatoto Lagoon, South Bank Nohoanga	Nohoanga, Mahinga kai		Indigenous vegetation clearance – Rule SASM - R4
SASM 205	No. 2 Waiatoto Native Reserve	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Temporary ~~Activities~~ **Events**[113] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 206	Arawata Beach Reserve	Māori Reserve	~~Whā (4)~~	Earthworks, Buildings, Structures - Rule SASM - R6
SASM 207	Arawata Reserve at River Mouth - Silent File	Wāhi tapu	~~Tahi (1)~~	Grazing **Animals**[114] Rule SASM - R1, Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance - Rule SASM - R4, Temporary ~~Activities~~ **Events**[115] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 208	Arawhata Pā Site	Pā site, Urupā		
SASM 209	No. 1 Arawata Native Reserve - West Reserve Block	Māori Reserve	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM- R6
SASM 210	Arawata River blocks	Māori Reserve blocks		
SASM 211	Cascade River Nohoanga	Nohoanga, Mahinga kai	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM- R6
SASM 212	Cascade River	Kāinga, Mahinga kai, Traditional nohoanga	~~-~~	

[112] Grey District Council S608.343
[113] RMA First Schedule, Clause 16
[114] RMA First Schedule, Clause 16
[115] RMA First Schedule, Clause 16

SASM 213	Barn Bay	Kāinga, Urupā	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM- R6
SASM 214	Huruhuru Manu/Spoon River	Traditional nohoanga, Mahinga kai	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 215	Hautai	Kāinga, Mahinga kai	~~Rua (2)~~	Indigenous vegetation clearance - Rule SASM - R4, Earthworks, Buildings, Structures - Rule SASM- R6
SASM 216	Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi	~~Statutory Acknowledgement,~~[116] Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu, Mahinga kai		Minor Earthworks - Rule SASM - R2, Indigenous vegetation clearance - Rule SASM -R4, Temporary ~~Activities~~ **Events**[117] - Rule SASM - R5, Earthworks, Buildings, Structures - Rule SASM - R6
SASM 217	**Ōmotumotu**	**Mahinga kai, Waterbody**[118]		
SASM 218	**Pouerua**	**Mahinga kai, Waterbody**[119]		
SASM 219	**Te Papakini**	**Mahinga kai**[120]		
SASM 220	**Pororari River Nohoanga**	**Nohoanga**[121]		
SASM 221[122]	**Makarore & Tiore Pātea**	**Kāinga, Mahinga Kai, Ara tāwhito**		**Earthworks, Buildings, Structures - Rule SASM - R6**

[116] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.373
[117] RMA First Schedule, Clause 16
[118] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.375 and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[119] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.377 and West Coast Regional Council S488.013, to ensure consistency with response to submissions on other waterbodies that are SASM
[120] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.381
[121] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, S620.384
[122] Queenstown Lakes District Council, S523.004

SCHEDULE 3 (SCHED 3A)

SCHED 3A: CRITERIA AND PROCESS FOR CERTIFICATION OF PERMITTED ACTIVITIES

A number of the permitted activity rules within the SASM Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori Chapter require certification to be provided by Poutini Ngāi Tahu in order to meet the conditions of the rule.

Suitably Qualified or Experienced Person (SQEP)

The certification process will be undertaken by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga who has the necessary expertise to assess activities against the criteria, and is therefore a SQEP for the purposes of certification in accordance with this Schedule.

Criterion

In order for an activity to be able to rely on the relevant permitted activity rule, the SQEP will be required to certify that:

"The proposed activity does not give rise to any unacceptable effects on any of the values of the identified SASM recorded in Schedule Three."

General Process

The following elements of process support certification:

1. **Certification is specific to details of the proposed activity as provided to Poutini Ngāi Tahu;**

2. **The outcome of the process will be communicated to those seeking to undertake the proposed activity within 10 working days of them providing specific details of the proposed activity to Poutini Ngāi Tahu; and**

3. **In the event that the outcome of the process is that the SQEP cannot provide certification against the Criterion, then Poutini Ngāi Tahu will advise those seeking to undertake the proposed activity either:**

(i) the nature of any effects of concern, in order to inform any subsequent process; or

(ii) that based on the specific details provided to Poutini Ngāi Tahu the SQEP cannot conclude that there are no effects of concern, which may be due to lack of information to support a definitive conclusion.

Optional Criterion and Process for Māori Land

The SQEP may determine, in relation to Māori Land, that tikanga applies in the circumstances and that, therefore, the General Process with associated Criterion is inappropriate for the purposes of certification.

In such circumstances the SQEP may instead certify that:

"The proposed activity will be undertaken in accordance with tikanga."

In such circumstances the process between the parties will also be guided by tikanga.

Note

More information on Poutini Ngāi Tahu Values can be found in the Tangata Whenua section of the Plan.

APPENDIX FOUR: ACCIDENTAL DISCOVERY PROTOCOLS

Appendix Four: Accidental Discovery Protocols~~:~~ Te Āpitihanga Tuawhā: Ngā Tikana o te Kite Pokerehū

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose:

In the event that an unidentified archaeological site is located during works, the Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or archaeological sites are accidentally discovered.

Background:

Land use activities involving earthworks have the potential to disturb material of cultural significance to tāngata whenua. In all cases, such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is an offence under s87 to modify or destroy the whole or any part of an archaeological site (known or unknown) without an authority from Heritage New Zealand irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act.

Protocol:

~~On~~**Immediately following the** discovery of ~~any human remains or~~ **material suspected to be a taonga, kōiwi or archaeological site**, ~~the owner of the site or the consent holder must take~~ the following steps **shall be taken**:

1. ~~*Cease works and secure the area* Immediately cease a~~All work~~s~~ **on the site will cease immediately at that place and** within 20m ~~of any part of~~ **around** ~~the discovery~~ **the site,** ~~including shutting down all earth disturbing machinery and stopping all earthmoving activity~~.

- ~~Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed;~~

2. ~~*Inform relevant authorities and parties*~~ **Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed**.

3. ~~Inform the following parties immediately of the discovery:~~
- ~~The New Zealand Police;~~
- ~~Poutini Ngāi Tahu;~~
- ~~Heritage New Zealand Pouhere Taonga;~~
- ~~The relevant District Council in all cases.~~

The contractor/works supervisor/owner will notify the Rūnanga, Council and the Area Archaeologist of Heritage New Zealand. In the case of kōiwi (human remains), the New Zealand Police must be notified.

~~3.~~ ~~*Wait for and enable inspection of the site*~~
- ~~The New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discover.~~
- ~~A site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Poutini Ngāi Tahu representatives,~~
- ~~Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, until the requirements of this Rule are met.~~

4. **The Rūnanga and Heritage New Zealand will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.**

5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand before work resumes (as per the Heritage New Zealand Pouhere Taonga Act 2014).

6. The contractor/works supervisor/owner will also consult the Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.

7. **If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Rūnanga. Remains are not to be moved until such time as Rūnanga, NZ Police and Heritage New Zealand have responded.**

~~*4. Recommencement of work*~~

~~Work within the area determined by the Council must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:~~

~~1. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;~~

~~2. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;~~

~~3. Any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;~~

~~4. Where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Poutini Ngāi Tahu, that:~~

- ~~Any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and~~

- ~~Any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.~~

~~5. Resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.~~

8**. Works in the site area shall not recommence until authorised by the Rūnanga, Heritage New Zealand (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.**

9. All parties will work towards work recommencing in the shortest possible timeframe while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 if necessary. Appropriate management may include recording or removal of archaeological material.

10. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Rūnanga, and any taonga (Māori artefacts) that may be discovered. Where Rūnanga so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HERITAGE NEW ZEALAND ARCHAEOLOGIST

Contact Details:

Rūnanga Contact:

Te Rūnanga o Ngāti Waewae - hamiria.hutana@ngaitahu.iwi.nz;

Te Rūnanga o Makaawhio – Makaawhio.admin@ngaitahu.iwi.nz

Poutini Environmental: poutini.environmental@ngatiwaewae.org.nz

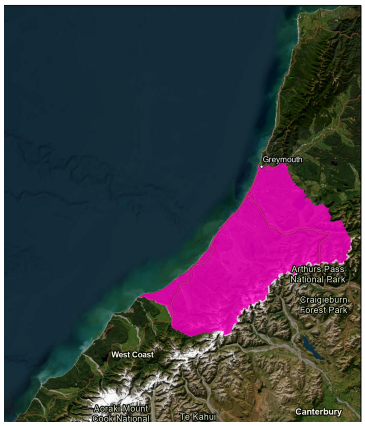
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Heritage New Zealand Archaeologists contact details:

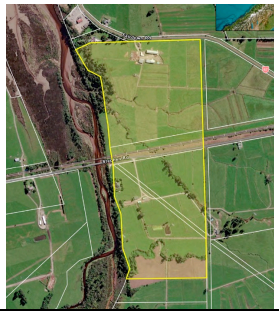
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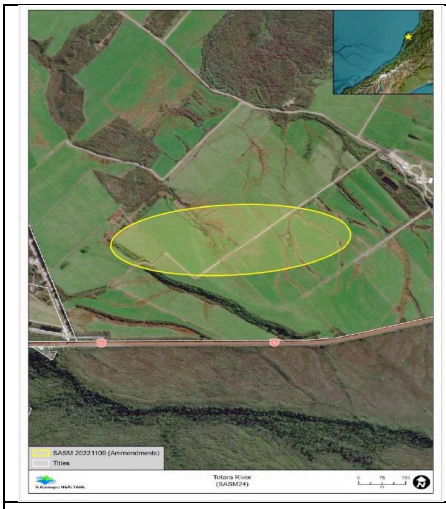
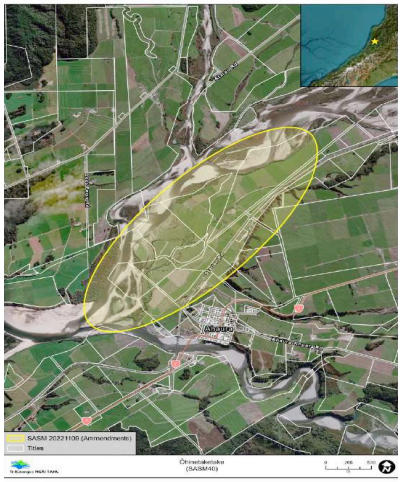
AsstArchaeologistCW@heritage.org.nz

AMENDMENTS TO PLANNING MAPS

Amend the Pounamu Management Area overlay to the following mapped area:


Amend the Maps of the SASM Sites as follows

SASM 6	**Delete SASM 14 and replace with SASM 14A and SASM 14B**
	*New SASM 14A*  *New SASM 14B* 
SASM 24	**SASM 26**

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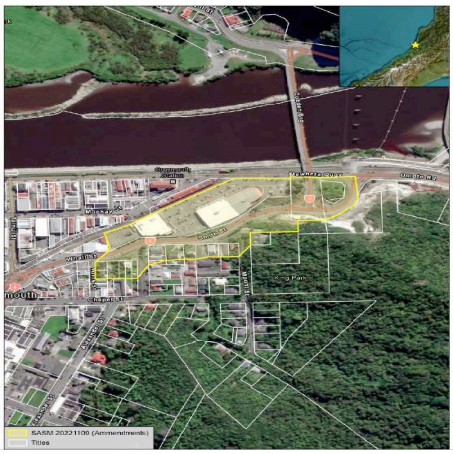




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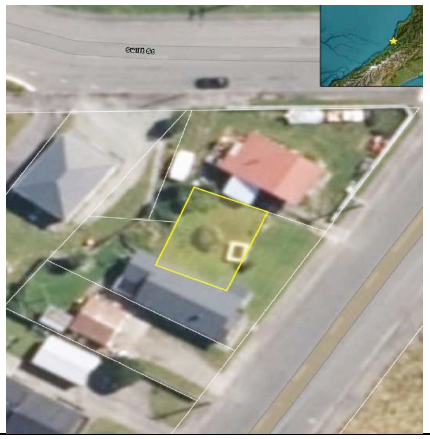
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SASM 60

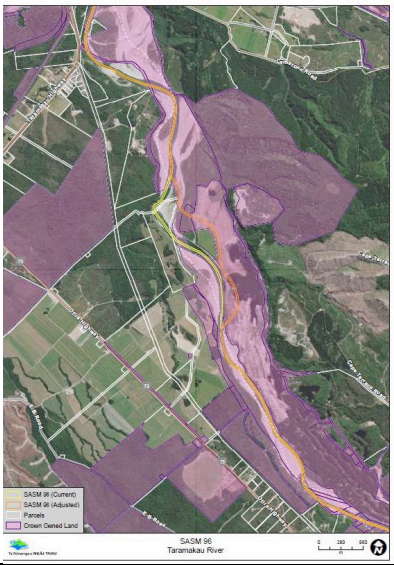


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SASM 68

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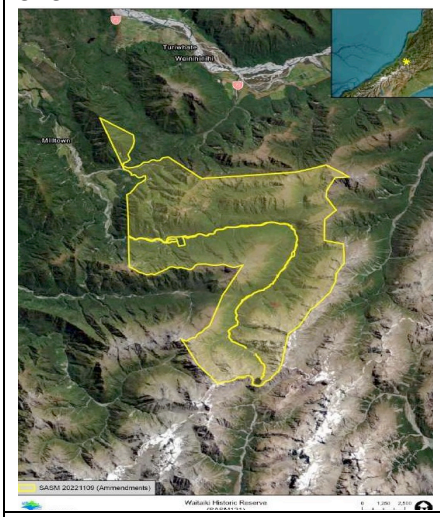
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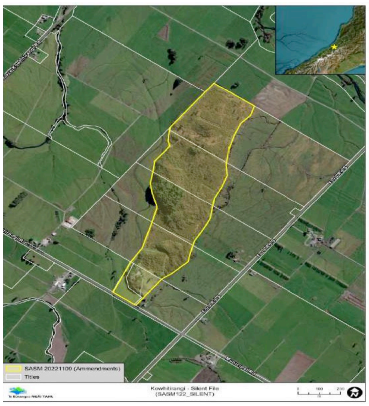
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SASM 122



SASM 139



SASM 144





SASM 153



SASM 156



SASM 165



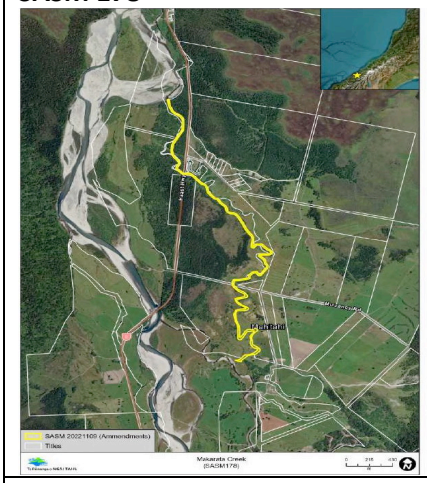
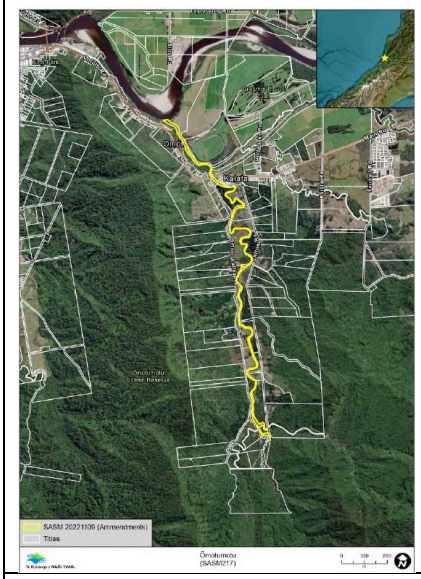
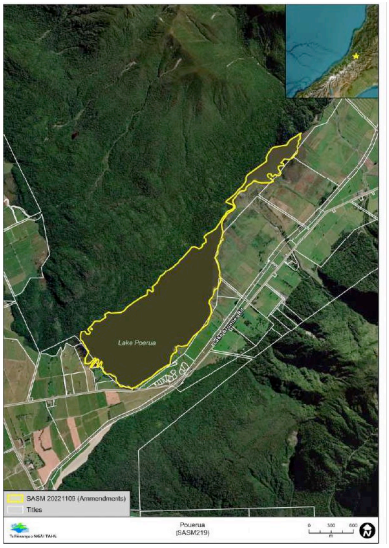
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SASM 172



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TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

Hearing Dates: 16 and 17 July 2024

HEARING PANEL – SPECIAL PURPOSE ZONES

Sharon McGarry (Chair)

Paul Rogers

Maria Bartlett

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

Hearing Dates: 8 and 9 October 2024

Dean Chrystal (Chair)

Anton Becker

Sharon McGarry

Paul Rogers

Maria Bartlett

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to the Special Purpose Zones (**SPZ**) - Ngā Takiwa mō Kaupapa kē sections of the pTTPP, excluding the Mineral Extraction Zone (**MINZ**) and Buller Coalfield Zone (**BCZ**).

3. The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections of Part 3 of the Plan.

4. The Section 32 Report[1] provides an evaluation of the Special Purpose Zones and how they are managed through the combined Plan, including the regulatory framework key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options.

5. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants, acting as the Reporting Officer, was circulated before the hearing.

6. The s42A Report provided an analysis of submissions and further submissions received. It made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions and further submissions as to either 'accepted', 'accepted in part' or 'rejected' in Appendix 2).

7. Ms Easton subsequently provided an Addendum s42A Report[3] which responded to key matters raised by the Hearings Panel.

8. The s42A Report assessed a total of 680 submissions points and 61 further submissions points were received on the Special Purpose Zones chapter, associated zoning maps and relevant definitions. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).

9. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues:

    - General;
    - Overview;

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report 13 Special Purpose Zones - Ngā Takiwā mō Kaupapa kē
[2] Section 42A Report on Residential Zones
[3] s42A Right of Reply on Residential and Special Purpose Zones

- Objectives;
- Policies; (excluding PA)
- Rules (excluding PA); and
- Standards (Sub only).

10. The s42A Report notes that because of the minor nature of the changes and the intention for them to correct errors or improve the readability of the TTPP, further evaluation under s32AA was not required.

11. This Recommendation Report follows this same structure of the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

12. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

13. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

14. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

    (a) The Panel has adopted the reasoning and recommendation of the s42A Report to retain the provision as notified; or

    (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

    (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

15. Where there is a recommended change to a notified provision of the TTPP, it is because:

    (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

    (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

    (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

16. Where there may be a different recommendation between the s42A Report and the Reporting Officer's r reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

17. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

18. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

19. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any minor amendments.

1.2. Terminology in this Report

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

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

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

1.3. Hearing Arrangements

21. The hearing for the Specific Purpose Zone, excluding the Franz Josef Area, was held at the West Coast Regional Council offices in Paroa on 16-17 July 2024. Some submitters appeared by internet connection.

22. The Franz Josef Special Purpose Zone and Settlement Zone hearing was held at the St John Training Room, 97 Cron Street, Franz Josef on 8 October 2024. Some submitters appeared by internet connection.

23. At both hearings, Ms Easton tabled a Planning Summary Statement to her s42A Report.

24. At the conclusion of the hearings, the Hearing Panel requested that Ms Easton respond to several questions that arose during the hearing. These are dealt with in Ms Easton's Right of Reply.

1.4. Appearances

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

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

The O'Conor Institute Trust Board

- Mr Mark Lile, Planner (online)

Te Tumu Paeroa for the Māori Trustee

Ball Developments Limited and Davis Oglivie and Partners Limited

- Ms Pauline Hadfield, Planner

Mr Laurence McGuire and Mr Tom Overton for Haast Airfield

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

New Zealand Heavy Haulage Association Incorporated

- Mr Jonathan Bhana-Thompson, Planner (online)

Buller District Council

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

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

Skyline Enterprises Limited (SEL)

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

Scenic Hotel Group

- Ms Melanie Foote (online)

Freehold Properties Limited

- Mr Richard Innes (online)

Mr Neil Mouat, for himself

1.5. Overview of submitter technical report received

27. A Memorandum of Counsel from Mr Todd and Ms Hill on behalf of Skyline Enterprises Limited (**SEL**) in relation to hearing procedures and timetabling (dated 6 June 2024).

28. A synopsis of legal submissions was received from Mr Todd and Ms Hill on behalf of SEL (dated 23 September 2024).

29. A technical report from Marshall Day Acoustics, Acoustic Engineers engaged by McGuires Ltd (dated 14 May 2024) was received in relation to including the Haast Airport in the Airport Zone.

30. For those appearing at the hearing, the following evidence and/or statements were received:

    (a) Mr Lile, planning, on behalf of the O'Conor Institute Board;

    (b) Ms Hadfield, planning, on behalf of Ball Developments Limited and Davis Ogilvie and Partners Limited (dated 17 June 2024) and summary statements (dated 16 July 2024 and 17 July 2024);

    (c) Mr Bhana-Thomson, planning, on behalf of the House Movers Section of the New Zealand Heavy Haulage Association Incorporated;

    (d) Mr Barr, planning, on behalf of BDC (dated 17 June 2024) and summary statement (dated 17 July 2024);

    (e) Mr McDonald, SEL representative, on behalf of SEL;

    (f) Mr Faulkner, geotechnical, on behalf of SEL;

    (g) Mr Greenaway, recreation and tourism, on behalf of SEL;

    (h) Mr Colegrave, economics, on behalf of SEL;

    (i) Dr Wells, ecology, on behalf of SEL;

    (j) Ms Smetham, landscape, on behalf of SEL;

    (k) Mr Dent, planning, on behalf of SEL; and

    (l) Ms Foote, planning, on behalf of Scenic Hotel Group.

31. Following the receipt of the s42A Report on the Special Purpose Zone (excluding Franz Josef), the following submitter correspondence was received:

    (a) Statement from the Aircraft Owners and Pilots Association NZ (dated 10 May 2024) in support of the 'Haast Airfield Rezoning Submission';

    (b) KiwiRail letter (dated 17 June 2024) advising that it did not wish to be heard at the hearing and requested that the correspondence be tabled as a record of KiwiRail's position on safety setbacks from the rail corridor in the Residential Zone;

    (c) Hearing Notes from Ms Inta for herself and on behalf of the Buller Conservation Group (dated 4 July 2024);

    (d) Joint Statement of Position from Te Rūnanga o Ngāi Tahu and Te Tumu Paeroa (dated 15 July 2024);

(e) Fire and Emergency NZ letter (dated 5 July 2024) advising that there was generally a high degree of support from the Reporting Officer for its submission points and it would not be attending the hearing. They requested the letter be tabled at the hearing.

(f) Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu') letter from Ms Susan Aitken, Consultant Planner for Poutini Environmental (dated 15 July 2024);

(g) Letter from Scenic Hotel Group (dated 22 August 2024);

(h) Memorandum from Mr Sam Flewellen on behalf of Scenic Hotel Group (dated 23 August 2024); and

(i) Memorandum of Counsel on behalf of SEL seeking leave for persons presenting evidence to appear by AVL (11 September 2024).

32. In preparation for the hearing at Franz Josef on 8 and 9 October 2024, legal counsel for SEL advised (email on 30 September 2024) that Mr McDonald would not be attending the hearing. The Panel agreed to a process of written questions in relation to Mr McDonald's evidence.

33. Following the hearing, the Panel issued Minute 34 (dated 22 July 2024) providing direction around the provision of further information from several submitters by 16 August 2024. The following further information received:

(a) Memorandum of Counsel on behalf of Scenic Hotel Group on the matter of 'Scope' (8 November 2024).

(b) Memorandum from Ms Foote on behalf of Scenic Hotel Group (8 November 2024).

1.6. Right of Reply

34. Ms Easton provided a written Right of Reply (dated 23 August 2024) in relation to SPZ (excluding the Franz Josef Area), addressing questions that arose from the Panel during the hearing, including an updated Appendix 1 showing tracked changes to the notified provisions (as Attachment 1).

35. A joint Right of Reply from Ms Easton and Ms Belgrave (Reporting Officers) was received on 7 October 2024 in relation to setback requirements for the railway corridor, which apply to several different zones, including the SPZ.

36. Ms Easton provided a written Right of Reply (dated 14 October 2024) in relation to the Franz Josef Area (Part 1), addressing questions that arose from the Panel during the hearing. The Reply included recommended amendments to the definition of '*Recreation Activity*'.

37. Ms Easton provided a written Right of Reply (dated 10 December 2024) in relation to the Franz Josef Area (Part 2), addressing questions that arose from the Panel during the hearing. The Reply included further recommended amendments to the Plan.

1.7. Procedural Steps and Issues

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

1.8. Site Visits

39. Site visits were undertaken as follows:

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

Punakaiki Scenic Visitor Zone

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

Haast Airfield

Jackson Bay Port area

Hokitika Airport Zone

Karamea Airfield

Greymouth Port Zone

Arahura Marae Māori Purpose Zone

Haast Highway Māori Purpose Zones

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

40. Special Purpose Zones - Ngā Takiwa mō Kaupapa kē is one of six zone based sections located in Part 3 – Area Specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The Special Purpose Zones section has separate objectives, policies and rules that apply to each of the SPZ.

41. The Section 32 Report outlines the relevant statutory considerations applicable to the SPZ and the relationships between the sections of the RMA and higher order documents.

42. The Section 32 and section 42A Reports also highlight the relevant matters from section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement (**NZCPS**), any relevant National Policy Statement including the National Environmental Standard for Assessing and Managing Contaminated Soil to Protect Human Health (**NPS-CS**), the West Coast Regional Policy Statement (**RPS**), Regional Plans, District Plans of adjacent territorial authorities, iwi management plans and the National Planning Standards.

43. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.

44. The National Planning Standards Mandatory Directions ('Planning Standards') Clause 8.1 requires only zones listed within Table 13 of the Planning Standards to be used, except for Special Purpose Zones, or in the case of a combined regional and district plan, a zone that is both seaward and landward of mean high-water springs. The Planning Standards[4] direct that the district plan must only contain the zones listed where they are consistent with the following descriptions:

    - Airport Zone: Areas used predominantly for the operation and development of airports and other aerodromes, as well as operational areas and facilities, administrative, commercial and other industrial activities associated with airports and other aerodromes.
    - Hospital Zone Areas used predominantly for the operation and development of locally or regionally important medical, surgical or psychiatric care facilities, as well as other health care services and facilities, administrative and commercial activities associated with these facilities.
    - Stadium Zone: Areas used predominantly for the operation and development of large-scale sports and recreation facilities, buildings, and structures. It may accommodate a range of large-scale sports, leisure, entertainment, art, recreation, and/or event and cultural activities.
    - Port Zone: Areas used predominantly for the operation and development of ports, as well as operational areas and facilities, administrative, commercial and industrial activities associated with ports.
    - Māori Purpose Zone: Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.

[4] Section 8: Zone Framework Standard, Discretionary Direction 5

- Future Urban Zone: Areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use.

45. The Planning Standards state[5] that an additional special purpose zone must only be created when the proposed land use activities or anticipated environment outcomes of the additional zone meet all the following criteria:

    (a) Are significant to the district, region or country;

    (b) Are impractical to be managed through another zone; and

    (c) Are impractical to be managed through a combination of spatial layers.

46. In deciding to include the Scenic Visitor Zone (**SVZ**), the TTPP Committee determined that these criteria were met.

47. Decisions on the MINZ and BCZ, which are separate SPZ, are contained within the Recommendation Report for Mineral Extraction.

48. The Panel is satisfied that the Plan structure is consistent with this national direction.

[5] Section 8: Zone Framework Standard, Mandatory Direction 3

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. SPECIAL PURPOSE ZONES

2.1. AIRPZ - Airport Zone - Te Takiwā Taunga Rererangi

Submissions and Further Submissions

49. Nine submission points and one further submission point were received on the Airport Zone as a whole, including zoned land, boundaries and noise contours. These were summarised in a Table on page 12 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

50. Forest and Bird (S560.391, S560.0541) requested clarification on the treatment of vegetation clearance in the district-wide chapters. Specifically, they sought to ensure that a consistent "*Other relevant Te Tai o Poutini Plan provisions*" section was included within the overview, encompassing all relevant chapters with an explanatory note. They seek that all Natural Environment Chapters and District-Wide Chapters be included in this section.

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51. Ms Easton acknowledged the general support from several submitters, including Totally Tourism Limited for the zoned Franz Josef Heliport and definition of "*airport activities*" (S449.003 and S449.001), Te Mana Ora for the role of airports and helipads in community connection and resilience (S190.1060), BDC (S538.580) for retention of the Airport Zone Chapter; and support from WDC (S181.047) supporting the objectives and policies.

52. GDC (S608.121) sought all references to "*Site or Area of Significance to Māori*" be removed from this Chapter. Ms Easton did not support this submission for the reasons discussed in the substantive matter in the s42A Report for Sites and Areas of Significance to Māori (**SASM**) and she recommended rejecting this submission. GDC's submission was opposed by Poutini Ngāi Tahu (FS41.034) in further submissions, which Ms Easton recommended accepting.

53. Ms Easton supported the inclusion of the more standardised and expanded "Other relevant Te Tai o Poutini Plan provisions" section in the Overview, as sought by Forest and Bird, and she considered this was consistent with recommendations on other chapters in the Plan.

54. Totally Tourism Limited (S449.004) sought that the Airport Noise Boundary at Franz Josef be amended to reflect the maximum air movements from either 2018 or 2019, if these were greater than those in 2017. Ms Easton supported this submission as she noted that the intention was that the contours reflect pre-COVID-19 peak use but do not provide for further expansion of heliport use beyond this peak.

55. Two submitters (S504.011 and S505.011) sought to have the airport nose contours removed from their property and other properties in the same situation. Ms Easton did not support the requested change given that the purpose of the contours was to help protect the ongoing use of the airports, which were considered critical infrastructure. She also noted that the noise contours did not impact existing uses but that new development

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

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

Hearing and Submitter Evidence/Statements

57. Mr Jonathan Bhana-Thomson, for the New Zealand Heavy Haulage Association, reiterated the submitters request for recognition in the Airport Zone that relocated buildings for non-residential purposes could occur.

58. Poutini Ngāi Tahu provided a hearing statement opposing the submission point of GDC (S608.121).

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

60. The Panel accepts Ms Easton's recommendation to accept the Forest and Bird submission and recommends amendments to the Overview to standardise cross-refencing to other chapters of the Plan.

61. The Panel accepts the reasoning set out in the s42A Report and agrees with Ms Easton's recommendation that no other changes to the notified version are required to the Airport Zone Chapter in response to submissions on the whole chapter. However, we note that a consequential amendment to accepting the submission point from Laurence McGuire (S458.001) to include *'Haast Airfield'* in the Overview is required. The Panel acknowledges the Franz Josef Heliport, Haast Airfield and Karamea Aerodrome are not included within the definition of '*regionally significant infrastructure',* while Westport and Hokitika are included, and therefore the Panel are satisfied that the term *"critical infrastructure"* should remain in the Overview in this context.

62. In considering the recommended addition of Haast Airfield to the Airport Zone Overview, the Panel notes the Plan definition for '*Airport Activities'* also needs a consequential amendment to include the Haast Airfield. Our recommended consequential amendment to the definition is also included below.

63. The Panel note the provisions do not use consistent terms throughout the provisions. We consider the provisions should use '*airports, airfields, aerodromes and heliports*' to reflect the names of the existing airport zone facilities, where appropriate. We have made these consistency changes to the terms used in the provisions where necessary and to reflect the addition of the Haast Airfield.

Hearing Panel's Recommendation

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

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

AIRPZ Airport Zone – Te Takiwā Taunga Rererangi

Overview

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

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

Other relevant Te Tai o Poutini Plan provisions

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

These overlays can be viewed on the planning maps.

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

The Rules in relation to the Airport Noise Contour Overlays can be found in the NOISE Chapter at Rule NOISE - R~~10~~**7**.

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

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

[6] Consequential amendment Laurence McGuire S458.001
[7] Consequential amendment Laurence McGuire S458.001

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

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

AIRPORT ACTIVITIES

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

a. Aircraft operations, including landing, taxiing and take off;

b. Airport operations, including freight, luggage and passenger facilities;

c. Airport navigational, control and safety equipment;

d. Aviation, educational and training and recreational facilities and activities;

e. Maintenance and servicing of aircraft;

f. Fuel installations and fuel servicing facilities;

g. Warehousing and storage;

h. Catering and preparation of food;

i. Access roads, car parking, walkways and cycleways;

j. Emergency services.

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

AIRPZ - Airport Zone Objectives

Submissions and Further Submissions

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

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

[8] Royal Forest Bird Protection Society Incorporated S560.391 and S560.0541
[9] Consequential amendment Laurence McGuire S458.001

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

70. The Panel accepts the reasoning set out in the s42A Report and agrees with Ms Easton's recommendation that no changes are required to the notified Airport Objectives, apart from a consequential change to AIRPZ-02 arising from Ms Easton's recommendation to accept the submission from Laurence McGuire (S458.001) to include Haast Airfield within the Airport Zone Chapter provisions. We discuss this submission in detail in relation to the Airport Zone rules below. Amendments are also made to ensure consistent reference to the full range of airports, airfields, aerodromes and heliports included in the zone.

71. The Panel have considered whether "*critical infrastructure*" needs to be changed to "*regionally significant infrastructure*" in the objective AIRPZ-O1, but the Greymouth Aerodrome is not included in the definition of "*regionally significant infrastructure*" so our recommendation is to not make consequential changes in this context. We were not given evidence in support of including Greymouth Aerodrome in the definition of "*regionally significant infrastructure*". The notified definition of "*critical infrastructure*" only included "*airports*" (e.g. Westport and Hokitika) as opposed to "*airfields, aerodromes and heliports*".

Hearing Panel's Recommendation

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

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

[10] Laurence McGuire S458.001

To manage the potential reverse sensitivity effects on the airports**, airfields, aerodromes**[11] and heliports in the AIRPZ - Airport Zone by providing noise contours and requirements for mitigation of these effects during subdivision and development.
AIRPZ - O4
To ensure that the airport**s, airfields, aerodromes and heliports** and related activities within the AIRPZ - Airport Zone maintain an acceptable level of noise amenity that recognises the**ir** inherent function, alongside the need for general amenity, for those using the **airports, airfields, aerodromes and heliports**[12] and living adjacent to them.

AIRPZ - Airport Zone Policies

Submissions and Further Submissions

73. Twenty-two submission points and one further submission point relating to the Airport Zone Policies (as a whole) were summarised in a Table on pages 15-17 of the s42A Report.

74. One submission point sought a new policy to support the temporary use of the Greymouth Aerodrome as an outdoor entertainment facility.

75. Two submission points were made by the same submitters in support of policies **AIRPZ-P1**, **AIRPZ-P2**, **AIRPZ-P3** and **AIRPZ-P4**. The submission points sought to retain the policies as notified.

76. One submission point was made in relation to Policy **AIRPZ-P5**, which sought to retain the policy as notified. A further submission point was made in support of this.

77. One submission point was made in relation to Policy **AIRPZ-P6**, which sought to retain the policy as notified.

78. Two submission points relating to Policy **AIRPZ-P7** were summarised in a Table on page 16 of the s42A Report. One submission point supported the retention of the policy as notified and one sought amendment.

79. Two submission points were made in support of each of the policies **AIRPZ-P8**, **AIRPZ-P9**, and **AIRPZ-P10** and sought to retain the policies as notified.

80. Three submission points relating to Policy **AIRPZ-P11** were summarised in a Table on pages 16-17 of the s42A Report. Two submission points supported the retention of the policy as notified, and one sought amendment.

81. The Panel has considered all the relevant submissions and adopts the summaries in the s42A Report.

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[11] RMA First Schedule Clause 16(2)
[12] RMA First Schedule Clause 16(2)

82. Ms Easton acknowledged the support from the submitters who supported the majority of the policies as notified. However, she acknowledged her recommended amendments in response to other submissions on policies **AIRPZ–P7** and **AIRPZ-P11**.

83. Ms Easton supported GDC's (S608.123) request for an additional policy to provide for the temporary use of Greymouth's aerodrome as an outdoor entertainment facility and recommended the following wording:

> ***AIRPZ–P12***
>
> *To allow the use of the Greymouth Aerodrome as an outdoor events and entertainment, where this will not compromise its primary use as an aerodrome.*

84. Ms Easton supported the request of Poutini Ngāi Tahu (S620.251) to split clause (c) of Policy **AIRPZ-P7** into two clauses to improve clarity.

85. Ms Easton recommended that **AIRPZ-P7** be amended as follows:

> ***AIRPZ-P7***
>
> *To allow for the future expansion of the Hokitika and Westport Airports aviation activities including a lengthened runway, aircraft hangers and expanded terminal whilst:*
>
> *a. Minimising effects on amenity values and traffic effects on the land transport network;*
>
> *b. Ensuring noise and light emissions remain at an acceptable level, particularly in relation to sensitive activities; ~~and~~*
>
> *c. Recognising natural features and landforms, waterbodies, coastal environment, indigenous vegetation, historic heritage, sites and areas of significance to Poutini Ngāi Tahu, archaeological sites or scheduled features~~,~~; **and***
>
> ***d.** ~~including by~~ using best practice industry requirements and technology to ensure efficient use of land and to reduce effects.*

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

87. Ms Easton recommended that Policy AIRPZ-P11 be amended as follows:

> ***AIRPZ-P11***
>
> *To minimise the development or location of large **artificial** areas of open water, or other land disturbance which could act as a significant bird attractant near to the airports and heliports in the AIRPZ - Airport Zone.*

Hearing and Submitter Evidence/Statements

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

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

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

Hearing Panel's Recommendation

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

AIRPZ – P1

Enable the efficient operation, use and development of the West Coast/Te Tai o Poutini public airports, **airfields, aerodromes**[13] and heliports by providing for aviation activities and associated infrastructure necessary for them to operate in a safe and efficient manner.

AIRPZ – P2

Ensure that aircraft takeoff and landing, and safe airport**, airfield, aerodrome**[14] and heliport function is not affected by the intrusion of vegetation and into approach paths within the Airport Approach Path Overlay.

AIRPZ – P3

Manage adverse effects on amenity values arising from the on-going development, use and maintenance of the airports**, airfields, aerodromes** and helip~~ads~~**orts**[15] in the AIRPZ - Airport Zone.

AIRPZ – P4

Ensure that the noise associated with the operation of the airports**, airfields, aerodromes**[16] and heliports within the AIRPZ - Airport Zone does not exceed nationally accepted standards, and that any new noise sensitive activities provide adequate acoustic management.

AIRPZ – P5

[13] RMA First Schedule Clause 16(2)
[14] RMA First Schedule Clause 16(2)
[15] RMA First Schedule Clause 16(2)
[16] RMA First Schedule Clause 16(2)

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

AIRPZ – P6

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

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

AIRPZ – P7

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

a. Minimising effects on amenity values and traffic effects on the land transport network;

b. Ensuring noise and light emissions remain at an acceptable level, particularly in relation to sensitive activities; ~~**and**~~

c. Recognising natural features and landforms, waterbodies, coastal environment, indigenous vegetation, historic heritage, sites and areas of significance to Poutini Ngāi Tahu, archaeological sites or scheduled features~~**.**~~**; and**

d. ~~**including by**~~[19] **U**~~u~~sing best practice industry requirements and technology to ensure efficient use of land and to reduce effects.

AIRPZ – P8

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

AIRPZ – P9

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

AIRPZ – P10

To manage the risks of natural hazards to the airports**, airfields, aerodromes** and helip~~ads~~**orts**[22] within the AIRPZ - Airport Zone including:

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

[17] RMA First Schedule Clause 16(2)
[18] RMA First Schedule Clause 16(2)
[19] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.251
[20] RMA First Schedule Clause 16(2)
[21] RMA First Schedule Clause 16(2)
[22] RMA First Schedule Clause 16(2)

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

AIRPZ – P11

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

AIRPZ – P12

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

AIRPZ - Airport Zones Rules

Submissions and Further Submissions

93. One submission point relating to the Airport Zone Rules (as a whole) was received that sought a new permitted activity rule.

94. Three submission points supporting Rule **AIRPZ-R1** as notified were received.

95. Three submission points and one further submission point relating to Rule **AIRPZ-R2** were summarised in a Table on pages 18-19 of the S42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments.

96. Two submission points supporting Rule **AIRPZ-R3** as notified were received.

97. Two submission points supporting Rule **AIRPZ-R4** as notified were received.

98. One submission point supporting Rule **AIRPZ-R5** as notified was received.

99. Three submission points relating to Rule **AIRPZ—R6** were summarised in a Table on page 19 of the s42A Report. Two submission points supported the retention of the rule as notified and the remaining submission point sought amendments.

100. Three submission points relating to Rule **AIRPZ—R7** were summarised in a Table on page 20 of the s42A Report. Two submission points supported the retention of the rule as notified and the remaining submission point sought amendments.

101. Three submission points and one further submission point relating to Rule **AIRPZ-R8** were summarised in a Table on page 20 of the s42A Report. One submission point supported the retention of the rule as notified and the remaining submission points sought amendments.

102. Four submission points relating to Rule **AIRPZ-R9** were summarised in a Table on pages 20-21 of the s42A Report. Two submission points supported the retention of the rule as notified and the remaining submission points sought amendments.

[23] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.410
[24] Grey District Council S608.123

103. One submission point supporting the retention of Rule **AIRPZ-R10** as notified was received.

104. One submission point supporting the retention of Rule **AIRPZ-R11** as notified was received.

105. The Panel adopts the s42A Report summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Rules (General)

106. Ms Easton acknowledged the support from submitters for the majority of the rules as notified.

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

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

> ***AIRPZ – RXXX Outdoor events and entertainment activities at Greymouth Aerodrome***
>
> ***Activity Status Permitted:***
> *Where:*
> *1. No building or structure, including temporary buildings and structures, shall protrude into the Airport Approach Path for Greymouth Aerodrome identified on the planning maps and as described in Appendix Nine.*

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

109. Ms Easton supported the submission point made by WDC (S181.048) regarding the allowance for cropping. However, she considered the rule, as notified, already provided for cropping as a permitted activity and therefore no changes to the wording were required.

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

AIRPZ-R6, R7, R8, R9 and R10

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

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

112. Ms Easton was supportive of the submission from Poutini Ngāi Tahu (S620.256) that sought an additional matter of discretion to Rule AIRPZ – R8 – "*incorporating Poutini Ngāi Tahu design principles into buildings"*. She noted that the submission was consistent with the intention and direction provided in Policy AIRPZ–P9 and considered its omission from this rule was a drafting error. She recommended the additional matter of discretion for AIRPZ–R8 as outlined below.

113. Ms Easton was supportive of WDC's (S181.049) request to exclude Hokitika Airport from AIRPZ–R9 and to classify visitor accommodation at that airport as a discretionary activity. Ms Easton considered that the development of visitor accommodation at Hokitika Airport did not fit with the overall planning approach that WDC has taken to the expansion of commercial activities and visitor accommodation in Hokitika. She considered that a discretionary activity status was more appropriate.

114. Laurence McGuire (S458.001) sought the inclusion of Haast Airfield within the Airport Zone. The submission included a range of information about the airfield, its use, and significance to Haast, as well as its importance to the wider South Westland area. This submission was supported by two further submissions by Erin Stagg (FS42.1) and P.E. Property Trust (FS88.1), who sought that the area included in a Haast Airfield Airport Zone incorporated the helicopter operations area on their property.

115. Ms Easton noted that the Haast Airfield had not been included because the land was privately owned. However, she supported the relief sought because she considered the information provided by the submitter and further submitters provided 'a compelling case' for the inclusion of the Haast Airfield within the Airport Zone, and the WDC supported this position. Although the land is privately owned, she acknowledged the airfield had a similar importance to that played by Karamea Aerodrome in the north of the West Coast.

116. Ms Easton also considered that sufficient information was provided by the submitter to identify an Airport Flight Path Overlay for the airfield, which could be included on the Planning Maps. She noted the submitter had provided, as part of their technical planning information ahead of the hearing, a noise report prepared by Marshall Day Acoustics with recommended noise contours for the Haast Airfield. Ms Easton supported and recommended that those noise contours should be included on the Planning Maps.

117. In terms of the application of rules, Ms Easton noted that the noise contours covered most of the property, and she therefore did not consider it was appropriate for Rule AIRPZ-R9 to apply to Haast Airfield. She considered that visitor accommodation activities should be a non-complying activity at that location.

118. In summary, in response to the submission from Laurence McGuire, Ms Easton recommended the following:

    (a) That the Haast Airfield (Lot 4 DP 3407 and Lot 1 DP 2832) be included within the Airport Zone and shown on the Planning Maps as such.

(b) That the Airport Flight Path Overlay for Haast Airfield be included in Appendix Nine and on the Planning Maps.

(c) That the 55 dB Ldn[25] Noise Contour Boundary for Haast Airfield be included on the Planning Maps.

(d) That consequential amendments be made to the Airport Zone Chapter to provide for Haast Airfield within the Airport Zone.

119. The further submission from P.E. Property Trust (FS88.1) sought to include their land within a Haast Airport Zone. It also sought a range of amendments to the zone provisions, including the provision of residential dwellings as a permitted activity. Ms Easton did not support these submission points and considered that residential activity was not an appropriate activity to include in an Airport Zone. She also considered that the further submitter had not provided sufficient information for an aircraft flight path overlay or noise contours concerning the helicopter operations. For these reasons, she did not support the relief sought in the further submission.

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

> **AIRPZ – R6 Industrial Activities and Buildings at Hokitika or Westport Airport or Greymouth Aerodrome**
> **Activity Status Restricted Discretionary**
> Where:
> 1. All performance standards for Rule AIRPZ – R1 are complied with.
>
> **Matters of discretion are:**
>
> **…**
>
> ***j. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010***

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

> **AIRPZ – R7 Commercial Activities and Buildings other than Visitor Accommodation at Hokitika or Westport Airport or Greymouth Aerodrome**
> Activity Status Restricted Discretionary
> Where:
> 1. All performance standards for Rule AIRPZ – R1 are complied with.
>
> **Discretion is restricted to:**
> …
>
> ***j. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010***

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

> **AIRPZ - R8 Airport Activities and Fences, Walls and Retaining Walls not meeting Permitted Activity Standards**
> **Activity Status Restricted Discretionary**
> Where:

[25] Day-Night Average Sound Level

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

Discretion is restricted to:

…

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

i. Incorporating Poutini Ngāi Tahu design principles into buildings.

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

AIRPZ - R9 Visitor Accommodation at ~~Hokitika and~~ Westport Airport or Greymouth or Karamea Aerodrome
Activity Status Restricted Discretionary
Where:
1. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine; and
2. Visitor accommodation buildings shall meet the standards specified in Rule NOISE R3.

Discretion is restricted to:

…

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

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

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

AIRPZ - R10 Industrial and Commercial Activities and Buildings not meeting Restricted Discretionary Activity Standards
Activity Status Discretionary
Where:
1. This does not include Visitor Accommodation ***except where this is located at Hokitika Airport;*** and…

Hearing and Submitter Evidence/Statements

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

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

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

Reporting Officer Reply Evidence

128. No specific points were made in the Reply Evidence regarding the recommended changes to Airport Zone rules discussed above. It is noted that the matter of visitor accommodation at Haast Airfield is considered below.

129. In relation to Rule AIRPZ – R9, Ms Easton responded to questions from the Panel as to her view on the appropriateness of the Visitor Accommodation rule at Haast Airfield. She altered her view from her s42A Report and considered that there was scope in the submission to make the change sought by the submitter, namely that the airfield be included in the Airport Zone. She recommended amendments to Rule AIRPZ-R9, as follows:

> **AIRPZ - R9 Visitor Accommodation at ~~Hokitika and~~[26] Haast Airfield[27], Westport Airport or Greymouth or Karamea Aerodrome**
>
> **Activity Status Restricted Discretionary**

Hearing Panel's Evaluation

130. The Panel accepts Ms Easton's recommended additions to rules AIRPZ-R6, R7, R8, R9, and R10 to include an additional matter of discretion relating to wastewater, water supply, and stormwater management, as well as design compliance with NZS 4404:2010, enabling assessment of those matters at the resource consent stage.

131. The Panel also agree with Ms Easton's recommendation to include as a new matter of discretion to AIRPZ-R8 incorporating Poutini Ngāi Tahu design principles into buildings. We agree this addition links well with Policy AIRPZ-P9 and note that points of arrival and departure for air travellers are suitable locations and opportunities for such design principles to be utilised.

132. The Panel agrees with Ms Easton's recommendation to exclude Hokitika Airport from AIRPZ–R9 and to classify visitor accommodation at that airport as a discretionary activity. We agree that the development of visitor accommodation at Hokitika Airport does not align with the overall planning approach taken by WDC regarding the expansion of commercial activities and visitor accommodation in Hokitika.

133. The Panel agrees that a new permitted activity rule (AIRPZ-R6) should be added to the zone to provide for the temporary use of the Greymouth Aerodrome as an outdoor entertainment facility. We agree its size and location make it suitable for temporary outdoor events and entertainment. This new rule provides a method to give effect to the new policy related to the new and additional use of the Greymouth Aerodrome. We note that rule as drafted was missing an activity status where not complied with and we consider in such circumstances that status should be non-complying given it is about aircraft safety.

134. The Panel agrees with Ms Easton's reasoning and recommendation that Haast Airfield (Lot 4 DP 3407 and Lot 1 DP 2832) be included within the Airport Zone and shown on the Planning Maps accordingly. We agree that the submission by Laurence McGuire (S458.001) includes information that provides a compelling case for inclusion of the Haast Airfield

[26] Westland District Council S181.049
[27] Laurence McGuiire S458.001

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

135. The Panel also agree with Ms Easton's assessment regarding visitor accommodation and recommend this is provided for as a discretionary activity. We consider Haast Airfield should be treated the same as other airports and aerodromes named in the rule.

136. The Panel recommends other minor changes to wording for consistency (as discussion in relation to the whole zone above) and consequential renumbering to accommodate the recommended new permitted activity rule.

Hearing Panel's Recommendation

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

Airport Zone Rules	
Permitted Activities	
AIRPZ– R1	**Airport Activities**
Activity Status Permitted Where: 1. The maximum gross ground floor area of a single building is 2000m^2; 2. No building, structure or tree shall protrude into the Airport Approach Path of any airport**,** **airfield**[28] or aerodrome identified on the planning maps and as described in Appendix Nine; and 3. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m from internal boundaries. **Activity status where compliance not achieved: Restricted Discretionary**	
AIRPZ– R2	**Grazing, cropping, moss collection and beekeeping Activities**
Activity Status Permitted Where: 1. No building, structure or tree shall protrude into the Airport Approach Path of any airport**,** **airfield**[29] or aerodrome identified on the planning maps and as described in Appendix Nine. **Activity status where compliance not achieved:** Non-complying	
AIRPZ– R3	**Emergency Service Facilities**
Activity Status Permitted Where:	

[28] Consequential amendment Laurence McGuire S458.001
[29] Consequential amendment Laurence McGuire S458.001

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

Activity status where compliance not achieved: Non-complying

AIRPZ– R4	Network Utility and Meteorological Structures

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Non-complying

AIRPZ– R5	Fences Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Restricted Discretionary

AIRPZ– R6	**Outdoor events and entertainment activities at Greymouth Aerodrome**[33]

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

AIRPZ– R~~6~~7	Industrial Activities and Buildings at Hokitika or Westport Airport or Greymouth Aerodrome

Activity Status Restricted Discretionary

Where:

[30] Consequential amendment Laurence McGuire S458.001
[31] Consequential amendment Laurence McGuire S458.001
[32] Consequential amendment Laurence McGuire S458.001
[33] Grey District Council S608.124

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

Discretion is restricted to:

~~Matters of discretion are:~~ [34]

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

Activity status where compliance not achieved: Discretionary

AIRPZ– R~~7~~8	**Commercial Activities and Buildings other than Visitor Accommodation at Hokitika and Westport Airports and Greymouth Aerodrome**

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

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

AIRPZ– R~~8~~9	**Airport Activities and Fences, Walls and Retaining Walls not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

[34] RMA First Schedule Clause 16(2)
[35] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[36] Grey District Council S608.791
[37] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[38] Grey District Council S608.792

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

Discretion is restricted to:

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

AIRPZ– R~~9~~10 Visitor Accommodation at ~~Hokitika and~~[42] Haast Airfield,[43] Westport Airport or Greymouth or Karamea Aerodrome

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

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

Activity status where compliance not achieved: Non-complying

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

[39] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[40] Grey District Council S608.793
[41] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.256
[42] Westland District Council S181.049
[43] Laurence McGuiire S458.001
[44] Consequential amendment Laurence McGuire S458.001
[45] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[46] Grey District Council S608.794
[47] Consequential amendment Westland District Council S181.049

Discretionary Activities

AIRPZ– R1~~0~~1	**Industrial and Commercial Activities and Buildings not meeting Restricted Discretionary Activity Standards**

Activity Status Discretionary

Where:

1. This does not include Visitor Accommodation **except where this is located at Hokitika Airport**[48]; and
2. No building, structure or tree shall protrude into the Airport Approach Path of any airport**, airfield**[49] or aerodrome identified on the planning maps and as described in Appendix Nine.

Activity status where compliance not achieved: Non-complying

Non-complying Activities

AIRPZ– R1~~1~~2	**Any activity not provided for by another Rule in the zone**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

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

Activity Status Non-complying

Activity status where compliance not achieved: N/A

AIRPZ - Airport Zone Appendix Nine: Airport Approach Path Overlay

Submissions and Further Submissions

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

Section 42A Report

Standards (General)

139. Ms Easton supported the nine submission points[50] that requested the Airport Flight Path Overlay for Westport Airport be amended to reflect the overlay as currently set out in the Buller District Plan. She considered this would correct an error in the Plan resulting from the incorrect shape file being supplied to the TTPP GIS team.

[48] Westland District Council S181.049
[49] Consequential amendment Laurence McGuire S458.001
[50] William McLaughlin (S567.550, S567.740), Chris & Jan Coll (S558.506, S558.715), Chris J Coll Surveying Limited (S566.506, S566.715), Laura Coll McLaughlin (S574.506, S574.715) and Buller District Council (S538.581)

140. In response to the three submissions[51] that sought to remove or increase the height of the Westport and Karamea Airport flight paths, Ms Easton did not support the relief sought. She noted that with the correct Flight Path Overlay for Westport Airport, the height restrictions would be the same as those in the operative Buller District Plan and were necessary to support the safety of airport use. In the case of the Karamea Airport, she noted the Flight Path Overlay only affected the runway area, which she considered was appropriate to protect aircraft safety.

141. For the reasons outlined in the preceding paragraph, Ms Easton supported in part the submission[52] that sought that alterations be made to the airport approach path for Westport to allow for more permitted activities and fewer restrictions.

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

144. The Panel accept Ms Easton's reasons and recommendation that the Airport Flight Path Overlay for Westport Airport is amended to reflect the overlay as currently set out in the Buller District Plan.

145. The Panel accepts Ms Easton's reasons and recommendation to not remove or increase the height of the Westport and Karamea Airport flight paths and to retain those provisions as notified.

146. The Panel recommends amendments to Appendix Nine to include the Haast Airfield, with the same requirements as for Karamea Aerodrome based on the submission and evidence of Mr McGuire and Mr Ibbotson.

Hearing Panel's Recommendation

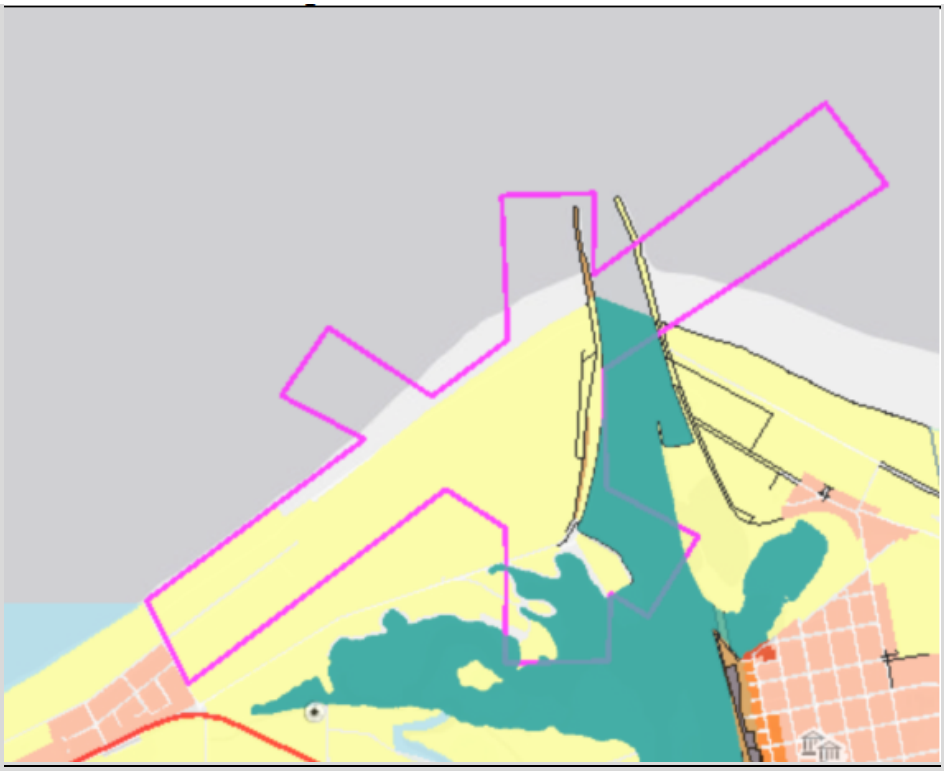
147. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points[53] are accepted or accepted in part, and recommend the following changes to the **Appendix Nine** and **Airport Approach Path Overlay for Westport Airport shown in the Planning Maps** so that it is the same as that found in the Operative Buller District Plan, as shown below:

Airport Zone – Appendix Nine: Airport Approach Path Overlay
Westport Airport**, Haast Airfield** and Karamea Aerodrome

[51] Kelsey Mundy (S41.001), Lyndal Watson (S42.001) and Neil Hateley (S139.001)
[52] Gail Dickson (S407.007)
[53] William McLaughlin S567.550, S567.740, Chris & Jan Coll S558.506, S558.715, Chris J Coll Surveying Limited S566.506, S566.715, Laura Coll McLaughlin S574.506, S574.715 and Buller District Council S538.581

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

Amendment to the Planning Maps – Westport Flight Path Overlay



Amendment to the Planning Maps – Haast Airfield Flight Path Overlay

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

Zoning Maps

Submissions and Further Submissions

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

Section 42A Report

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

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

151. In response to Panel questions regarding the potential for development within the proposed 55dBA noise contour at Haast Airfield, Ms Easton provided a map showing the location of the P.E. Property Trust sites in her Right of Reply. She noted that the 55dBA noise contour was tightly focused on the airfield and was almost entirely over land zoned General Rural Zone, except for a small area where it crossed airfield land into an area zoned Settlement Zone. Given the minimal area of land affected within the Settlement Zone, she considered it was probable that development could occur on the P.E. Property Trust sites, without locating any dwellings within the 55dBA noise contour.

152. In response to Panel questions regarding the extent of property affected at Karamea Aerodrome, Ms Easton provided maps showing the extent of the noise contour and the location of dwellings within the noise contour in her Right of Reply. She noted that existing dwellings had the benefit of existing use rights and therefore no modification as a result of the noise contour would be required. She also stated that new dwellings built within the noise contours would require mechanical ventilation to be installed. She noted acoustic experts had advised that modern building codes and insulation requirements imply that no additional requirements would be necessary when windows were closed but that mechanical ventilation may be required where the acoustic requirements cannot be met when windows are open.

Hearing Panel's Evaluation

153. As noted above, the Panel agrees with Ms Easton's reasoning and recommendation that Haast Airfield (Lot 4 DP 3407 and Lot 1 DP 2832) be included within the Airport Zone and shown on the Planning Maps accordingly.

154. The Panel agrees with Ms Easton that the submitter has provided sufficient evidence, including the noise report prepared by Marshall Day Acoustics, to recommend the inclusion of noise contours for the Haast Airfield. We accept Ms Easton's view that the 55dBA noise contour is tightly focused on the airfield and does not restrict existing development potential given the contour is mainly over land zoned General Rural Zone, except for a small area of Settlement Zone. We therefore agree with Ms Easton's recommendation to include noise contours for the Haast Airfield on the Planning Maps.

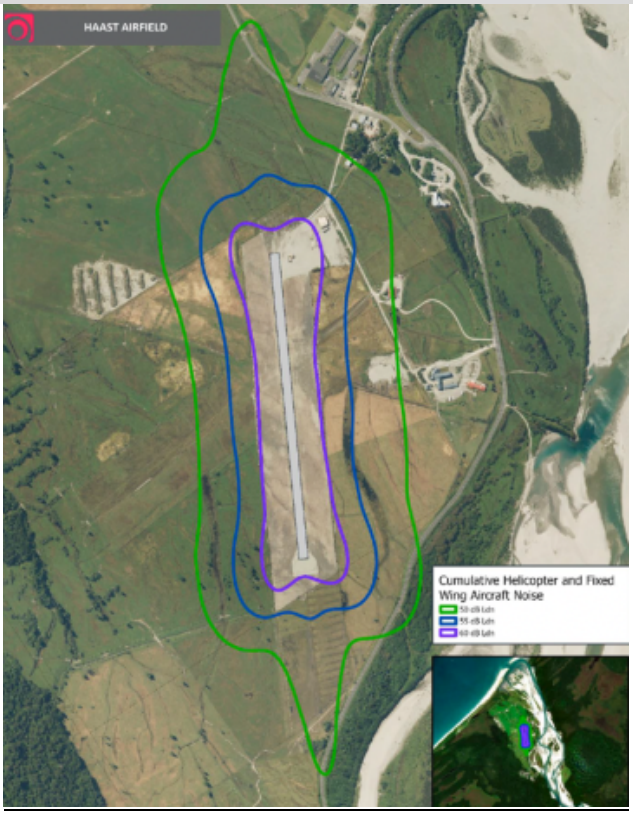
Hearing Panel's Recommendation

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

Airport Zone – Haast Airfield[54]



Haast Airfield - 55dB Ldn Noise Contour Boundary



[54] Laurence McGuire S458.001

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

Submissions and Further Submissions

156. Seven submission points and one further submission point relating to the Future Urban Zone (**FUZ**) Chapter as a whole were summarised in a Table on pages 29-30 of the s42A Report. The Panel adopts these summaries and has considered the submissions and further submission.

157. The Panel note that Toka Tū Ake EQC (S612.109) supported in part, raising concerns that some land identified for future urban development was subject to land instability, which is further considered in the rule framework.

Section 42A Report

158. Ms Easton did not support GDC's (S608.125) request that all references to the SASM in the FUZ Chapter be deleted for the reasons outlined in detail in the other s42A Reports.

159. Ms Easton noted the support of Westland District Council (S181.051), Te Mana Ora (S190.1102) and Toka Tū Ake EQC (S612.110) for the FUZ Chapter; and Peter Haddock's (S417.005) support for the FUZ over his property in the Grey District.

160. Forest and Bird (S560.393) sought that the Overview be amended to state that the land must be rezoned before any urban development can occur. Ms Easton did not support this because the provisions of the zone had been specifically developed to recognise the costs to the West Coast Councils in preparing plan changes to rezone land. She considered that provided a structure plan was developed to identify the appropriate zoning for a site, this would be sufficient to unlock the development of the land.

161. Ms Easton supported the inclusion of the more standardised and expanded "Other relevant Te Tai o Poutini Plan provisions" section in the Overview, as sought by Forest and Bird, to be consistent with the wider Plan provisions.

162. Charles Elley (S251.002) sought that the land block contained in DP 543155 be rezoned from GRUZ to FUZ to recognise the extensive existing infrastructure, which was required to be installed as part of a subdivision consent at Beach Drive, Westport. Ms Easton did not support this submission and provided information on the multiple natural hazards affecting the site that made it unsuitable for identification as FUZ.

163. Ms Easton did not recommend that any amendments to the whole FUZ Chapter in response to these submissions.

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

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

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

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

Hearing Panel's Evaluation

166. The Panel agrees with Ms Easton that her recommended amendments to the Overview can be made as a clause 16 amendment to clarify the identification of significant indigenous biodiversity values within FUZ is yet to be undertaken. We accept the proposed amendments do not alter the substance of the Overview but provide clarity that further assessment work is required. We have slightly modified Ms Easton's recommended wording to further enhance readability.

167. For similar reasons, the Panel consider an addition in response to the submission of Toka Tū Ake EQC regarding land instability risks is warranted.

Hearing Panel's Recommendation

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

Overview
This zone applies to land which is intended for housing and business purposes in the future. The FUZ - Future Urban Zone applies to rural land which has been identified as being suitable for these purposes. It is located in places where this need may arise as a result of natural hazards and the need for managed retreat for settlements. The zone is a holding zone where land can continue to be used for a range of rural activities and subdivision and urban development are discouraged until a structure plan is prepared, or the land is rezoned. Structure planning helps achieve an optimal type, form and extent of urban development and demonstrates how future development can be adequately serviced by infrastructure. Rural-lifestyle subdivision, use and development, non-farming related industry and commercial activities are discouraged in the FUZ - Future Urban Zone along with ad hoc urban development. Subdivision and development is restricted to limit fragmentation of land and to maintain the land's character, amenity and productive capability in the interim. The FUZ - Future Urban Zone is currently proposed in some areas on the fringes of Greymouth, as well as some locations around Franz Josef. **It is noted that significant indigenous biodiversity values in areas of the Future Urban Zone have not been assessed before the identification of areas as the Future Urban Zone, and that this work**

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

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for ~~hospital~~ **Future Urban Zone**[57] activities, including:

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

FUZ- Future Uban Zone Objectives and Objective SUB - 04

Submissions

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

[55] RMA First Schedule Clause 16(2)
[56] Toka Tū Ake EQC (S612.109)
[57] RMA First Schedule Clause 16(2)
[58] Royal Forest and Bird Protection Society Incorportated S560.394, S560.391, S560.054

170. Six submission points relating to Objective **SUB-04** were summarised in a Table on page 32 of the s42A Report. Four submission points supported the retention of the objective as notified and two submission points sought amendments.

171. The Panel adopts these summaries and has considered the relevant submissions.

Section 42A Report

172. Ms Easton acknowledged most of the submissions supported all or individual objectives.

173. Toka Tū Ake EQC (S612.112) sought amendment of FUZ – O4 to include the process used to identify risk levels regarding natural hazard risk, identification of levels of risk tolerance/risk thresholds and whether risk tolerance levels had been met; and queried whether there had been the opportunity for external agencies and individuals to submit on the Plan. Ms Easton supported this submission in part and considered that this objective needed amendment.

174. Ms Easton noted that the natural hazard thresholds referred to were those where managed retreat was required and not that the FUZ land met some specific natural hazard threshold. She explained that FUZ-O4 was developed when the primary purpose of FUZ was to hold land for managed retreat. However, she noted this had changed through the Plan development process and that the areas related to this objective had their zoning changed from FUZ following draft Plan feedback. She noted that due to an error, FUZ-O4 had not subsequently been amended. She highlighted FUZ now existed in only two locations (Franz Josef and Greymouth) and that did not support future managed retreat. Ms Easton, therefore, recommended FUZ-O4 be amended as follows:

> **FUZ – O4**
>
> Urbanisation on sites zoned FUZ - Future Urban Zone occurs in a planned manner either by Plan Change, or by implementation of a Structure Plan ~~where Council resolution identifies that natural hazard risk thresholds have been met~~.

175. Ms Easton did not support BDC (S552.107) and Frida Inta's (S552.107) request to amend Objective SUB-O4 to refer to protecting valuable horticultural land from urban sprawl. She noted that while this matter was the subject of the NPS for Highly Productive Land, no FUZ areas met the NPS criteria (Land Use Classes 1-3). She also noted locations with Land Use Class 3 were adjacent to Westport and Karamea, in areas subject to significant flood hazards; and in the upper Grey Valley where there was no urban development. On this basis, she did not recommend any amendments to Objective SUB – 04.

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

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

Hearing Panel's Recommendation

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

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

FUZ - Future Urban Zone Policies

Submissions

180. Six submission points relating generally to the policies as a whole were summarised in a Table on page 33 of the s42A Report. Four submission points supported the retention of the policies as a whole and two submission points sought a new policy.

181. One submission point supported retention of **FUZ–P1** as notified.

182. One submission point supported retaining **FUZ–P2** as notified.

183. Two submission points relating to **FUZ – P3** were summarised in a Table on page 34 of the s42A Report, with one supporting the policy as notified and one seeking amendments.

184. Two submission points supported retaining **FUZ–P4** as notified.

185. Two submission points supported retention of **FUZ–P5** as notified.

[59] Toka Tū Ake EQC S612.112

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

Section 42A Report

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

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

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

> **FUZ - P3**
>
> Avoid subdivision, use and development of land that may result in one or more of the following:
>
> a. Structures and buildings of a scale and form that will hinder or prevent future urban development;
> b. Compromise the **safe,** efficient and effective operation of a future urban transport and infrastructure networks;
>
> ....

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

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

Hearing Panel's Recommendation

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

FUZ – P1

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

FUZ – P2

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

FUZ – P3

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

a. Structures and buildings of a scale and form that will hinder or prevent future urban development;

b. Compromise the **safe,**[60] efficient and effective operation of ~~a~~ future urban transport and infrastructure networks;

c. The provision, or extension of the transport, wastewater, water supply, stormwater networks or other infrastructure unless this is provided as part of the development in a way that will not compromise the ultimate infrastructure configuration of the zone;

d. Create or extend infrastructure out of sequence or that is not contiguous with the existing network infrastructure;

e. Establishment of incompatible activities that could give rise to reverse sensitivity issues when urban development occurs; or

f. Undermine the form or nature of future urban development or compromise the integrity of any relevant Structure Plan.

FUZ – P4

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

a. The provision of the necessary infrastructure by any person or by the Council for any part or all of that land;

b. The provision of wastewater infrastructure that utilises disposal to land or connects to a Council operated reticulated system;

c. Infrastructure servicing plans that are approved by Council, prior to the removal of the Future Urban Zone, which are required to be implemented under the urban zone through subsequent subdivision or development.

FUZ – P5

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

[60] Waka Kotahi NZTA S450.293

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

FUZ - Future Urban Zone Rules and Rule SUB–R12

Submissions and Further Submissions

Rules

194. Two submission points and a further submission point received on the rules as a whole were summarised in a Table on page 35 of the s42A Report. Both submission points sought amendments and the further submission supported in part.

195. Seven submission points received on **FUZ-R1** were summarised in a Table on page 35 of the s42A Report. Four submission points supported the rule as notified and three sought amendments in the form of an advice note.

196. Four submission points received on **FUZ-R2** were summarised in a Table on page 36 of the s42A Report. One submission point supported the rule as notified and three sought amendments.

197. Five submission points received on **FUZ-R3** were summarised in a Table on page 36 of the s42A Report. Two submission points supported Rule FUZ-R3 as notified and three sought amendments.

198. Four submission points received on **FUZ-R4** were summarised in a Table on page 36 of the s42A Report. One submission point supported Rule FUZ-R4 as notified and three sought amendments.

199. Four submission points supported **FUZ-R5** as notified.

200. Five submission points and a further submission point relating to **FUZ—R6** were summarised in a Table on pages 37-38 of the s42A Report. One submission point supported the rule as notified and one sought amendment, with a further submission in support. Three submissions sought to have the rule deleted.

201. Four submission points relating to **FUZ—R7** were summarised in a Table on page 38 of the s42A Report. One submission point supported the retention of the rule as notified and three submission points sought amendments.

202. Eight submission points relating to **FUZ—R8** were summarised in a Table on page 38 of the s42A Report. One submission point supported the rule as notified and seven submission points sought amendments.

203. Eleven submission points and three further submission points relating to **FUZ-R9** were summarised in a Table on page 39 of the s42A Report. Nine submission points sought amendments and one sought an amendment to require all mining activities to require consent, with two of the further submission points opposing this submission point and one supporting it.

204. Six submission points relating to **FUZ—R10** were summarised in a Table on pages 39-40 of the s42A Report. Two submission points supported the rule as notified and three

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

205. Four submission points relating to **FUZ-R11** were summarised in a Table on page 40 of the s42A Report. One submission point supported the rule as notified and three submission points sought that the rule be deleted.

206. Four submission points relating to **FUZ-R12** were summarised in a Table on page 40 of the s42A Report. One submission point supported the rule as notified and three submission points sought amendments to the rule.

207. Four submission points relating to **FUZ-R13** were summarised in a Table on page 41 of the s42A Report. One submission point supported the rule as notified and three sought amendments to the rule.

208. Four submission points relating to **FUZ-R14** were summarised in a Table on page 41 of the s42A Report. One submission point supported the rule as notified and three submission points sought amendments to the rule.

209. Four submission points that sought amendments to **FUZ-R15** were summarised in a Table on page 42 of the s42A Report.

210. Four submission points relating to **FUZ-R16** were summarised in a Table on page 42 of the s42A Report. One submission point supported the rule as notified and three submission points sought amendments.

211. Four submission points relating to **FUZ-R17** were summarised in a Table on pages 42-43 of the s42A Report. One submission point supported rule as notified and three submission points sought amendments.

212. Ten submission points relating to **FUZ-R18** were summarised in a Table on page 43 of the s42A Report. One submission point supported the rule as notified and nine submission points sought amendments.

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

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

FUZ – R20 – FUZ -R24 Non complying activities

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

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

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

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

Section 42A Report

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

Permitted Activities FUZ – R1 – FUZ – R10

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

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

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

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

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

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

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

223. Ms Easton supported William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited's (S566.208, S556.642) requests to delete Rule FUZ-R6. She noted the principal issue that the TTPP sought to manage in relation to relocated buildings was amenity issues for adjacent neighbours. She agreed that there were some zones (including the FUZ) where regulation of relocated buildings was unnecessary. She therefore recommended the deletion of the rule.

224. Ms Easton supported GDC's (S608.126) request to amend Rule FUZ–R8 to require records of letting visitor accommodation to be provided annually, instead of on request, because it created a much clearer permitted activity standard and would better enable the Councils to manage compliance.

225. Ms Easton did not support William McLaughlin (S567.676), Chris & Jan Coll (S558.644) and Chris J Coll Surveying Limited's (S566.644) request to delete the advice note regarding NOISE-R3 requirements. She noted an advice note had no legal status and was not part of the rule. She explained the requirements of Rule NOISE-R3 were a District-wide provision and applied regardless of the advice note. She did not recommend any amendments to this rule.

226. Several submission points were received concerning FUZ–R9 Mineral Prospecting and Exploration. Te Mana Ora (S190.1120) sought that this activity did not occur within a Drinking Water Source Protection Zone (**DWSPZ**). Minerals West Coast (S569.027) sought that mineral extraction be added to this rule. William McLaughlin (S567.678), Chris & Jan Coll (S558.646) and Chris J Coll Surveying Limited (S566.646) sought that clause (1) of the rule be amended to refer to authorisations from NZPAM only where these were legally required. William McLaughlin (S567.679), Chris and Jan Coll (S558.647), and Chris J Coll Surveying Limited (S566.647) also sought to extend the timeframe for clause (3), related to topsoil disturbance, until a period after the cessation of mining activity.

227. Ms Easton considered the most appropriate approach to Rule FUZ-R9 was to be consistent with the recommendations of the Mineral Extraction s42A Report, where these issues were canvassed. She noted the Mineral Extraction s42A Report did not recommend changes to the timeframe for land disturbance stabilisation and therefore did not support changes. She did not support Minerals West Coast's request to expand the permitted activity to include mineral extraction because mineral extraction can involve the use of hazardous substances and affect hydrology, potentially leaving the land in a state unsuitable for urban development. She supported a requirement that the activity be authorised under a prospecting or exploration permit from NZPAM, where this is required.

228. Ms Easton did not support the submission of Te Mana Ora because no DWSPZ had been identified on the West Coast. She also did not support Forest and Bird's (S560.0542) request that all mining activities require consent and that an ecological assessment be required for all resource consent applications. She considered there were circumstances where an ecological assessment would not be required, particularly concerning mineral prospecting and exploration.

229. Ms Easton recommended the following amendments to Rule FUZ – R9:

FUZ - R9 Mineral Prospecting and Exploration

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

Activity status where compliance not achieved: Restricted Discretionary

230. In relation to Rule FUZ – R10, William McLaughlin (S567.680), Chris & Jan Coll (S558.649) and Chris J Coll Surveying Limited William McLaughlin (S567.680), Chris & Jan Coll (S558.649) and Chris J Coll Surveying Limited (S566.649) (S566.649) sought that this rule be amended to provide a clearer idea of what a Structure Plan is and to ensure that its formulation involves community consultation. Ms Easton supported these submissions and considered that the most appropriate way to do this was through the inclusion of a new appendix to the Plan, which spelt out the process by which such a structure plan should be developed. She proposed this be based on the Quality Planning best practice[61]. She also recommended that Rule FUZ–R10 be amended to refer to the requirement that the structure plan be prepared in accordance with the new appendix.

231. Ms Easton recommended amendments to Rule FUZ – R10 as follows:

FUZ - R10 Any Activity provided for as a Permitted Activity within the relevant Urban Zone
Activity Status Permitted
Where:
a. The relevant District Council has made a Resolution to activate the Future Urban Zone for urban uses; and
b. A Structure Plan has been prepared **in accordance with Appendix XXX** for the site and adopted by the relevant District Council; and
c. The activity, use and development are in accordance with the Permitted Activities in the Zone(s) identified in the adopted Structure Plan.

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

232. Ms Easton did not support Forest and Bird's (S560.395) request delete FUZ-10 due to concern it would allow permitted activities to occur ahead of a rezoning plan change and the potential for site-specific issues that require specific management that would not be achieved under the permitted zone rules. She noted that this rule was drafted with the understanding that the process of preparing a structure plan was in itself significant and would be costly for the relevant Council in a community where there were substantial

[61] https://www.qualityplanning.org.nz/node/1139.

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

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

233. Ms Easton supported the submission points from William McLaughlin (S567.029, S567.681, S567.030, S567.688), Chris & Jan Coll (S558.219, S567.681, S558.230, S558.657) and Chris J Coll Surveying Limited (S566.219, S566.650, S566.230, S566.657) seeking that Rule FUZ – R11 and references to relocated buildings in Rule FUZ – R18 be deleted. For the same reasons provided concerning Rule FUZ–R6, Ms Easton did not consider this rule needed in this zone and recommended it be deleted.

234. William McLaughlin (S567.689), Chris & Jan Coll (S558.658) and Chris J Coll Surveying Limited (S566.689) sought that clause (1) of FUZ–R18, requiring compliance with FUZ–R3, be deleted. William McLaughlin (S567.690), Chris & Jan Coll (S558.660) and Chris J Coll Surveying Limited (S566.660) also sought that FUZ–R18 not default to a non-complying activity. Ms Easton supported these submissions. She considered that the reference to Rule FUZ–R3 was unnecessary because it was a non-complying activity to establish residential activities lower than those set out in Rule FUZ– R3 and therefore, there was no necessity to refer to FUZ–R3 in a rule about relocated buildings and other minor structures. Ms Easton recommended the following amendments to Rule FUZ–R18:

> **FUZ - R18 ~~Relocated Buildings~~, Minor Structures, Fences, Walls and Retaining Walls, Community Facilities and Camping Grounds not meeting Permitted, Controlled or Restricted Discretionary Activity Standards**
> **Activity Status Discretionary**
>
> Where:
> 1. The performance standards for Rule FUZ-R3 are complied with.
>
> **Activity status where compliance not achieved:** Non-complying

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

235. William McLaughlin (S567.682, S567.683, S567.684, S567.686, S567.687) Chris & Jan Coll (S558.651, S558.652, S556.653,S588.655, S558.656) and Chris J Coll Surveying Limited (S566.651, S566.652, S566.653, S566.655, S566.656) sought that pre-existing non-compliance with the standards in Rule FUZ – R1 and FUZ -R3 not preclude the application of these rules. Ms Easton did not support these submissions for the reasons outlined above. She noted FUZ was a "*holding pattern*" zone ahead of it being used for urban purposes.
non-compliance required careful consideration. Ms Easton did not recommend any amendments to these rules.

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

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

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

238. Ms Easton did not recommend any amendments to this rule.

FUZ – R19 Agricultural, Pastoral and Horticultural Activities

239. Ms Easton acknowledged the support of Te Mana Ora (S190.1130) and Forest and Bird (S560.396) for this rule.

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

241. Ms Easton did not recommend any amendments to this rule.

FUZ – R20 – FUZ -R24 Non complying activities

242. Ms Easton acknowledged the support of Te Mana Ora (S190.1131, S190.1132, S190.1133, S190.1134, S190.1135) for these rules; and Forest and Bird (S560.397) for their support of FUZ–R23.

243. William McLaughlin (S567.693), Chris & Jan Coll (S558.663), Chris J Coll Surveying Limited (S566.663) and Laura Coll McLaughlin (S574.663) sought that these rules be deleted. Ms Easton did not support those submissions. She noted that the submitters provided no reasons for the deletion other than "*the rules are not appropriate and are too restrictive*". As discussed above, she considered that the rules were deliberately restrictive to avoid inappropriate activities being located in what will be future urban land.

244. Ms Easton did not recommend any amendments to these rules.

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

245. Ms Easton acknowledged the support of Te Mana Ora (S190.427) for the rule as notified.

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

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

247. Ms Easton did not support the inclusion of the existing quality of the environment within the assessment criterion. She noted that this was an unclear matter to assess in an environment where significant change was expected. However, she did support the inclusion of historic heritage, as this is a relevant matter alongside notable trees and Poutini Ngāi Tahu values.

248. Toka Tū Ake EQC (S612.100) and BDC (S538.259) sought that natural hazards and geotechnical constraints be included in the matters of discretion. Ms Easton supported this and considered it particularly important as one area of FUZ was located within a land instability hazards overlay, and that other FUZ may also be identified as subject to land instability hazards in the future.

249. Margaret Montgomery (S446.056) sought greater direction from the Plan regarding subdivision in the FUZ. Chris and Jan Coll (S558.234), William McLaughlin (S567.303), and Chris J Coll Surveying Limited (S566.234) sought to amend the rule so that it did not apply until a robust development or concept plan was approved. Ms Easton supported these submissions in part. She noted that the rule currently allowed only for subdivision to 4 ha (the key performance standard) but was silent on subdivision where this was in accordance with the structure plan developed. Ms Easton considered that the rule needed to be modified to include a requirement that any subdivision be in accordance with a structure plan developed for the site. She recommended that this be a performance standard.

250. William McLaughlin (S567.306), Chris and Jan Coll (S558.237), and Chris J Coll Surveying Limited (S566.237) sought that the activity status, where there is non-compliance, should be discretionary and not non-complying. Ms Easton did not support these submissions. She considered that, in order to achieve the intent of the zone, a precise requirement was necessary for development to be consistent with the zone's objectives and policies, and that a non-complying activity status was necessary to achieve this.

251. Chris and Jan Coll (S558.235) and Chris J Coll Surveying Limited (S566.235) sought that the reference in clause (h) to "*the need for access to be provided to any esplanade reserve or strip created"* be deleted. Ms Easton noted that the submitters provided no reasons for this and she did not support the submissions. She noted that public access was a key reason for establishing esplanade reserves and strips and she therefore considered the reference entirely appropriate.

252. William McLaughlin (S567.305), Chris and Jan Coll (S558.236) and Chris J Coll Surveying Limited (S566.236) sought that clause (i) "*Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control*" be deleted. Ms Easton did not support those submissions because no reasons were provided as to why this clause was opposed. She considered that it was reasonable that these construction effects were appropriately managed through consent conditions.

253. Westpower Limited (S547.382) sought that clause (j) be amended to refer to "*critical infrastructure (including energy activities)"*. Ms Easton supported this submission in part. She considered that reverse sensitivity impacts on regionally significant infrastructure were an important issue. She did not support the term "*including energy activities*" as these are a subset of network utilities and/or regionally significant infrastructure.

254. Westpower Limited (S547.383) sought an additional matter of discretion to be added to the rule in relation to "*the provision of easements, including for both existing and proposed energy activities and associated infrastructure*". Ms Easton did not support this submission as she considered that this matter was adequately dealt with in standard SUB-S10, which was a compliance requirement in the rule.

255. Waka Kotahi NZTA (S450.127) sought that clause (d) be amended to include transport infrastructure and that a new clause be added around adverse effects on existing infrastructure. Ms Easton supported this submission and considered these to be important and relevant matters for consideration in future subdivision of the urban zone.

256. BDC (S538.265) sought that the reference to notable trees in clause (g) include reference that these were identified in Schedule Two. Ms Easton supported this submission as it clarified which trees are notable. As a consequential amendment to her recommendation that
amended to
or notable trees identified in Schedule Two within or adjacent to the site'.

257. Ms Easton recommended amendments to Rule SUB – R12 as follows:

> **SUB - R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone**
>
> **Activity Status Restricted Discretionary**
>
> Where:
>
> 1. All Subdivision Standards are complied with; except that
> 2. **Compliance with SUB -S1 is not required when the subdivision is in accordance with any structure plan that has been adopted by the relevant district council for the Future Urban Zone area.**
>
> **Discretion is restricted to:**
>
> a. The size, design, shape, location and layout of allotments;
> b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5
> c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;
> d. The provision of infrastructure and services for **transport**, drinking water, wastewater and stormwater, telecommunications and energy;
> e. The adequacy of water supply for firefighting;
> f. The requirement for financial contributions as outlined in Rules FC–R1 to FC–R12;
> g. Effects on Poutini Ngāi Tahu values**, historic heritage identified in Schedule One, natural character of waterbodies** or notable trees **identified in Schedule Two** within or adjacent to the site;
> h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
> i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; ~~and~~

j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities, **regionally significant infrastructure** or significant hazardous facilities;

k. **Management of adverse effects on existing infrastructure;**

l. **Management of natural hazards and any geotechnical constraints; and**

m. **The extent to which area - wide land stability measures are undertaken on potentially unstable slopes prior to development.**

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

Appendix XXX Structure Plan Requirements

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

Process

1. SCOPING AND PROJECT PLANNING

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

a. Defining the area of the structure plan

b. An initial review of existing information on the area

c. Constraints identification and analysis

d. The overall outcomes desired of the structure plan:

e. Development and implementation timeframes including infrastructure sequencing

f. Identification of key stakeholders

g. The resources required for the structure planning process and implementation:

h. Risk assessment

2. COMMUNITY AND STAKEHOLDER CONSULTATION

Consultation will be undertaken with the following stakeholders as a minimum

a. stormwater, wastewater and roading engineer at the relevant district council

b. parks, and community facilities staff at the relevant district council

c. those who will be responsible for budgeting and finance in the planning and implementation phases of the structure plan

d. landowners and occupiers of the area affected by the structure plan;

e. landowners adjoining the area being structure planned

f. the New Zealand Transport Agency

g. public agencies responsible for social/community infrastructure (Ministry of Education, Ministry of Health and other health service providers etc.)

h. Network utility providers

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

3. ENGAGEMENT WITH POUTINI NGĀI TAHU

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

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

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

4. RESEARCH AND INFORMATION ANALYSIS

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

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

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

5. URBAN DESIGN REQUIREMENTS

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

> that should also act as guiding considerations in the structure planning process. These are referred to as the seven Cs: Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.
>
> 6. GENERATION AND EVALUATION OF ALTERNATIVES
>
> The alternatives need not be developed to a highly detailed level, and could take the form of concept drawings or sketches (and an accompanying statement or explanation) until such time as they are either discarded or selected for further work or refinement.
>
> 7. FINALISING THE STRUCTURE PLAN
>
> A formal consultation and adoption process is required with the opportunity for written submissions and a hearing of these by decision makers. This could be integrated with consultation processes under the LGA for the LTP or annual plan which may be beneficial to provide efficiencies and alignment given the direct relationship between these plans, especially in relation to infrastructure provision.

Hearing and Submitter Evidence/Statements

259. Mr Bhana-Thomson, for the New Zealand Heavy Haulage Association, reiterated the request for recognition in the FUZ that relocated buildings for non-residential purposes may occur.

260. Mr Kennedy, on behalf of Westpower Limited, confirmed that Ms Easton's recommended amendment to SUB–R12 (j) would achieve the outcome sought in the submission (S547.382). He also considered that further amendments were required in the FUZ Rules, including SUB-R12, to include the following additional matter of discretion:

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

262. In relation to rules **FUZ-R1 to FUZ-R10**, the Panel agrees with Ms Easton's analysis of submissions seeking amendment to these rules and her reasons for recommending those submissions be rejected or accepted in part.

263. The Panel accept Ms Easton's reasons and recommendation that Rules **FUZ–R1, FUZ–R2, FUZ–R4, FUZ-R7, and FUZ–R8** should not be amended so that any pre-existing non-compliance with noted performance standards.

264. The Panel agree with Ms Easton that where compliance is not achieved with Rule FUZ-R1, the activity status should be discretionary and not controlled because the intent of the FUZ

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

265. The Panel agree with Ms Easton that **FUZ–R3** should not be amended to be more enabling of residential activities because the intent of the FUZ as a "holding pattern" zone and to avoid compromising future urban form and development. The Panel recommend no changes, except a consequential amendment to the advice note to add the Haast Airfield.

266. Regarding Rule **FUZ-R6**, the Panel agree that the principal issue the TTPP seeks to address in relation to relocated buildings is amenity concerns for adjacent neighbours. We consider that the zone is intended for future urban use and therefore relocated buildings should be treated the same in this zone as in other residential settings. For that reason, we recommend retaining the rule, with the same amended wording as similar rules in the residential zones (e.g. GRZ), with reference to new Appendix Eleven.

267. In relation to **Rule FUZ–R8**, the Panel accept Ms Easton's analysis of GDC's (S608.126) request to amend the rule to require records of letting visitor accommodation to be provided annually, instead of on request. We agree this amendment creates a much clearer permitted activity standard and will Councils to manage compliance. However, we note this amendment was not shown in Appendix 1 of the Right of Reply, which we consider was an oversight. We also accept Ms Easton's recommendation not to delete the advice note regarding NOISE-R3. We agree with Ms Easton that the requirements of NOISE–R3 are a District-Wide provision and apply regardless of the Advice Note.

268. In relation **Rule FUZ-R9**, the Panel consider it is appropriate to be consistent with the recommendations in the Mineral Extraction Recommendation Report. We recommend consequential changes to be consistent with the equivalent rules in the GRUZ, RLZ, SETZ and OSZ. We consider the submissions points seeking to delete this rule provide wide scope to change the rule. We recommend changing the default activity status from restricted discretionary to discretionary, which is consistent with the recommendations for equivalent rules addressed in the Mineral Extraction Recommendation Report.

269. In relation Rule **FUZ-R10**, the Panel agree that this rule should be amended to provide a clearer idea of what a Structure Plan is and to ensure that its formulation involves community consultation. We accept Ms Easton's view that the most appropriate way to do is by including a new appendix. We consider it is appropriate that the new appendix be based on the Quality Planning best practice. We accept the recommended amendments to the rule and the content of the new appendix (as Appendix Twelve in the Plan).

270. In relation to Rule **FUZ-R11**, the Panel disagree with Ms Easton's reasons and recommendation to delete the rule and references to relocated buildings in Rule FUZ–R18, as a consequence of retaining Rule FUZ-R6.

271. In relation to Rules **FUZ-R12, FUZ-R13, FUZ-R14, FUZ-R16, FUZ-R17**, the Panel agree with Ms Easton's reasons and recommendation to retain the rules as notified.

272. In relation to Rule **FUZ-R15**, the Panel agree with Ms Easton's reasons for not supporting the Te Mana Ora (S190.1126) submission to develop an overlay for drinking water infrastructure and to exclude mineral prospecting activities from DWSPZ. We agree this is primarily a matter regulated through the NES – Drinking Water at the regional level. We also agree with her recommendation to reject the submissions seeking the deletion of clauses (a) and (b) given the objectives and policies for the zone provide good information

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

273. In relation to **FUZ-R18**, the Panel does not accept Ms Easton's recommendation to delete the reference to '*Relocated buildings'* in the heading of the rule, as a consequence of retaining FUZ-R6.

274. The Panel agrees with Ms Easton's analysis in the s42A Report (paragraph 127) that it is not necessary for Rule FUZ-R18 to refer to Rule FUZ-R3 given it relates to minor structures, fences walls and retaining walls, community facilities and camping grounds not meeting the permitted, controlled or restricted discretionary rules. However, the Panel notes that Ms Easton's recommended amendments shown in Appendix 1 of the s42A Report and Appendix 1 of the Right of Reply do not align with the analysis provided in the s42A Report where the submission points outlined were supported. We note Appendix 2 of the s42A Report records the submission points S567.689, S558.658 and S566.658 requesting the deletion of the reference to Rule FUZ-R3 were recommended to be rejected; and the submission points S567.690, S558.660 and S566.660 requesting amending the default status from '*Non complying'* to '*N/A'* were also recommended to be rejected.

275. The Panel agrees with Ms Easton that the reference to Rule FUZ-R3 is not necessary and accept submission points S567.689, S558.658 and S566.658 to delete this clause. We also agree that given the activities included in the discretionary activity rule, the default should be changed from '*Non complying'* to '*N/A'*; and accept submission points S567.690, S558.660 and S566.660.

276. In relation to Rule **FUZ-R19**, the Panel agree with Ms Easton that clause (1), which excludes intensive indoor primary production from this rule, should not be deleted. We agree that the establishment of an intensive indoor primary production facility could preclude future urban uses establishing on nearby sites or lead to significant reverse sensitivity issues. We recommend no changes to the rule.

277. In relation to Rules **FUZ-R20 to FUZ-R23**, the Panel accept Ms Easton's recommendation to retain the rules as notified to prevent inappropriate activities from locating in what will become future urban land.

278. In relation to **SUB–R12**, the Panel accepts Ms Easton's reasoning and recommendation to add a new clause (2) so that compliance with SUB-S1 is not required when the subdivision is in accordance with any structure plan that has been adopted by the relevant district council for the FUZ area. We agree this amendment recognises that a structure plan development process would identify and resolve any issues in a manner that resulted in there being no need to comply with SUB-S1. We also accept her recommended amendment to require subdivision to be in accordance with a structure plan developed for the site.

279. The Panel agree with Ms Easton's partial support for the Toka Tū Ake EQC (S612.109) submission that sought to include global land stability mitigation measures in the rule framework for future urban zones in areas subject to land instability, rather than allowing *ad-hoc* development on potentially unstable slopes. We accept the subdivision provisions are the appropriate place to achieve this outcome given this would be a precursor to land development. We agree that Rule SUB–R12 is the relevant rule to FUZ and agree with the

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

280. The Panel agree with Ms Easton's reasons and recommendation to amend SUB-R12(d) to include transport infrastructure and to add a new clause in relation to adverse effects on existing infrastructure. We agree with her recommended amendments to clause (g) given natural character of waterbodies, historic heritage and notable trees are important considerations in FUZ areas. We also agree that natural hazards and geotechnical constraints should be included as matters of discretion for the reasons Ms Easton details.

281. The Panel accept Ms Easton's recommendation that a non-complying activity status when compliance is not achieved with the subdivision standards within the FUZ under SUB-R12 is necessary to achieve the intent of the zone and to ensure development is consistent with the zone's objectives and policies. We also accept her recommendation to amend clause (j) to include potential reverse sensitivity effects on regionally significant infrastructure.

282. The Panel consider that there is a need to also reference indigenous biodiversity values in SUB-R12 to connect with the matter included in Appendix Twelve as part of the structure plan development.

283. In relation to **FUZ-24** the Panel note that this type of 'catch-all' rule and that such rules often have a Discretionary activity status in other Plans, and we noted that we have recommended such a status in other chapters. In this case we considers, for reasons of consistency, that the activity status of FUZ-24 should be revised to Discretionary.

Hearing Panel's Recommendation

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

Future Urban Zone Rules

Permitted Activities

FUZ - R1 Agricultural, Pastoral and Horticulture Activities and Buildings

Activity Status Permitted
Where:

1. The maximum gross ground floor area of a single building is 500m^2;
2. Maximum building height above ground level is 10m;
3. Buildings are setback a minimum of 10m from the road boundary, 5m from side boundaries and 20m from rear boundaries; and
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m.

Activity status where compliance not achieved: Discretionary

FUZ - R2 Conservation and Recreation Activities

Activity Status Permitted
Where:

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

Activity status where compliance not achieved: Discretionary

FUZ - R3 Residential Activities and Residential Units

Activity Status Permitted
Where:

1. All performance standards for Rule FUZ - R1 are complied with.
2. Residential unit density is no more than one unit per 4ha net site area except where the site is already in existence at the date of notification of the Plan;
3. There is a maximum **one**~~1~~[62] residential building per site;
4. There is no more than **one**~~1~~[63] minor residential unit with a maximum gross floor area of 65m^2 where this is located within 20 metres of and shares the driveway with the principal residential dwelling; and
5. Any minor residential unit shares a driveway with the site's principal residential unit.

Advice Note:

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

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

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

Activity status where compliance not achieved: Non-complying

FUZ - R4 Minor Structures

Activity Status Permitted
Where:

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

Activity status where compliance not achieved: Controlled

FUZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted

[62] RMA First Schedule Clause 16(2)
[63] RMA First Schedule Clause 16(2)
[64] Consequential amendment Laurence McGuire S458.001

Where:

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

Activity status where compliance not achieved: Discretionary

FUZ - R6 Relocated Buildings

Activity Status Permitted
Where:

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

Activity status where compliance not achieved: Controlled

FUZ - R7 Home Business

Activity Status Permitted
Where:

1. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and – R~~3~~**4** and SIGN - R15 are complied with;
2. There is a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and
3. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R8 Visitor Accommodation

Activity Status Permitted
Where:

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

[65] New Zealand Heavy Haulage Association Inc. S616.010
[66] New Zealand Heavy Haulage Association Inc. S616.010
[67] William McLaughlin S567.028, S567.674, Chris & Jan Coll S558.208, S558.642 and Chris J Coll Surveying Limited S566.208, S556.642
[68] William McLaughlin S567.028, S567.674, Chris & Jan Coll S558.208, S558.642 and Chris J Coll Surveying Limited S566.208, S556.642

2. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and -R3**4** and SIGN - R15 are complied with;
3. There are a maximum of **six**~~6~~[69] paying guests at any one time;
4. Notification to the District Council is required at the time of the activity commencing; and
5. Records of letting activity are kept and provided to the Council ~~on request~~ **annually**.[70]

Advice Notes:

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

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R9 Mineral Prospecting and Mineral Exploration

Activity Status Permitted
Where:

1. This is authorised under a prospecting or exploration permit from ~~NZPAM~~**New Zealand Petroleum and Minerals, where legally required;**[72]
2. Notice is provided to the relevant District Council Consent Authority **10**~~5~~ working days ~~ahead of work being undertaken~~ **prior to any Mineral Prospecting or Mineral Exploration commencing**;
3. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred;~~[73]
3. **Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary;**
4. The site ~~shall be~~ **is progressively** rehabilitated ~~generally~~**as far as is practicable** to its ~~original~~ condition **prior to activity occurring with rehabilitation to be completed no later than three months after Mineral Prospecting and Mineral Exploration ceases**; ~~and~~[74]
5. ~~All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

Activity status where compliance not achieved: Restricted Discretionary

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

Activity Status Permitted
Where:

[69] RMA First Schedule Clause 16(2)
[70] Grey District Council S608.126
[71] Consequential amendment Laurence McGuire S458.001
[72] William McLaughlin S567.678, Chris & Jan Coll S558.646 and Chris J Coll Surveying Limited S566.646
[73] William McLaughlin S567.679, Chris & Jan Coll S558.647 and Chris J Coll Surveying Limited S566.647
[74] William McLaughlin S567.679, Chris & Jan Coll S558.647 and Chris J Coll Surveying Limited S566.647

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

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

Controlled Activities

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

Where:

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

Matters of control are:

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

Activity status where compliance not achieved: Discretionary [76]

FUZ - R12 Minor Structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

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

Matters of control are:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

FUZ - R13 Home Business not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

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

Discretion is restricted to:

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

[75] William McLaughlin S567.680, Chris & Jan Coll S558.649 and Chris J Coll Surveying Limited S566.649
[76] William McLaughlin S567.029, S567.681, S567.030, S567.688, Chris & Jan Coll S558.219, S567.681, S558.230, S558.657 and Chris J Coll Surveying Limited S566.219, S566.650, S566.230, S566.657
[77] Consequential Plan-wide amendment Manawa Energy Limited S438.100

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

Activity status where compliance not achieved: Non-complying

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

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

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

Activity status where compliance not achieved: Non-complying

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

Activity Status Restricted Discretionary

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

o. Site rehabilitation and mine closure requirements.

Activity status where compliance not achieved: N/A

FUZ -R16 Community Facilities

Activity Status Restricted Discretionary
Where:

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

Discretion is restricted to:

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

Activity status where compliance not achieved: Discretionary

FUZ -R17 Camping Grounds

Activity Status Restricted Discretionary
Where:

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

Discretion is restricted to:

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

Activity status where compliance not achieved: Discretionary

Discretionary Activities

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

Activity Status Discretionary

~~Where:~~
~~1. The performance standards for Rule FUZ - R3 are complied with.~~ [78]

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

[78] William McLaughlin S567.689, Chris & Jan Coll S558.658 and Chris J Coll Surveying Limited S566.658
[79] William McLaughlin S567.690, Chris & Jan Coll S558.660 and Chris J Coll Surveying Limited S566.660

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

Activity Status Discretionary
Where:
1. There is no intensive indoor primary production being undertaken.

Activity status where compliance not achieved: Non-complying

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

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

Activity status where compliance not achieved: N/A

Non-Complying Activities

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

Activity Status Non-complying

Activity status where compliance not achieved: N/A

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

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R23 Industrial Activities including Rural Industrial Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R24 Intensive Indoor Primary Production

Activity Status Non-complying

Activity status where compliance not achieved: N/A

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

Appendix Twelve Structure Plan Requirements[81]

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

Process

1. SCOPING AND PROJECT PLANNING

[80] William McLaughlin S567.693, Chris & Jan Coll S558.663 and Chris J Coll Surveying Limited S566.663, Laura Coll McLaughlin (S574.663)
[81] William McLaughlin S567.680, Chris & Jan Coll S558.649 and Chris J Coll Surveying Limited S566.649

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

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

2. COMMUNITY AND STAKEHOLDER CONSULTATION

Consultation will be undertaken with the following stakeholders as a minimum

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

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

3. ENGAGEMENT WITH POUTINI NGĀI TAHU

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

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

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

4. RESEARCH AND INFORMATION ANALYSIS

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

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

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

5. URBAN DESIGN REQUIREMENTS

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

6. GENERATION AND EVALUATION OF ALTERNATIVES

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

7. FINALISING THE STRUCTURE PLAN

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

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

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

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

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

Discretion is restricted to:

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

2.3. HOSZ - HOSPITAL ZONE – Takiwā Hōhipera

Submissions and Further Submissions

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

Section 42A Report

289. Ms Easton acknowledged the general support from WDC for the objectives, policies and rules. She also acknowledged the support of two submitters, for the Hospital Zoning of the property at 190 Queen Street Westport[91].

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

[83] Waka Kotahi NZTA S450.127
[84] Buller Conservation Group S552.191 and Frida Inta S553.191
[85] Buller Conservation Group S552.120 and Frida Inta S552.120
[86] Buller District Council S538.265
[87] Westpower Limited S547.382
[88] Waka Kotahi NZTA S450.127
[89] Toka Tū Ake EQC S612.100 and Buller District Council S538.259
[90] Toka Tū Ake EQC S612.109
[91] O'Conor Institute Trust Board (S466.001) and Frank and Jo Dooley (S478.044)

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

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

292. In the case of the Ngākawau Medical Centre, Ms Easton noted that this occupied the entirety of a site currently zoned Settlement Zone in the proposed Plan. She supported BDC's request (538.606) to rezone the site HOSZ.

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

295. The Panel accepts Ms Easton's reasons for not rezoning the Moana Medical Centre and the Whataroa Medical Centre as HOSZ. We agree that more detailed information is needed before a split zone could be considered. We agree that the rezoning of the Ngākawau Medical Centre is appropriate for the reasons provided by Ms Easton.

296. The Panel notes Ms Easton's recommended inclusion of Ngākawau in the Overview was not shown in Appendix 1 of the s42A Report or Right of Reply and consider this was an oversight by Ms Easton given her analysis in the s42A Report.

Hearing Panel's Recommendation

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

Hospital Zone Planning Map

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



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

HOSPITAL ZONE

Overview

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

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

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

[92] Buller District Council S538.606
[93] Te Mana Ora S190.1136

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

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

Other relevant Te Tai o Poutini Plan provisions

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

a. ~~**Overlay Chapters** - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~[94]

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Hospital Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Hospital Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Coastal Environment - in some locations areas of Hospital Zone may be within the Coastal Environment. The Coastal Environment Chapter contains additional provisions on how these areas must be managed.**
- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Hospital Zone.**
- **Noise** - The Noise Chapter contains the provisions for managing noise effects from sites in the HOSZ - Hospital Zone.
- **Signs** - The Signs Chapter contains the provisions for signs, including those within the HOSZ - Hospital Zone.
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, including lighting within the HOSZ - Hospital Zone.

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

Definitions and HOSZ – Hospital Zone Objectives and Policies

Submissions and Further Submissions

299. Two submission points[95] and a further submission point sought amendments to the definition of "*Healthcare and Medical Activities*" to include *"aged care facilities and associated residential activity, including independent living".*

300. Three submission points in support were received on the HOSZ objectives.

301. Five submission points relating to the HOSZ policies were summarised in a Table on pages 58-59 of the s42A Report. Three submissions sought to retain the provision as notified and two sought amendments.

Section 42A Report

Definitions

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

303. Ms Easton recommended the following amendment to the definition of Healthcare and Medical Activities:

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

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

Objectives and Policies

304. Ms Easton accepted the submission points to retain the objectives as notified and recommended no changes to the HOSZ objectives.

305. Ms Easton supported the submissions[96] that sought for aged care facilities to be specifically identified in the policies. She considered that Policy HOSZ-P1, which determines the types of facilities expected within the zone, should also specifically include aged care facilities. In response to Panel questions regarding the inclusion of "*ancillary residential activity, including independent living*", Ms Easton noted that the provisions were very enabling.

306. Ms Easton recommended amendments to HOSZ-P1 as follows:

> **POLICY HOSZ – P1**
>
> Allow activities that are compatible with the role, function and predominant character of the HOSZ - Hospital Zone, including:
>
> a. Major healthcare activities;
> b. Medical and health services;
> c. Helicopter facilities, including helicopter take-off and associated fuelling and service facilities at Te Nikau Grey Hospital, Buller Integrated Health Facility and Reefton Hospital sites;
> d. Building activities;
> e. Carparking;
> f. Emergency response services;
> g. Temporary accommodation;
> h. Ancillary retail, café and service facilities; ~~and~~
> i. Ancillary community facilities; **and**
> j. **Aged care facilities**.

Hearing and Submitter Evidence/Statements

307. Mr Mark Lile provided a statement of evidence for the O'Connor Institute Trust Board addressing HOSZ-P1. He supported the s42A Report recommendation to add '*aged care facilities*' to the policy and noted this was consistent with the definition of '*Healthcare and Medical Activities'*. However, he noted the submission sought to add '*aged care facilities and associated residential activities, including independent living*'.

308. Mr Lile explained the O'Connor Home site at 190 Queen Street was a large site that could accommodate residential retirement village living as an extension of the activities and services provided at the site. He noted this was not for general residential accommodation but for a partner or spouse whose partner or spouse in in hospital care or the dementia ward on the site. He provided photographs of the site to show the opportunity for residential retirement village (type) living between the existing and consented wings of the buildings and the residential zone.

Reporting Officer Reply Evidence

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

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

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

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

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

Hearing Panel's Evaluation

311. The note that the notified definition for *'Healthcare and Medical Activities'* is not accurately recorded in the s42A Report (paragraph 180) or in the Right of Reply, as clause (b) '*aged care facilities'* are already included in the notified Plan. We recommend clause (b) is retained as notified.

312. The Panel accepts Ms Easton's recommendation to add a new clause '*retirement villages where these are ancillary to the hospital activity'* and accept the submission points of The O'Connor Institute Trust Board S466.004 and Frank and Jo Dooley S478.047.

313. The Panel also considers this recommended amendment to the definition for *'Healthcare and Medical Activities'* should be reflected in HOSZ-P1. We accept Ms Easton's recommendation to add *'Aged care facilities'* but recommend also adding ''*Aged care facilities, including retirement villages where these are ancillary to the hospital activity'.* We accept the submission points of The O'Connor Institute Trust Board S466.003 and Frank and Jo Dooley S478.046.

314. The Panel agrees with Ms Easton's recommendation to retain the HOSZ objectives as notified.

Hearing Panel's Recommendations

315. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnote below are accepted, and recommend that the following changes to the **Definitions**:

Definitions

Healthcare and Medical Activities
means

a. medical and psychiatric assessment, diagnosis, treatment, rehabilitation and in-patient services, including operating theatres;
b. aged care facilities;
c. dispensaries;
d. outpatient departments and clinics;
e. medical research and testing facilities, including diagnostic laboratories;
f. medical training and education;
g. ambulance facilities;
h. first aid and other health-related training facilities;
i. rehabilitation facilities, including gymnasiums and pools;
j. palliative facilities;
k. hospice facilities;
l. residential care services and facilities;
m. temporary living accommodation;
n. **retirement villages where these are ancillary to the hospital activity**;[97]
~~n.~~**o.** secure facilities;
~~o.~~**p.** mortuaries; and
~~p.~~**q.** operations and maintenance support services, including laundries, kitchens, cafeterias, refreshment facilities, generators, substation, storage facilities, ancillary offices, ancillary retail, ancillary childcare and ancillary business services and workshops

316. The Panel recommends the **HOSZ objectives** are retained as notified, as shown below:

Hospital Zone Objectives

HOSZ-O1

To ensure the safe and efficient operation, maintenance, upgrading and expansion of the West Coast/Te Tai o Poutini hospitals, medical centres and aged care facilities.

HOSZ- O2

To recognise the scale, form, nature and use of development at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Facility sites. These sites are characterised by:

a. Large scale grounds and buildings which accommodate major healthcare activities and ancillary support activities;
b. A range of scales of buildings; and
c. A spacious and open environment.

[97] The O'Connor Institute Trust Board S466.004 and Frank and Jo Dooley S478.047

317. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnote below is accepted or accepted in part, and recommend the following changes to the **Hospital Zone policies**:

Hospital Zone Policies

HOSZ-P1

Allow activities that are compatible with the role, function and predominant character of the HOSZ - Hospital Zone, including:

a. Major healthcare activities;
b. Medical and health services;
c. Helicopter facilities, including helicopter take-off and associated fuelling and service facilities at Te Nikau Grey Hospital, Buller Integrated Health Facility and Reefton Hospital sites;
d. Building activities;
e. Carparking;
f. Emergency response services;
g. Temporary accommodation;
h. Ancillary retail, café and service facilities; ~~and~~
i. Ancillary community facilities; **and**
j. Aged care facilities, including retirement villages where these are ancillary to the hospital activity.[98]

HOSZ-P2

Require activities within the HOSZ - Hospital Zone to maintain the residential amenity of adjoining residential sites by:

1. Ensuring structures are of a bulk, height and form that minimises adverse dominance effects on adjoining residential activities;
2. Achieving adequate separation distances and/or setbacks to minimise adverse daylighting and shading effects;
3. Managing adverse noise and light overspill within adjoining residential sites;
4. Providing screening to minimise adverse visual effects for adjoining residential sites; and
5. Avoiding industrial and non-hospital related commercial and residential activities within the zone.

HOSZ - Hospital Zone Rules

Submissions and Further Submissions

318. Six submission points relating to **HOSZ-R1** were summarised in a Table on page 60 of the s42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments, and one opposed the rule in part.

319. Two submission points and two further submission points relating to **HOSZ-R2** were summarised in a Table on page 61 of the s42A Report. One submission point supported the

[98] The O'Connor Institute Trust Board S466.003 and Frank and Jo Dooley S478.046

retention of the rule as notified. One submission point and two further submission points sought amendments.

320. Two submission points relating to **HOSZ-R3** were received, one supported the retention of the rule as notified and one sought amendment.

321. Two submission points were received supporting **HOSZ-R4** as notified.

322. Two submission points were received supporting **HOSZ-R5** as notified.

323. Four submission points relating to **HOSZ—R6** were summarised in a Table on page 62 of the s42A Report. Two submission points supported the retention of the rule as notified, one submission sought amendment and one requested that the rule be deleted.

324. Three submission points relating to **HOSZ—R7** were summarised in a Table on page 62 of the s42A Report. Two submission points supported the retention of the rule as notified and one sought amendment.

325. Two submission points were received supporting **HOSZ-R8** as notified.

326. Two submission points were received supporting **HOSZ-R9** as notified.

327. Four submission points relating to **HOSZ-10** were summarised in a Table on page 63 of the s42A Report. Two submission points supported the retention of the rule as notified and two supported in part but sought amendments.

328. Two submission points were received supporting **HOSZ-R11** as notified.

329. Two submission points were received supporting **HOSZ-R12** as notified.

330. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

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HOSZ – R1

331. Ms Easton acknowledged the support from Te Mana Ora and BDC. She was supportive of BDC's (S538.594) requests to amend clause (6) regarding recession planes for consistency with provisions in other chapters but did not support amendments to clause (4) regarding the screening of waste storage areas.

332. Ms Easton supported the O'Connor Institute Trust Board (S466.005) and Frank and Jo Dooley's (S478.005) request to amend clauses (3) and (5) so that they did not contradict each other. Ms Easton noted that in both instances there was a 5m setback from a residential zone. She acknowledged clause (3) unnecessary and recommended it be deleted.

333. Ms Easton did not support the O'Connor Institute Trust Board (S466.006) and Frank and Jo Dooley's (S478.049) request to reduce the setback from the General Residential Zone boundary from 5m to 2m. She noted that a 5m setback ensured that large buildings, and potentially noisy activities, did not impinge on the amenity values of adjacent residential properties.

334. Ms Easton recommended HOSZ–R1 be amended as follows:

HOSZ – R1
Healthcare and Medical Activities and Buildings Activity Status Permitted
Where:

1. Any ancillary commercial activity does not exceed 200m^2 gross floor area or 10% of the hospital building footprint per commercial activity per site, whichever is the lesser;
2. The maximum building height above ground level is:
    a. 12 metres at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Centre Site; and
    b. 10m at all other locations in the zone; and
    c. This does not include solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m.
3. ~~The maximum building length is 20m where this is within 5m of an adjoining RESZ - Residential Zone;~~
4. All outdoor rubbish and collection areas must be fully screened with a fence that is

    1.8m in height measured from ground level;
5. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be setback:
    a. 5m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
    b. 5m from the road boundary; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:
    a. Road boundaries;
    b. Buildings on adjoining sites that have a common wall along the boundary;
    c. Boundaries abutting an access lot or right of way, in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
    d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
    e. Solar panels and solar water heaters provided; these do not exceed the height in relation to the boundary plane by more than 0.5m vertically.

Advice Note:

1. Where Healthcare and Medical Facilities are located within one of the Natural Hazard Overlays, the relevant rules for sensitive activities and critical response facilities of the Natural Hazards Chapter will apply.
2. Where Healthcare and Medical Facilities are located within the Airport Noise Contour boundary, the acoustic insulation requirements of Rule NOISE - R3 will apply.

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**

Activity status where compliance not achieved: Restricted Discretionary

HOSZ – R2

335. Ms Easton acknowledged the support of Te Mana Ora (S190.1142) for Rule HOSZ–R2. She supported BDC's (S538.595) request that medical centres be included within the rule given this was the intention of the rule.

336. Ms Easton recommended HOSZ–R2 be amended as follows:

HOSZ – R2 Helicopter facilities, including helicopter pads and associated fuelling and servicing facilities.
Activity Status Permitted.

Where:

1. These are located at the Te Nikau Grey Hospital, Reefton Hospital or Buller Integrated Health Facility **or Medical Centre** sites only;
2. All performance standards for Rule HOSZ–R1 are complied with.

HOSZ – R3

337. Ms Easton acknowledged the support of Te Mana Ora (S190.1143) for Rule HOSZ–R3. She supported BDC's (S538.596) request to remove the exception for hose drying towers in relation to the height standards given there were no fire station activities identified within this zone.

338. Ms Easton recommended that HOSZ-3 be amended as follows:

HOSZ - R3 Community Facilities and Emergency Service Facilities Activity Status Permitted
Where:

1. All performance standards for Rule HOSZ -R1 are complied with ~~except that hose drying towers associated with Emergency Service Facilities are exempt from height standards~~; and
2. Any community facility is ancillary to and/or supports healthcare and medical activity.

HOSZ – R4 and R5

339. Ms Easton acknowledged the support of Te Mana Ora (S190.1144 and S190.1145).

HOSZ – R6

340. Ms Easton acknowledged the support of Te Mana Ora (S190.1146) and GDC (S608.795).

341. Ms Easton supported BDC's (S616.011) request to delete relocated buildings from the rule. She noted that building consents were required for all relocated buildings and considered that within the HOSZ no further regulation under the district plan was unnecessary.

342. Ms Easton did not support the New Zealand Heavy Haulage Association Inc (S616.011) request to amend Rule HOSZ-R6 because she recommended that the rule be deleted.

HOSZ – R7 to HOSZ - R12

343. Ms Easton supported the submission points from Te Mana Ora (S190.11447, S190.11448, S190.11449, S190.1150, S190.1151, S190.1152) and BDC (S538.600, S538.601, S538.602, S538.603, S538.604, S538.605) in support of rules HOSZ – R7 to HOSZ – R12.

344. Ms Easton supported GDC's (S608.796) request to include a new matter of discretion regarding the wastewater, water supply, and stormwater management design compliance with NZS 4404:2010 in HOSZ–R7. She considered it was essential to ensure that hospitals were served by appropriately designed and located water services infrastructure to mitigate adverse environmental effects.

345. The O'Connor Institute Trust Board (S466.007) and Frank and Jo Dooley (S478.050) submission points supported HOSZ-R10, provided that the definition of Healthcare and Medical Activities was amended as per their other submission points. As previously noted, Ms Easton did not support all the amendments sought by these submitters to the definition. While there was some provision for some types of supported residential care in the definition, she considered the HOSZ was not intended to be a zone that is predominantly used for residential activities.

346. Ms Easton recommended HOSZ–R7 be amended as follows:

> **HOSZ - R7 Activities, Buildings, Facilities, Minor Structures, Fences, Walls and Retaining Walls Provided for as Permitted Activities but not meeting the Permitted Activity Standards**
>
> **Activity Status Restricted Discretionary**
>
> **Discretion is restricted to:**
>
> a. Design, size and location of buildings, structures and facilities;
>
> b. Screening, planting and landscape measures;
>
> c. Shading and privacy impacts on neighbouring properties;
>
> d. Any adverse effects on the streetscape;
>
> e. Any adverse effects on the amenity of neighbouring properties;
>
> f. The extent to which the infringement is necessary due to the shape, natural or physical features of the site; and
>
> g. The extent to which any helicopter facilities are ancillary to and necessary for effective Healthcare and Medical Activities in the zone; and
>
> h. **Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010.**

347. Ms Easton recommended that the Ngākawau Medical Centre site at 1B Main Road, Hector, be rezoned to Hospital Zone.

Hearing and Submitter Evidence/Statements

348. Mr Lile, for the O'Connor Institute Trust Board, confirmed acceptance of the s42A Report recommendations, except for HOSZ-R10. He considered HOSZ-R10 should not capture '*aged care facilities and associated residential activities, including independent living*' for the reasons outlined in relation to HOSZ-P1.

Reporting Officer Reply Evidence

349. As outlined above, Ms Easton addressed the O'Connor Institute Trust Board submission point in relation to HOSZ-R10 by recommending amendments to the definition *'Healthcare and Medical Activities'*.

Hearing Panel's Evaluation

350. In relation to **HOSZ-R1**, the Panel accept Ms Easton's reasoning and recommendation to amend clause (6) and add a new advice note; and to delete clause (3).

351. In relation to **HOSZ-R2**, the Panel agree with Ms Easton's recommendation to include '*Medical Centres*' within the rule given this was the original intention of the rule.

352. The Panel agrees that the exception for the height of hose drying towers in clause (1) of **HOSZ-R3** should be deleted given there are no fire station activities identified within this zone.

353. The Panel accepts Ms Easton recommendation to retain **HOSZ-R4** and **HOSZ-R5** as notified.

354. In relation to **HOSZ-R6**, the Panel accepts Ms Easton's reasons and recommendation to delete this rule.

355. The Panel accepts Ms Easton recommendation to add new clause (h) to **HOSZ–R7** regarding the wastewater, water supply, and stormwater management design compliance with NZS 4404:2010.

356. The Panel accepts Ms Easton's recommendation to retain **HOSZ-R8** and **HOSZ-R9** as notified.

357. In relation to **HOSZ-R10**, the Panel accepts Ms Easton's recommendation to retain the rule as notified. We agree that the recommended changes to the definition of '*Healthcare and Medical Activities*' addresses The O'Connor Institute Trust Board (S466.007) and Frank and Jo Dooley (S478.050) submission points to provide for associated residential living and recommend accepting these submission points.

358. The Panel accepts Ms Easton's recommendation to retain **HOSZ-R11** as notified.

359. The Panel notes that **HOSZ-R12** is essentially a repeat of HOSZ-R8 and can therefore be deleted. We consider this is a Clause 16(2) for the First Schedule of the RMA matter.

Hearing Panel's Recommendation

354. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Hospital Zone Rules:**

Hospital Zone Rules

Permitted Activities

HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted
Where:

1. Any ancillary commercial activity does not exceed 200m^2 gross floor area or 10% of the hospital building footprint per commercial activity per site, whichever is the lesser;
2. The maximum building height above ground level is:
   a. 12 metres at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Centre Site; and
   b. 10m at all other locations in the zone; and
   c. This does not include solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m;
3. ~~The maximum building length is 20m where this is within 5m of an adjoining RESZ - Residential Zone;~~[99]
4. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level;
5. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be setback:
   a. 5m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
   b. 5m from the road boundary; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~.[100] This standard does not apply to:
   a. Road boundaries;
   b. Buildings on adjoining sites that have a common wall along the boundary;
   c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
   e. Solar panels and solar water heaters provided, these do not exceed the height in relation to the boundary plane by more than 0.5m vertically.

Advice Note:

1. Where Healthcare and Medical Facilities are located within one of the Natural Hazard Overlays, the relevant rules for sensitive activities and critical response facilities of the Natural Hazards Chapter will apply.
2. Where Healthcare and Medical Facilities are located within the Airport Noise Contour boundary, the acoustic insulation requirements of Rule NOISE - R3 will apply.

[99] The O'Connor Institute Trust Board S466.005 and Frank and Jo Dooley S478.048
[100] Buller District Council S538.594

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.** [101]

HOSZ – R2 Helicopter facilities including helicopter pads and associated fuelling and servicing facilities

Activity Status Permitted
Where:
1. These are located at the Te Nikau Grey Hospital, Reefton Hospital or Buller Integrated Health Facility **or Medical Centre**[102] sites only;
2. All performance standards for Rule HOSZ – R1 are complied with.

HOSZ - R3 Community Facilities and Emergency Service Facilities

Activity Status Permitted
Where:
1. All performance standards for Rule HOSZ -R1 are complied with ~~except that hose drying towers associated with Emergency Service Facilities are exempt from height standards~~[103]; and
2. Any community facility is ancillary to and/or supports healthcare and medical activity.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R4 Minor Structures

Activity Status Permitted
Where:
All performance standards for Rule HOSZ -R1 are complied with;
Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted
Where:
1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

~~**HOSZ - R6 Relocated Buildings**~~

~~**Activity Status Permitted**~~
~~Where:~~
~~1. All performance standards for Rule HOSZ -R1 are complied with;~~

[101] Buller District Council S538.594
[102] Buller District Council S538.595
[103] Buller District Council S538.596

~~2. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;~~

~~3. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and~~

~~4. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

~~**Activity status where compliance not achieved**: Restricted Discretionary~~[104]

Restricted Discretionary Activities

HOSZ - R~~7~~6 Activities, Buildings, Facilities, Minor Structures, Fences, Walls and Retaining Walls Provided for as Permitted Activities but not meeting the Permitted Activity Standards

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Design, size and location of buildings, structures and facilities;
b. Screening, planting and landscape measures;
c. Shading and privacy impacts on neighbouring properties;
d. Any adverse effects on the streetscape;
e. Any adverse effects on the amenity of neighbouring properties;
f. The extent to which the infringement is necessary due to the shape, natural or physical features of the site; ~~and~~
g. The extent to which any helicopter facilities are ancillary to and necessary for effective Healthcare and Medical Activities in the zone; **and**
h. **Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010**.[105]

Discretionary Activities

HOSZ - R~~8~~7 Any Activity that is not a Permitted Activity, a Restricted Discretionary Activity or a Non-complying Activity

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

HOSZ - R~~9~~8 Commercial Activity not ancillary to a Healthcare and Medical Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

HOSZ - R~~10~~9 Residential Activity not provided for as a Permitted Activity

[104] Buller District Council S538.599
[105] Grey District Council S608.796

Activity Status Non-complying

Activity status where compliance not achieved: N/A

HOSZ - R11~~0~~ Industrial Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

~~**HOSZ - R121 Any activity not provided for by another Rule in the zone**~~

~~**Activity Status Non-complying**~~

~~**Activity status where compliance not achieved:** N/A~~[106]

2.4. MPZ - MĀORI PURPOSE ZONE

MPZ as a Whole

Submissions and Further Submissions

360. Eighteen submission points and two further submission points were received on the Māori Purpose Zone (**MPZ**) as a whole. These were summarised in a Table on pages 68-71 of the s42A Report. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Definitions

361. Ms Easton did not support the request of Poutini Ngāi Tahu (S620.034) to amend the definition of '*Iwi/Papatipu Rūnanga Management Plan'*, to include '*a relevant planning document recognised by Te Rūnanga o Ngāi Tahu as the iwi authority as an Iwi Management Plan'*. She noted that the purpose of the Iwi/Papatipu Rūnanga Management Plan was to give confidence to the Councils that matters of amenity and infrastructure and in particular neighbouring impacts of development were appropriately identified and managed, while allowing for a wide range of activities on MPZ land that was substantially broader than other, comparable, rural zoned land.

362. Ms Easton did not support the request of Poutini Ngāi Tahu (S620.035) to delete the definition of Māori Land. However, she noted Poutini Ngāi Tahu and Te Tumu Paeroa had provided a joint statement in relation to the definition of '*Papakāinga*', which relied on the definition of '*Māori Land*' (with some amendment). Ms Easton recommended that the definition should remain in the Plan, with the agreed-upon amendment.

363. Ms Easton noted Poutini Ngāi Tahu (S620.036) supported the definition of '*Māori Purpose Activities*'.

364. Forest and Bird (S560.425, S560.074) sought that the difference between the definition of '*Māori Purpose Activities'* and '*Poutini Ngāi Tahu Activities'* be clarified. Ms Easton supported these submissions in part but noted that both terms were already defined in the Plan. She explained '*Māori Purpose Activities*' specifically related to activities

[106] Clause 16(2) of the RMA

undertaken in the MPZ and included a wider list of activities than '*Poutini Ngāi Tahu Activities'*, which were undertaken across the West Coast and outside of the MPZ. She considered the definitions and difference were clear and no amendments were required in response to submissions.

365. Forest and Bird (S560.069) sought that the intended meaning of '*integrated Māori development'* within the definition of '*Māori Purpose Activities'* be clarified. Ms Easton did not support this submission as she considered that the list in the definition made it clear the types of development that may be involved.

366. Poutini Ngāi Tahu (S620.037) supported the definition of '*Papakāinga*'. Te Tumu Paeroa (S440.001) sought that this definition be amended. However, as discussed above, Poutini Ngāi Tahu and Te Tumu Paeroa provided a joint statement regarding the definition of '*Papakāinga*'. Ms Easton supported the inclusion of the agreed-upon definition.

367. Ms Easton supported the submission point from Poutini Ngāi Tahu (S620.038), which sought to amend the definition of '*Papatipu Rūnanga'* to be consistent with how other definitions taken from legislation were set out.

MPZ Overview

368. Ms Easton supported the request of Poutini Ngāi Tahu (S620.268) to delete the paragraph that related to what might happen if land ceases to be Māori Land and delete the reference to the General Rural Zone in the '*Other relevant Te Tai o Poutini Plan provisions'*. She did not support the other changes to the '*Other relevant Te Tai o Poutini Plan provisions'* because she recommended standardising this section of the zone overviews throughout the Plan in response to a Forest and Bird submission. She did not support the deletion of the reference to the Landscape Chapter because it contained provisions that relate to MPZ land.

369. Forest and Bird (S560.399) requested greater clarity in the Overview and in the rules for this zone that the provisions of the ECO Chapter apply. They also sought that other relevant chapters were referenced. Ms Easton supported this submission in part and considered that the "*Other relevant Te Tai o Poutini Plan provisions*" section of the Overview was the appropriate location for this information, as per the standard format she had recommended for other zones and in other s42A Reports.

MPZ Chapter as a Whole

370. Ms Easton acknowledged the support of WDC (S181.055) and BDC (S538.579) for the Chapter; and Te Mana Ora's (S190.1175) support for tino rangatiratanga.

371. Ms Easton supported the request of Poutini Ngāi Tahu (S620.305) to change zoning of the cultural redress land, known as the Lake Moeraki Reserve (Lot 1, Deposited Plan 3772), SASM 185 within the Plan, from GRUZ to MPZ because the land was consistent with the criteria for MPZ.

372. Māwhera Incorporation (S621.030) opposed the zoning of some of their lands as MPZ and opposed any zoning being placed on their land across the West Coast. Ms Easton did not support this submission and noted that all land was required to be zoned.

373. Poutini Ngāi Tahu (S620.278) sought that this chapter be amended to reflect relief sought in their submissions on overlay provisions, as they considered that in some cases the zone provisions should have primacy over the overlays. Ms Easton did not support this submission. She considered the structure of the Plan was clear and provided that the overlay provisions in the District-Wide Matters section of the Plan sit over the zones.

Hearing and Submitter Evidence/Statements

374. Te Tumu Paeroa provided verbal evidence to the hearing requesting that a further 12 blocks they administered be zoned MPZ.

375. The Poutini Ngāi Tahu hearing statement included commentary on definitions and the overview section, as well as requesting the rezoning of specific sites (Appendix B). Appendix A set out the s42A Report response to S620.034, and in reply set out a revised amendment to the definition for '*Iwi/Papatipu Rūnanga Management Plan'* as follows:

means a plan developed by Poutini Ngāi Tahu and:

(1)

a. Endorsed by the relevant Poutini Ngāi Tahu papatipu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawho; or

b. In areas where the takiwa of the two rūnanga overlaps endorsed by both rūnanga; **or**

c. **A relevant planning document recognised by Te Runanga o Ngai Tahu, as the iwi authority, as an Iwi Management Plan; and**

(2) In relation a Māori Purpose Zone an Iwi/Papatipu Rūnanga Management Plan ~~Which~~ **also must** include the following information for any **MPZ** site it applies to:

i. a description of activities, buildings and structures, existing or proposed to be established within any development area;

ii. the bulk and location of any buildings and structures;

iii. how any adverse effects resulting from proposed activities, particularly at zone boundaries, will be avoided, remedied or mitigated;

iv. the provision of sufficient infrastructure to service the needs of all activities proposed to be established; and

v. the protection of mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

Reporting Officer Reply Evidence

376. In response to the Poutini Ngāi Tahu hearing statement requesting that the rezoning of specific sites to MPZ, Ms Easton considered there was no scope to consider the proposed changes, except for Lake Moeraki Reserve, which she has supported. She made no comment on the revised amendments to the definition for '*Iwi/Papatipu Rūnanga Management Plan*'

377. In response to the Te Tumu Paeroa verbal evidence seeking that a further 12 blocks they administer be included within the MPZ, Ms Easton considered that there was no scope for

the rezoning sought. She confirmed she had reviewed Te Tumu Paeroa's submission and noted this related solely to changes sought to the MPZ objectives and policies, and support for the MPZ rules.

Hearing Panel's Evaluation

378. The Panel accepts Ms Easton's reasons and recommended amendments to the Overview. We recommend changes that are consistent with our recommendations on the "*Other relevant Te Tai o Poutini Plan provisions*" section across the Plan. We also recommend amendment in response to the agreed resolution between Poutini Ngāi Tahu and Te Tumu Paeroa, including in relation to MPZ-O2, that settled submission points of Te Tumu Paeroa (e.g. S440.049).

379. The Panel agrees with the submission point of Poutini Ngāi Tahu that the notified definition of "*Māori land*" should be deleted from the Plan. This was the only submission point on the definition, and while scope is potentially provided between the notified definition and its deletion to make the amendments agreed between Poutini Ngāi Tahu and Te Tumu Paeroa, we do not see value in retaining the definition because it is not material to application of the chapter provisions.

380. Neither do we see value in incorporating reference to "*Māori land*" in the definition of "*Papakāinga*", the thrust of which remains unchanged by the amendments agreed between Poutini Ngāi Tahu and Te Tumu Paeroa. In either case, the definition signals that it is only relevant to Poutini Ngāi Tahu, rather than Māori land owners more broadly. The Panel understand, therefore, that the term "*Papakāinga*" will not be applied to developments undertaken on Māori land within the MPZ where the land owners do not whakapapa to Poutini Ngāi Tahu, which may include land owned by Māwhera Inc. We focus on the application of definitions in the rule framework and how development is provided for within the MPZ, relevant to Poutini Ngāi Tahu owned land and land held by other Māori land owners. Where the NPS-IB references "*specified Māori land*", the Panel discuss this in the Recommendation Report on the ECO Chapter.

381. The Panel agrees with amendments to the definition of "*Iwi/Papatipu Rūnanga Management Plan*" as sought by Poutini Ngāi Tahu (S620.034) and shown in their tabled hearing statement. In relation to the proposed addition in clause (c), to reference a planning document recognised by Te Rūnanga o Ngāi Tahu, this is understood to be consistent with the nature of Ngāi Tahu iwi management plans produced by both papatipu rūnanga and the iwi authority. The clarification that requirements in clause (2) apply in the context of MPZ zoned land we find a useful addition. The Panel consider use of these plans for MPZ zoned land in the context of each rule, while accepting that the recommended definition is appropriate. We also anticipate that tikanga will guide the development of these plans and is therefore a matter between the owners of Māori land within the MPZ and Poutini Ngāi Tahu, rather than a matter for determination under the Plan. In other words, the Panel do not expect a management plan to be created by Poutini Ngāi Tahu specific to a site in circumstances where this would not be appropriate in accordance with tikanga. We have considered the submission of Māwhera Inc in relation to this matter and find that tikanga is a relevant factor, but it is not for the Panel to determine its application.

382. The Panel accepts Ms Easton's recommendation to change the zoning of the land known as the Lake Moeraki Reserve (Lot 1, Deposited Plan 3772), SASM 185 within the Plan, from GRUZ to the MPZ because the land is consistent with the criteria for Māori Purpose Zone

land. We agree with Ms Easton that there is no scope to include rezoning land not included in the original submission.

383. The Panel agrees with Ms Easton that there is no scope within Te Tumu Paeroa's submission to rezone 12 blocks of land MPZ.

Hearing Panel's Recommendation

384. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Definitions:**

IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN

Means a plan developed by Poutini Ngāi Tahu and:

(1)

a. Endorsed by the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawho; or

b. In areas where the takiwa of the two rūnanga overlaps endorsed by both rūnanga; **or**

c. **A relevant planning document recognised by Te Rūnanga o Ngāi Tahu, as the iwi authority, as an Iwi Management Plan; and**

(2) In relation to a Māori Purpose Zone an Iwi/Papatipu Rūnanga Management Plan ~~Which~~ **also must** include~~s~~ the following information for any **MPZ** site it applies to:[107]

~~i~~**a**. A description of the activities, buildings and structures, existing or proposed to be established within any development area;

~~ii~~**b**. The bulk and location of any buildings and structures;

~~iii~~**c**. How any adverse effects resulting from proposed activities, particularly at zone boundaries, will be avoided, remedied or mitigated;

~~iv~~**d**. The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and

~~v~~**e**.[108] The protection of mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

~~**MĀORI LAND**~~

~~means:~~

~~a. Land owned by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or one of their holding companies;~~

[107] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.035
[108] RMA First Schedule Clause 16(2)

~~b. Land gazetted or determined by order of the Māori Land Court as Māori reservation under s338 Te Ture Whenua Māori Act 1993;~~

~~c. Māori customary and Māori freehold land as defined in s4 and s129 of Te Ture Whenua Māori Act 1993;~~

~~d. Any land where:~~

~~i. A status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no changes of ownership since the conversion other than to an owner's bloodline successor(s); or~~

~~ii. One or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Rūnanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court; or~~

~~iii. The land is vested in a Trust constituted pursuant to Part 12 of Te Ture Whenua Māori Act 1993 or a Māori incorporation constituted pursuant to Part 13 of the Te Ture Whenua Māori Act 1993.~~ [109]

PAPAKĀINGA

means a development ~~for Poutini Ngāi Tahu residing on the West Coast providing~~ **of** residential accommodation for members of Poutini Ngāi Tahu and may also including include communal buildings and facilities**, for the benefit of members of Poutini Ngāi Tahu and others who whakapapa to Poutini Ngāi Tahu.** [110]

PAPATIPU RŪNANGA

has the same meaning as in the Ngāi Tahu Claims Settlement Act 1998 (as set out below):
means the Papatipu Rūnanga of Ngāi Tahu Whānui referred to in section 9 of Te Runanga o Ngai Tahu Act 1996. ~~[Ngāi Tahu Claims Settlement Act 1998]~~ [111]

385. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Māori Purpose Zone Overview**:

MĀORI PURPOSE ZONE

Overview

The purpose of the MPZ - Māori Purpose Zone is to enable tino rangatiratanga for Poutini Ngāi Tahu in relation to their own lands**,** and allow for their unique social, cultural, environmental and economic needs to be met within Te Tai o Poutini/the West Coast, **and a variety of uses of Māori land.** [112]

[109] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.035
[110] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.037, Te Tumu Paeroa – The office of the Māori Trustee S440.001
[111] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.268
[112] Consequential to agreement between Poutini Ngāi Tahu and Te Tumu Paeroa on MPZ-O2, in response to submission point S440.049

A key element of the rules in the zone, is the development of Iwi/Papatipu Rūnanga Management Plans. These plans will be developed by Poutini Ngāi Tahu and endorsed by the relevant rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, **or Te Rūnanga o Ngāi Tahu.**[113] In areas where their takiw~~a~~**ā**[114] overlaps, the plan(s) will need to be endorsed by both **Papatipu** **R**~~r~~ūnanga. [115]

These Iwi/Papatipu Rūnanga Management Plans will enable Poutini Ngāi Tahu to undertake activities on specific sites in a way that reflects the unique identities and values of the sites, while managing the effects of the activities.

Once the Iwi/Papatipu Rūnanga Management Plan is lodged with the Council, many activities become **p**~~P~~ermitted.[116] Prior to that, the zone still provides for a wide range of **p**~~P~~ermitted **a**~~A~~ctivities[117] which enable Poutini Ngāi Tahu to use and develop the land within a cultural framework.

~~The MPZ – Māori Purpose Zone incorporates a variety of land types, but it is only Māori Land that should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. When land is no longer Māori Land in this zone, other zone provisions should apply and a Plan Change will be required to amend the zone.~~[118]

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the ~~GRUZ - General Rural Zone~~[119] MPZ – Māori Purpose Zone, including:

~~a. Overlay Chapters - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~[120]

Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Māori Purpose Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Māori Purpose Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.

Natural Character and Margins of Waterbodies - in some locations areas of Māori Purpose Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.

Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Māori Purpose Zone.

[113] Consequential to acceptance of S620.034
[114] RMA First Schedule Clause 16(2)
[115] RMA First Schedule Clause 16(2)
[116] RMA First Schedule Clause 16(2)
[117] RMA First Schedule Clause 16(2)
[118] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.268
[119] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.268
[120] Royal Forest and Bird Protection Society Incorporated Bird S560.399

Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.

General District Wide Matters - provisions in relation to earthworks, signs, subdivision and activities on the surface of water in particular may be relevant to many activities.

386. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends that the following changes to the **Māori Purpose Zone Planning Map**:

MĀORI PURPOSE ZONE

Rezoning

The land known as **Lake Moeraki Reserve (Lot 1 Deposited Plan 3772), SASM 185 within this plan, is to be rezoned from General Rural Zone to Māori Purpose Zone**[121]. This land is shown on the map below:



MPZ – Māori Purpose Zone Objectives

Submissions and Further Submissions

387. Nine submission points and two further submission points received on the MPZ objectives were summarised in a Table on pages 74-76 of the s42A Report.

388. Three submission points and one further submission point relating to **MPZ-O1.** One submission point supported the objective as notified and two sought amendments. A further submission from Poutini Ngāi Tahu opposed the submission of Te Tumu Paeroa.

[121] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.305

389. Three submission points and one further submission point relating to **MPZ-O2**. Two submission points supported the objective as notified and one sought amendment. A further submission from Poutini Ngāi Tahu opposed the submission of Te Tumu Paeroa, which sought amendments to the objective.

390. Three submission points relating to **MPZ-O3** Two submissions supported the objective as notified and one sought amendment.

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391. In relation to Objective **MPZ-O1**, Ms Easton noted Te Mana Ora's (S190.1176) support. She supported the request of Poutini Ngāi Tahu (S620.269) to delete "*ancestra*l" in relation to land and delete the reference to Te Rūnanga o Ngāi Tahu in the objective. She agreed the term "*ancestral land*" was confusing and unnecessary in the context. She also agreed that the reference to "*Te Rūnanga o Ngāi Tahu*" should be deleted because it was included within the definition of Poutini Ngāi Tahu.

392. Ms Easton did not support Te Tumu Paeroa's (S440.048) request to include "*Māori landowners*" alongside Poutini Ngāi Tahu because she considered the statutory relationship with Poutini Ngāi Tahu was entirely different from that with Māori landowners. She noted the objectives and policies gave effect to those legal directions and agreements, whereas Māori landowners did not have a statutory relationship and were not subject to legal directions.

393. The Te Tumu Paeroa submission also sought a definition for "*ancestral land" and "Poutini Ngāi Tahu land*". Ms Easton did not support this and considered the definitions were unnecessary given her recommendation to delete *"ancestral*" and the term "*Poutini Ngāi Tahu land*" was only used once in a strategic direction policy.

394. In relation to Objective **MPZ-O2**, Ms Easton acknowledged the support from Poutini Ngāi Tahu (S620.270) and Te Mana Ora (S190.1177) and recommend the Objective be retained as notified.

395. Ms Easton did not support the submission point from Te Tumu Paeroa (S440.049) that sought the objective be amended to refer to Māori Landowners alongside Poutini Ngāi Tahu for the same reasons outlined in relation to MPZ – O1 above.

396. In relation to Objective **MPZ-O3**, Ms Easton acknowledged the support from WMS Group (S599.139) and Te Mana Ora (S190.1178). However, she supported the request of Poutini Ngāi Tahu (S620.271) to reword the objective to make it clearer and also recommended changes to improve readability.

Hearing and Submitter Evidence/Statements

397. The Poutini Ngāi Tahu hearing statement confirmed support for the s42A Report recommendations in relation to the objectives. It noted the objectives and policies of the MPZ were strongly worded towards enablement over protection and recommended the Panel balance this with the overlays and district-wide objectives and policies to still enable use on MPZ land.

398. Te Tumu Paeroa withdrew their submission point on MPZ-O1, after reaching agreement with Poutini Ngāi Tahu, through their written statement dated 22 August 2024.

399. In relation to MPZ-O2, Poutini Ngāi Tahu and Te Tumu Paeroa reached agreement on rewording this objective in response to the Te Tumu Paeroa submission point S440.049, as

recorded in their joint statement dated 14 August 2024. The submitters recommended including reference to use of Māori land and ensuring there was no doubt that this applied to both Poutini Ngāi Tahu and other owners of Māori land.

400. Ms Inta highlighted the poor wording of MPZ-O3 and considered this should be corrected, despite not submitting on the MPZ objectives.

Reporting Officer Reply Evidence

401. In Reply, Ms Easton agreed the poor wording of MPZ–O3 should be amended as follows:

> **MPZ - O3**
> Provide for ~~T~~the use and development of the MPZ - Māori Purpose Zone ~~is provided~~ for while recognising identified natural environment overlays and the contribution their values make to the wider community is recognised~~, and the appropriate use and development of the Zone is provided for~~.

Hearing Panel's Evaluation

402. The Panel accepts Ms Easton's reasoning and recommended amendments to **MPZ-O1,** which responds to the submission points of Poutini Ngāi Tahu, and the Panel acknowledge the withdrawal of the Te Tumu Paeroa submission point.

403. In relation to **MPZ-O2**, the Panel recommend adopting the wording agreed between Poutini Ngāi Tahu and Te Tumu Paeroa that resolved the Te Tumu Paeroa submission point S440.049 because it appropriately provides for the development and use of Māori land within the MPZ.

404. In relation to **MPZ-O3**, the Panel agrees with Ms Easton that the notified wording is poor and should be corrected. We note Ms Easton's recommended amendments did not include "*appropriate use and development*" and recommend this is retained to reflect the notified wording but in a better order, without changing the intent. We consider this also partly addresses the amendments requested by Poutini Ngāi Tahu (S620.271).

Hearing Panel's Recommendation

405. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Māori Purpose Zone Objectives**:

Māori Purpose Zone Objectives
MPZ – O1
The use and possession of ~~ancestral~~[122] land by Poutini Ngāi Tahu ~~and Te Rūnanga o Ngāi Tahu~~[123] is recognised and provided for within the MPZ - Māori Purpose Zone, within which Ngāi Tahu are able to exercise tino rangatiratanga.
MPZ – O2

[122] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.269
[123] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.269

The MPZ - Māori Purpose Zone specifically provides **for use of Māori land and** Poutini Ngāi Tahu needs and activities, including **for the avoidance of doubt in respect of both**[124] residential, social, cultural, environmental and economic use and development to:

a. Provide a safe, nurturing environment for ngā uri (descendants), whānau (family), hapū (extended family), iwi me ngā manuhiri (tribe and visitors);

b. Ensure the whenua is managed in accordance with tikanga Māori; and

c. Ensure the protection and maintenance of ngā taonga tuku iho (treasures)

MPZ – O3

Provide for appropriate use and development of the MPZ - Māori Purpose Zone while recognising ~~The significant coverage of~~ identified natural environment overlays across some parts of the ~~MPZ – Māori Purpose Z~~zone and the contribution their values make to the wider community ~~is recognised, and the appropriate use and development of the Zone is provided for~~.[125]

MPZ – Māori Purpose Zone Policies

Submissions and Further Submissions

406. Twenty submission points and two further submission points relating to the MPZ policies were summarised in the Table on pages 77-79 of the s42A Report.

407. One submission point supported the policy as notified and one submission point sought amendments to Policy **MPZ–P1.**

408. Two submission points supported Policy **MPZ-P2** as notified and five sought amendments, with one submission point opposed by a further submission.

409. One submission point supported Policy **MPZ–P3** as notified, two sought amendment and one opposed the policy and sought it be deleted.

410. Two submission points supported Policy **MPZ–P4** as notified.

411. Two submission points supported Policy **MPZ–P5** as notified.

412. Two submission points supported Policy **MPZ-P6** as notified and one sought amendment, with a further submission in opposition.

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413. In relation to **MPZ-P1**, Ms Easton acknowledged the support of Te Mana Ora (S190.1179).

414. Ms Easton supported the request of Poutini Ngāi Tahu (S620.272) for links to the glossary for the terms "*whanaungatanga*" and "*mātauranga*" be included in the e-plan version of the Plan. She noted that this would correct an error in the Plan whereby the electronic links were not included.

415. In relation to **MPZ-P2**, Ms Easton acknowledged the support of Te Mana Ora (S190.1180) and WMS Group (S599.140).

[124] Te Tumu Paeroa S440.049
[125] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.271

416. Ms Easton supported the request of Poutini Ngāi Tahu (S620.273) to add "*or remedied*" alongside "*are mitigated*" in clause (i) in relation to significant adverse effects on adjoining landowners. She acknowledged that these effects could be remedied rather than mitigated. She also supported the request (S620.406) to make it clear that the on-site or community scale facilities were those "*for water supply, wastewater and stormwater*" and considered this would clarify the intent of the policy.

417. Ms Easton did not support the submission point from Te Tumu Paeroa (S440.050) that sought to add "*and Māori landowners*" for the same reasons as outlined in relation to the objectives.

418. Ms Easton did not support the Buller Conservation Group (S552.198) and Frida Inta's (S553.198) request to delete "*significant*" in relation to adverse effects and to replace "*mitigated*" with "*avoided*". She considered the term "*avoid*" was generally associated with non-complying activities and noted this policy supports permitted activities. However, she recommended adding "*remedied and mitigated*". In relation to the deletion of the word "*significant*" she considered this was also inappropriate.

419. In relation to **MPZ-P3**, Ms Easton acknowledged the support of Te Mana Ora (S190.1181) and WMS Group (S599.140).

420. Ms Easton did not support Buller Conservation Group (S552.199) and Frida Inta's (S553.199) request to add a new clause "*Indigenous biodiversity is protected*" because she noted that matters related to indigenous biodiversity were subject to the ECO Chapter, which was cross-referenced in the MPZ Overview.

421. Poutini Ngāi Tahu (S620.274) requested that Policy MPZ-P3 be deleted because it duplicated MPZ–P2. Ms Easton did not support this submission and considered Policy MPZ – P2 was focussed on the types of activities that were provided for in the zone; whereas Policy MPZ – P3 was focussed on the outcomes that should be achieved when those activities were undertaken.

422. Ms Easton recommended retaining Policy MPZ – P3 as notified.

423. In relation to **MPZ-P4 and MPZ-P5**, Ms Easton acknowledged the support of Te Mana Ora (S190.1182 S620.1183) and Poutini Ngāi Tahu (S620.275, S620.276) and recommended these policies be retained as notified.

424. In relation to **MPZ-P6**, Ms Easton acknowledged the support of Te Mana Ora (S190.1184) and Ngāi Tahi (S620.277) and recommended the policy be retained as notified.

425. Ms Easton did not support the submission point from Te Tumu Paeroa (S440.051) that sought to have this policy refer to "*Māori Landowners*" for the same reasons outlined for the MPZ objectives.

Hearing and Submitter Evidence/Statements

426. In relation to MPZ-P2, Poutini Ngāi Tahu and Te Tumu Paeroa reached agreement on resolution of Te Tumu Paeroa submission point S440.050, reflecting changes made to MPZ-O2, so that the policy enables the use and development of Māori land.

427. Ms Inta highlighted the poor wording of MPZ-P2 and considered it should be amended to be "*avoided, remedied or mitigated*".

428. The Poutini Ngāi Tahu hearing statement confirmed support for the s42A Report recommendations in relation to the policies, and support for position agreed with Te Tumu Paeroa. However, it recommended replacing "*Enable*" with "*provide for*" in MPZ-P3 to provide clarity that it is to be considered in relation to a restricted discretionary application.

429. In relation to **MPZ-P6**, this was also the subject of agreement between Poutini Ngāi Tahu and Te Tumu Paeroa, resolving Te Tumu Paeroa submission point S440.051. The statement of these two submitters recommended inclusion of a method to support a future plan change, enabling additional zoning of MPZ land, which both parties had sought in the hearing process but were limited by the scope of their submissions.

Reporting Officer Reply Evidence

430. In response to questions from the Panel, Ms Easton agreed with Ms Inta that Policy MPZ – P2 should be amended to "*avoided, remedied or mitigated*".

431. Ms Easton recommended the following amendments to the wording of this policy and a formatting change to clause (ii) as follows:

> **MPZ – P2**
>
> Enable the use and development of the land in the MPZ - Māori Purpose Zone for a wide range of activities to support the Poutini Ngāi Tahu community, including:
> a. Single dwellings, multiple dwellings, and papakāinga housing;
> b. Marae complexes;
> c. Cultural uses including harvest of mahinga kai;
> d. Social, recreational, educational and community facilities; and
> e. Farming and other economic activities.
>
> While
>
> i. Ensuring any significant adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are **avoided, remedied or** mitigated; and
> ii. Requiring that the above activities are adequately serviced with on-site or community scale facilities **for water supply, wastewater or stormwater.**

Hearing Panel's Evaluation

432. In relation to **MPZ-P1** the Panel accepts Ms Easton's recommendation that links to the glossary for the terms "w*hanaungatanga*" and "*mātauranga*" are included in the e-plan version of the Plan. We recommended MPZ-P1 is retained as notified.

433. In relation to **MPZ-P2**, the Panel agrees with Ms Easton that "*significant*" should not be deleted in this context. We accept her recommended changes to add "*avoided, remedied or mitigated*"; and to add "*for water supply, wastewater and stormwater*". We also accept the recommended amendments of Poutini Ngāi Tahu and Te Tumu Paeroa that resolved Te Tumu Paeroa submission point S440.050, to enable the use and development of Māori land within MPZ.

434. The Panel accepts Ms Easton's recommendations to retain policies **MPZ-P3**, **MPZ-P4,** and **MPZ-P5** as notified for the reasons outlined in the s42A Report.

435. In relation to **MPZ-P6**, the Panel accept the recommended amendments of Poutini Ngāi Tahu and Te Tumu Paeroa that resolved Te Tumu Paeroa submission point S440.051, to enable the use and development of Māori land within MPZ, but do not consider that a new method to support the policy is necessary.

Hearing Panel's Recommendation

436. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Māori Purpose Zone policies:**

Māori Purpose Zone Policies

MPZ - P1

Enable the incorporation of whānaungatanga, mātauranga and tikanga in relation to the use, design and layout of development within the MPZ - Māori Purpose Zone.

MPZ – P2

Enable the use and development of the land in the MPZ - Māori Purpose Zone for a wide range of activities to support ~~the~~ Poutini Ngāi Tahu ~~community~~ **and enable the use and development of Māori land**,[126] including:

a. Single dwellings, multiple dwellings, and papakāinga housing;
b. Marae complexes;
c. Cultural uses including harvest of mahinga kai;
d. Social, recreational, educational and community facilities; and
e. Farming and other economic activities.

While

i. Ensuring any significant adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are **avoided,**[127] **remedied or**[128] mitigated; and
ii. Requiring that the above activities are adequately serviced with on-site or community scale facilities **for water supply, wastewater or stormwater.**[129]

MPZ - P3

Enable the establishment of compatible activities within the MPZ - Māori Purpose Zone while ensuring that:

a. Use and development is consistent with the purpose of the zone;
b. The Poutini Ngāi Tahu community is sustained;
c. Cultural values are maintained or enhanced; and
d. The quality of the environment within or adjacent to the zone is not adversely affected.

MPZ – P4

Avoid activities which are likely to be incompatible with the purpose of the MPZ - Māori Purpose Zone, unless a cultural impact assessment endorsed by the relevant rūnanga demonstrates that the effects on the cultural values are acceptable or can be mitigated.

[126] Te Tumu Paeroa S440.050
[127] Frida Inta S553.198
[128] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.273
[129] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.406

MPZ – P5

Provide for the use of Papatipu Rūnanga mandated Iwi/Papatipu Rūnanga management plans to provide for development in different areas within the MPZ - Māori Purpose Zone; ensuring that these plans contain the level of detail necessary to ensure that comprehensive, coordinated and efficient development occurs, including:

a. A description of activities, buildings and structures existing, or proposed to be established within the development area;
b. The bulk and location of any buildings and structures;
c. How adverse effects resulting from proposed activities, in particular at zone boundaries, will be avoided, remedied or mitigated;
d. The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and
e. The protection of the mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

MPZ – P6

Support the future application of the MPZ - Māori Purpose Zone to locations where it will enable the use and development of land in accordance with tikanga Māori and to meet **the needs of** Poutini Ngāi Tahu ~~needs~~ **and enable the use of Māori land**.[130]

MPZ - Māori Purpose Zones Rules

437. Sixty-eight submission points and five further submission points relating to the MPZ rules were summarised in the Table on pages 81-90 of the s42A Report.

438. One submission point requested including "*emergency services facility*" and "*public amenities*" as permitted activities in the MPZ and developing appropriate activity standards.

439. Two submission points supported Rule **MPZ-R1** as notified and two sought amendments, with a further submission in opposition to a suggested amendment.

440. Two submission points supported Rule **MPZ-R2** as notified.

441. Two submission points supported Rule **MPZ-R3** as notified.

442. Four submission points supported Rule **MPZ-R4** as notified and one sought an amendment, with a further submission in opposition to the suggested amendment.

443. Two submission points supported Rule **MPZ-R5** as notified.

444. One submission points supported Rule **MPZ-R6** as notified and one sought amendment.

445. Three submission points supported Rule **MPZ-R7** as notified and one sought amendment.

446. Three submission points supported Rule **MPZ-R8** as notified and three sought amendments, with two further submissions in opposition to two of the suggested amendments.

447. Two submission points supported Rule **MPZ-R9** as notified.

[130] Te Tumu Paeroa S440.051

448. Two submission points supported Rule **MPZ-R10** as notified.

449. One submission point supported Rule **MPZ-R11** as notified and two sought amendments, with a further submission in opposition to one of the suggested amendments.

450. One submission point supported Rule **MPZ-R11** as notified and one sought amendment.

451. One submission point supported Rule **MPZ-R12** as notified and one sought amendment.

452. One submission point supported Rule **MPZ-R13** as notified and one sought amendment.

453. One submission point supported Rule **MPZ-R14** as notified and two sought amendments.

454. Two submission points supported Rule **MPZ-R15** as notified and one sought amendment.

455. One submission point supported Rule **MPZ-R16** as notified and one sought amendment.

456. Two submission point supported Rule **MPZ-R17** as notified and two sought to delete the rule.

457. Two submission points supported Rule **MPZ-R18** as notified and one sought amendment.

458. One submission point supported Rule **MPZ-R19** as notified and one sought amendment.

459. Two submission points supported Rule **MPZ-R20** as notified.

460. One submission point supported Rule **MPZ-R21** as notified and one sought amendment.

461. Two submission points supported Rule **MPZ-R22** as notified.

462. Two submission points supported Rule **MPZ-R23** as notified.

463. Two submission points supported Rule **MPZ-R11** as notified and one sought amendment.

464. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Rules (Permitted)

465. Ms Easton supported the submission point from Poutini Ngāi Tahu (S620.279) that sought "*emergency services facility*" be provided for as a permitted activity. She considered that emergency services facilities were appropriate within this zone and could be accommodated through an amendment to Rule MPZ–R9 (Community Facilities). Ms Easton did not support the submission point seeking the provision of "*public amenities*" as permitted activities. She noted that the term was not used in the pTTPP and was unclear about what it could include.

MPZ – R1 Māori Purpose Activities

466. Ms Easton acknowledged the support from Te Mana Ora (S190.1185) and Waka Kotahi NZTA (S450.300) for this rule as notified.

467. Ms Easton supported GDC's (S608.800) request to amend clauses (5) and (6) to require connection to reticulated services in fully serviced areas; and in areas not serviced, that systems be designed and constructed in compliance with NZS 4404:2010. She considered this was consistent with the recommendations made on other zones and the wider approach to these matters in the Plan.

468. Ms Easton did not support the amendments requested by Poutini Ngāi Tahu (S620.280) for the following reasons:

(a) Changing '*site coverage'* to '*building coverage'* because '*site coverage'* was the term used throughout the Plan.
(b) Changing the area of maximum site coverage to 50% of the site from 40% of the site because the site coverage was the same as the GRUZ (reflecting the wider environment) and these areas generally do not have reticulated stormwater systems.
(c) Reducing setbacks from the road of 10m to 4.5m and from 5m to 1m for internal boundaries because these were the same as those in the GRUZ.
(d) Reducing residential density from no more than one unit per 500m^2 net site area in areas fully serviced by a network utility operator to one unit per 300m^2 net site area because these sites were likely to be located within small settlements and areas where urban densities were not in keeping with the wider character and amenity of the area.
(e) Reducing in residential density in areas unserved by three-waters to an unspecified density consistent with the carrying capacity of the land and infrastructure because advice received from the Regional Council notes that it is difficult to manage on-site wastewater on sites smaller than 1000m².

469. Ms Easton recommended amendments to MPZ–R1 as follows:

MPZ - R1 Māori Purpose Activities Activity Status Permitted
Where:
1. The maximum gross ground floor area of a single building is 500m^2;
2. Maximum building height above ground level is 10m;
3. Maximum site coverage is 40%;
4. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 5m from internal boundaries, except that:
    a. In the Arahura Pā settlement buildings are setback 5m from the road and any GRUZ - General Rural Zone or INZ - Industrial Zone boundary and 1m from internal boundaries;
5. The average residential density is no more than 1 unit per 500m2 net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems~~; and~~
6. In areas not serviced by network utility operated wastewater, stormwater and water supply the average dwelling/papakāinga building density is no more than one unit and one minor residential unit per 1000m^2 net site area; and
7. Where reticulated systems are available, buildings are connected to the reticulated wastewater, stormwater and water supply systems, and where these are not available, wastewater, stormwater and water supply systems are designed to meet the relevant standards of NZS4404:2010.

MPZ – R2 Agricultural, Pastoral or Horticultural Activities or Buildings

470. Ms Easton acknowledged the support of Poutini Ngāi Tahu (S620.281, S620.282) and Te Mana Ora (S190.1186, S190.1187)

MPZ – R3 Conservation and Recreation Activities

471. Ms Easton acknowledges the support of Ngāi Tahu (, S620.282) and Te Mana Ora (S190.1187) and recommended retaining the rule as notified.

MPZ – R4 Residential Activities

472. Ms Easton acknowledged the support of Poutini Ngāi Tahu (S620.283), Te Mana Ora (S190.1188), Waka Kotahi NZTA (S450.301) and GDC (S608.801) and recommended retaining the rule as notified.

473. Ms Easton did not support the Westport Rifle Club's (S457.012) request to add reference to the Rifle Range Protection Area in this rule because she considered it unnecessary given there was no MPZ land in that part of the Buller District.

MPZ – R5 Minor Structures

474. Ms Easton acknowledged the support of Poutini Ngāi Tahu (S620.284) and Te Mana Ora (S190.1189) and recommended retaining the rule as notified.

MPZ – R6 Fences, Walls and Retaining Walls

475. Ms Easton acknowledged the support of Te Mana Ora (S190.1190) for this rule.

476. Ms Easton supported the request of Poutini Ngāi Tahu (S620.285) that clause (2) concerning the use of the fences, retaining walls or walls be deleted to avoid duplication with the Signs Chapter.

477. Ms Easton recommended amendments to MPZ – R6 as follows:

> **MPZ - R6 Fences, Walls and Retaining Walls**
> **Activity Status Permitted**
> Where:
> 1. Fences, walls and retaining walls are a maximum 2m height above ground level.; and
> ~~2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall~~

MPZ – R7 Relocated Buildings

478. Ms Easton acknowledged the support of Te Mana Ora (S190.1191), Poutini Ngāi Tahu (S620.286) and GDC (S608.802) and recommended retaining the rule as notified.

479. The New Zealand Heavy Haulage Association Inc. (S616.013) sought amendments to the rule that were consistent with other submissions it has made in other zones. Ms Easton did not support this submission because she considered that it would result in new pre-built residential housing being moved onto a site, potentially requiring a resource consent. Similarly, she did not support the other changes proposed by the submitter as she considered they did not improve the clarity or enforceability of the rule.

MPZ – R8 Visitor Accommodation that is not in a Marae Complex

480. Ms Easton acknowledged the support of Te Mana Ora (S190.1192), Poutini Ngāi Tahu (S620.287) and Waka Kotahi NZTA (S450.302) and recommended retaining the rule as notified.

481. Ms Easton did not support the Westport Rifle Club (S457.013) and Westport Pistol Club's (S336.015) requests to amend the rule to refer to the Rifle Range Protection Area because there was no MPZ land within that part of Buller District.

MPZ – R9 Community Facilities

482. Ms Easton acknowledged the support of Te Mana Ora (S190.1193) and Poutini Ngāi Tahu (S620.288) for this rule.

483. Ms Easton recommended the following addition to this rule as alternative relief to Poutini Ngāi Tahu (S620.279) that sought "*emergency services facility*" be provided for as a permitted activity:

> **MPZ - R9 Community Facilities and Emergency Services Facilities**
> **Activity Status Permitted**
> Where:
> 1. All performance standards for Rule MPZ - R1 are complied with.
>
> **Activity status where compliance not achieved**: Restricted Discretionary

MPZ – R10 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not Provided for in another Permitted Activity Rule

484. Ms Easton acknowledged the support of Te Mana Ora (S190.1194) and Poutini Ngāi Tahu (S620.289) for this rule and recommended retaining the rule as notified.

Restricted Discretionary Activities

485. Poutini Ngāi Tahu (S620.290) sought that a non-notification clause be applied to all restricted discretionary activity rules specifying that they would not be publicly notified and would only be limitedly notified to directly abutting landowners. Ms Easton supported this submission in part. She agreed that public notification of the types of activities covered by these rules was inappropriate, as they were not expected to generate significant adverse effects. However, she did not consider that restricting notification to only immediately abutting landowners was appropriate given the potential for adverse effects on amenity or other concerns that extend beyond the directly abutting sites.

MPZ – R11 Māori Purpose Activities not meeting Permitted Activity Standards

486. Ms Easton acknowledged the support of Te Mana Ora (S190.1195) for this rule.

487. Poutini Ngāi Tahu (S620.291) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that the matters of discretion in clauses (b) to (e) not apply. Ms Easton did not support this submission. She considered that these matters related to potential adverse environmental effects or effects on neighbouring amenity that needed to be assessed and managed through consent conditions if necessary.

488. Ms Easton supported GDC's (S608.803) request for a new matter of discretion relating to design and location of vehicle access given this could be an important consideration.

489. Ms Easton recommended amending MPZ-R11 as follows:

> **MPZ - R11 Māori Purpose Activities not meeting Permitted Activity Standards**
> **Activity Status Restricted Discretionary Discretion is restricted to:**
> a. The extent to which the proposal complies with any Iwi/Papatipu Rūnanga management plan in place for the site;
> b. Size, height, design and location of any buildings and structures;
> c. Landscape measures;
> d. Density of any residential buildings; and
> e. Methods of water supply, wastewater and stormwater treatment and disposal; and
> f. Design and location of vehicle access
> **Activity status where compliance not achieved:** N/A
> **Notification: Applications for activities under this rule will not be Publicly Notified**

MPZ – R12 Minor structures not meeting Permitted Activity Standards

490. Ms Easton acknowledged the support of Te Mana Ora (S190.1196) for this rule.

491. Poutini Ngāi Tahu (S620.292) sought that if an Iwi/Papatipu Rūnanga Management Plan was in place that matters of discretion in clause (2) and (3) not apply. Ms Easton supported this submission and noted that considering that the rule related only to structures up to 10m high, the risk of adverse off-site effects was low and would be appropriately managed by the Iwi/Papatipu Rūnanga Management Plan.

492. Ms Easton recommended amending the rule as follows:

> **MPZ -R12 Minor structures not meeting Permitted Activity Standards Activity Status Restricted Discretionary**
> Where:
> 1. The minor structure does not exceed 10m in height; and
> 2. All other performance standards for Rule MPZ - R1 are complied with.
> **Discretion is restricted to:**
> a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;
> **or**
> b**. If there is no Iwi/Papatipu Rūnanga management plan in place for the site:**
> i. Design and location of structures; and
> ii. Landscape measures.
> **Activity status where compliance not achieved:** Discretionary
> **Notification: Applications for activities under this rule will not be Publicly Notified**

MPZ – R13 Relocated buildings not meeting Permitted Activity Standards

493. Ms Easton acknowledged the support of Te Mana Ora (S190.1197) for this rule.

494. Poutini Ngāi Tahu (S620.293) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (b) to (d) not apply. Ms Easton supported this submission. She noted that buildings subject to this rule still must comply with the performance standards for bulk and setbacks. She considered that the risk of adverse off-site effects was low and would be appropriately managed in an Iwi/Papatipu Rūnanga Management Plan.

495. Ms Easton recommended amendments to the rule as follows:

> **MPZ - R13 Relocated buildings not meeting Permitted Activity Standards Activity Status Restricted Discretionary**
> Where:
> 1. All performance standards for Rule MPZ - R1 are complied with.
> **Discretion is restricted to:**
> a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;
> **or**
> **b. If there is no Iwi/Papatipu Rūnanga management plan in place for the site**
> i. Design and location of structures;
> ii. Appearance of buildings; and
> iii. Landscape measures
> **Activity status where compliance not achieved:** Discretionary
> **Notification: Applications for activities under this rule will not be Publicly Notified**

MPZ – R14 Intensive indoor primary production

496. Ms Easton acknowledged the support of GDC (S608.804) for this rule.

497. Te Mana Ora (S190.1198) sought that this rule be amended to include a requirement that the activity does not occur within a DWSZ. Ms Easton did not support this submission for the reasons outlined in relation to other special zones.

498. Poutini Ngāi Tahu (S620.294) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (b) to (h) not apply. Ms Easton did not support this submission. She considered that these matters were those where there was a potential for adverse environmental effects or effects on neighbouring amenity. She considered that these matters needed to be assessed and managed through consent conditions if necessary.

499. Ms Easton recommended amendments to this rule as follows:

> **MPZ - R14 Intensive indoor primary production**
> **Activity Status Restricted Discretionary**
> Where:
> 1. This is not within the Arahura Pā settlement area; and
> 2. All performance standards for Rule MPZ - R1 are complied with.
> **Discretion is restricted to:**
> a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;
> b. Bulk and location of buildings;
> c. Management of traffic and parking;
> d. Management of odour;
> e. Landscape measures;
> f. Any impacts on the production values of the surrounding land;
> g. Effects on visual amenity and rural character; and
> h. Methods of water supply and effluent and stormwater treatment and disposal.
> **Activity status where compliance not achieved**: Discretionary
> **Notification: Applications for activities under this rule will not be Publicly Notified**

MPZ – R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards

500. Ms Easton acknowledged the support of GDC (S608.1199) and Te Mana Ora (S190.1199).

501. Poutini Ngāi Tahu (S620.295) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (2) to (7) not apply. Ms Easton supported this submission and noted that buildings subject to this rule must still comply with the performance standards for bulk and setbacks. She considered the risk of adverse off-site effects was low and would be appropriately managed in an Iwi/Papatipu Rūnanga Management Plan.

502. Ms Easton recommended the amendments to this rule as follows:

> **MPZ - R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards**
> **Activity Status Restricted Discretionary**
> Where:
> 1. This is ancillary to a farming, conservation, residential or Māori purpose activity; and
> 2. All performance standards for Rule MPZ - R1 are complied with.
> **Discretion is restricted to:**
> a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;
> **or**
> **b. If there is no Iwi/Papatipu Rūnanga management plan in place for the site**
> i. Number of visitors/workers staying on site;
> ii. Number of days of use for the accommodation;
> iii. Management of traffic and parking;
> iv. Landscape measures;
> v. Any impacts on the production values of the surrounding land;
> vi. Effects on visual amenity and rural character; and
> vii. Methods of water supply and wastewater and stormwater treatment and disposal
> **Activity status where compliance not achieved:** Discretionary
> **Notification: Applications for activities under this rule will not be Publicly Notified**

MPZ – R16 Community Facilities not meeting Rule MPZ - R9

503. Ms Easton acknowledged the support of Te Mana Ora (S190.1200) for this rule.

504. Poutini Ngāi Tahu (S620.296) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (b) to (e) not apply. Ms Easton supported this submission and noted that buildings subject to this rule still must comply with the performance standards for bulk and setbacks. She considered the risk of adverse off-site effects was low and that these would be appropriately managed by the Iwi/Papatipu Rūnanga Management Plan.

505. Ms Easton recommended amendments to the rule as follows:

> **MPZ - R16 Community Facilities not meeting Rule MPZ - R9**
> **Activity Status Restricted Discretionary**
> **Discretion is restricted to:**
> a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;
> **or**
> **b. If there is no Iwi/Papatipu Rūnanga management plan in place for the site**
>
> i. Management of access, parking and traffic generation;
> ii. Hours of operation;
> iii. Noise management and lighting;
> iv. Landscape measures.

Activity status where compliance not achieved: N/A
Notification: Applications for activities under this rule will not be Publicly Notified

MPZ – R17 Non - rural Activities not meeting Permitted Activity Standards

506. Ms Easton acknowledged the support of Te Mana Ora (S190.1201) and GDC (S608.806).

507. WMS Group (S599.141) and Poutini Ngāi Tahu (S620.297) opposed this rule and sought its deletion. Ms Easton agreed that this rule was unnecessary and recommended it be deleted.

MPZ – R18 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10

508. Ms Easton acknowledges the support of Te Mana Ora (S190.1202) and GDC (S608.807).

509. Poutini Ngāi Tahu (S620.298) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clause (b) to (i) not apply. Ms Easton did not support this submission. She noted that this rule specifically applied to activities outlined in an Iwi/Papatipu Rūnanga Management Plan and that where there was no Iwi/Papatipu Rūnanga Management Plan, this rule would not apply.

510. Ms Easton recommended amendments to the rule as follows:

MPZ - R18 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10
Activity Status Restricted Discretionary
Discretion is restricted to:
a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;
b. The extent to which the activity could be undertaken more appropriately in another zone;
c. Bulk and location of buildings;
d. Management of traffic and parking;
e. Management of odour;
f. Landscape measures;
g. Any impacts on the production values of the surrounding land;
h. Effects on visual amenity and rural character; and
i. Methods of water supply, wastewater and stormwater treatment and disposal.
Activity status where compliance not achieved: N/A
Notification: Applications for activities under this rule will not be Publicly Notified

Discretionary Activities

MPZ – R19 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

511. Ms Easton acknowledged the support of Te Mana Ora (S190.1203) for this rule.

512. Poutini Ngāi Tahu (S620.299) sought that the reference to "*Controlled*" activities in the rule title be deleted. Ms Easton supported this submission to correct this error. She recommended the following amendment to the rule:

MPZ - R19 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, ~~Controlled~~ or Restricted Discretionary Activity Rules
Activity Status Discretionary

MPZ – R20 Rural Industry or Intensive Indoor Primary Production not meeting Permitted or Restricted Discretionary Activity Rules

513. Ms Easton acknowledged the support of Te Mana Ora (S190.1204) and Poutini Ngāi Tahu (S629.300) and recommended retaining the rule as notified.

MPZ – R21 Non-rural activities not meeting Permitted or Restricted Discretionary Activity Rules.

514. Ms Easton acknowledged the support of Te Mana Ora (S190.1205) for this rule.

515. Poutini Ngāi Tahu (S620.302) sought to alter this rule from "*Non-rural activities*" to "*Conservation and Recreation Activities*". Ms Easton supported this submission because the deletion of MPZ–R17 meant there was no rule that this escalates from. However, as identified by Poutini Ngāi Tahu, she agreed there was no escalation rule for Rule MPZ-R3 and therefore, recommended renaming the rule to address the issue identified.

516. Ms Easton recommended the following amendments to this rule:

MPZ - R21 ~~Non-rural~~ <u>Conservation and Recreation</u> activities not meeting Permitted or Restricted Discretionary Activity Rules.
Activity Status Discretionary

MPZ – R22 Minor structures, Fences, Walls and Retaining Walls, and Relocated buildings not meeting Permitted or Restricted Discretionary Rules

517. Ms Easton acknowledged the support of Te Mana Ora (S190.1206) and Poutini Ngāi Tahu (S629.303) and recommended retaining the rule as notified.

MPZ – R23 Residential activities and visitor accommodation activities not meeting Permitted or Restricted Discretionary Rules.

518. Ms Easton acknowledged the support of Te Mana Ora (S190.1207) and Poutini Ngāi Tahu (S629.301) and recommended retaining the rule as notified.

MPZ – R24 Any Activity not provided for in another Rule in the Zone

519. Ms Easton acknowledged the support of Te Mana Ora (S190.1208) and Poutini Ngāi Tahu (S629.304) for this rule.

520. WMS Group (S599.142) opposed this rule and sought to have minerals extraction provided for as a discretionary activity. Ms Easton supported this submission in part in that providing for mineral extraction as a discretionary activity was consistent with the approach taken in the SASM Chapter. She did, however, note that the definition of "*Māori Purpose Activities*" included some types of mineral extraction (for cultural resources). She therefore proposed wording that reflected the existence of some permitted activities.

521. Ms Easton recommended adding a new rule as follows:

MPZ – RXXX Mineral Extraction not meeting Permitted or Restricted Discretionary Rules
Activity Status: Discretionary
Notification:
Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio).
Activity status where compliance not achieved: N/A

Hearing and Submitter Evidence/Statements

522. The Poutini Ngāi Tahu hearing statement requested consideration of including "*Parks Furniture*" instead of "*Public Facilities*" as a permitted activity within the MPZ, as requested in the original submission.

523. In relation to MPZ-R2, the Poutini Ngāi Tahu hearing statement noted that connections to water, wastewater and stormwater systems were already addressed under Rule INF-R2 and that adding the requested clause would result in duplication. It also noted that the reduced setbacks sought were to enable reasonable use, including urban activities and Papakāinga, which were not comparable uses to the Rural Zone, despite often adjoining rural land.

524. In relation to MPZ-R18, the Poutini Ngāi Tahu hearing statement recommended alternative wording for clause (b) to "*the extent to which the activity is compatible with the Māori Purpose Zone and amenity of the environment is maintained*", although this was not specifically sought in submission point S620.298.

Reporting Officer Reply Evidence

525. In response to queries from the Panel on the KiwiRail evidence on MPZ–R1 seeking a setback from the rail corridor from both buildings and structures, Ms Easton advised that she did not oppose the addition of the word '*structures*' into the setback standards for the rail corridor within this rule.

526. No other specific points were made in the Reply Evidence regarding specific rules.

Hearing Panel's Evaluation

527. The Panel accepts Ms Easton's recommended amendments to Rule **MPZ-R1** to add a new clause to require connection to the reticulated wastewater, stormwater, and water supply systems, where reticulated systems are available; and where those systems are not available, they are designed to the appropriate standard. We also recommend a consequential change to the advice note to add reference to the Haast Airfield, as discussed above in relation to the Airport Zone. We note this consequential amendment is also required for rules MPZ-R4 and MPZ-R8.

528. The Panel recommends replacing "*Landscape measures*" with "*Measures to mitigate landscape effects"*, which is a Plan-wide change for consistency from recommendations in the Natural Feature and Landscapes Chapter Recommendation Report. We consider

529. The Panel notes Appendix 1 of the Right of Reply did not include "*Buildings and structures*" as requested by KiwiRail. We note Ms Easton did not oppose this but assume she does not recommend this is added. We consider it is not necessary in the context of this rule.

530. The Panel accepts the position in the Poutini Ngāi Tahu hearing statement that it is not appropriate for Rule MPZ-R1 parameters to reflect GRUZ, which would restrict use and development in the zone and run counter to the objectives and policies of the zone. We understand the history of Māori land, as outlined in the joint statement from Poutini Ngāi Tahu and Te Tumu Paeroa, which has meant underdevelopment over time. The Panel acknowledge that the level of development in these areas is expected to change as a result of zoning for increased use and development and that is entirely appropriate.

531. The Panel adopt the amendments sought by Poutini Ngāi Tahu in submission point S620.280, with the exception of amendment to clause (6), and also accept the submission point of GDC (S608.800) regarding management of water supply, wastewater and stormwater. We have considered the argument in the Poutini Ngāi Tahu hearing statement that this may overlap with provisions in other chapters, but our recommendation is to incorporate the reference because it is a consistent requirement across the Plan.

532. The Panel accepts Ms Easton's recommendation to retain rules **MPZ-R2**, **MPZ-R3**, **MPZ-R4, MPZ-R5, MPZ-R10, MPZ-R14, MPZ-R18, MPZ-R20**, **MPZ-R22**, **MPZ-R23**, **MPZ-R24**, for the reasons outlined, except for minor corrections and renumbering under RMA, Schedule 1 clause 16.

533. In relation to rules **MPZ-R5**, **MPZ-R11**, **MPZ-R12**, **MPZ-R13**, **MPZ-R14**, **MPZ-R15**, **MPZ-R16** and **MPZ-R17**, all of which contain reference to an Iwi/Papatipu Rūnanga Management Plan, the Panel are satisfied that there are suitable pathways in the rules for sites that are not subject to an Iwi/Papatipu Rūnanga Management Plan, which may be for a range of reasons, including tikanga in the circumstances of the site.

534. In relation to Rule **MPZ-R6**, the Panel accepts Ms Easton's recommendation to delete clause (2) to avoid duplication with the Signs Chapter.

535. In relation to Rule **MPZ-R7,** the Panel accepts in part the submission of The New Zealand Heavy Haulage (S616.013) and recommends amendments that are consistent with recommendations made in relation to the equivalent rules in the Residential Zones (General Residential Zone, Large Lot Residential Zone and Medium Residential Zone); and reflect the addition of new Appendix Eleven to guide pre-inspection requirements recommended in the Residential Zone Chapter Recommendation Report.

536. The Panel accepts Ms Easton's recommended amendment to Rule **MPZ-R8** to require the provision of letting records annually, as requested by GDC.

537. In relation to Rule **MPZ-R9,** Ms Easton recommended adding "*Emergency Services Facilities*" to the rule title to address the submission point of Poutini Ngai Tahu (S620.279) but did not recommend including "*public amenities*" because she was unclear what this could include. However, she did not respond to the Poutini Ngai Tahu hearing statement that requested including "parks furniture" as an alternative. We consider this addition is appropriate now that it is clear what the submitter had in mind and recommend this is also added to the title.

538. The Panel accepts Ms Easton's recommendation to add a new clause to Rule **MPZ-R11** regarding the design and location of vehicle access, as requested by GDC. We note Poutini Ngāi Tahu opposed this in FS41.743 but that their hearing statement recorded acceptance of the recommendation because this is a standard matter for all zones.

539. In relation to rules **MPZ-R12**, **MPZ-R13, MPZ-R15** and **MPZ-R16,** the Panel accepts Ms Easton's recommended amendments in response to the submission points from Poutini Ngāi Tahu to clarify which matters of discretion do not apply when an Iwi/Papatipu Rūnanga Management Plan is in place. We also accept the recommendation to add an advice note to all restricted discretionary activities stating that applications will not be publicly notified and accept the submission point of Poutini Ngāi Tahu (S620.290) in this regard.

540. We accept Ms Easton's recommendation to delete Rule **MPZ-R17** because it is unnecessary.

541. In relation to Rule **MPZ-R19**, the Panel accept Ms Easton's recommendation to delete "*Controlled"* from the title to correct an error.

542. The Panel agrees with Ms Easton's recommendation to replace "*Non-rural activities*" with "*Conservation and Recreation Activities*" in Rule **MPZ-R21,** for the reasons outlined.

543. In terms of the notification provisions of a number of rules in this section, the Panel understand these are ultra vires in that Council cannot require that applications will always be limited notified. A determination on that needs to be made under s95B of the RMA. In line with amendments in the SASM recommendations we propose that the wording be amended to "*When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu*". We see this as a consequential amendment.

Hearing Panel's Recommendation

544. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Māori Purpose Zone Rules**:

Māori Purpose Zone Rules
Permitted Activities
MPZ - R1 Māori Purpose
Activities Activity Status **Permitted** Where: 1. The maximum gross ground floor area of a single building is 500m^2; 2. Maximum building height above ground level is 10m; 3. Maximum site coverage is ~~4~~**5**0%;[131] 4. Buildings are setback a minimum of ~~10~~**4.5**m[132] from the road boundary, 20m from the State Highway Boundary, and ~~5~~**1**m[133] from internal boundaries, except that~~:~~ ~~a.~~ i**i**n the Arahura Pā settlement buildings are setback 5m from the road and any GRUZ - General Rural Zone or INZ - Industrial Zone boundary and 1m from internal boundaries;

[131] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280
[132] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280
[133] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280

5. The average residential density is no more than **one**~~1~~[134] unit per ~~5~~**3**00m^2 [135]net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~**and**~~[136]
6. In areas not serviced by network utility operated wastewater, stormwater and water supply the average dwelling/papakāinga building density is no more than one unit and one minor residential unit per 1000m^2 net site area~~.~~**; and**
7. **Where reticulated systems are available, buildings are connected to the reticulated wastewater, stormwater and water supply systems, and where these are not available wastewater, stormwater and water supply systems are designed to meet the relevant standards of NZS4404:2010**. [137]

Advice Note:
Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or
iii. 40m of a Railway Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports**, Haast Airfield**[138] or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.
Activity status where compliance not achieved: Restricted Discretionary

MPZ - R2 Agricultural, Pastoral or Horticultural Activities or Buildings

Activity Status Permitted
Where:

1. The activity does not include intensive indoor primary production;
2. All performance standards for Rule MPZ-R1 are complied with;
3. The minimum separation distance between buildings housing more than **five**~~5~~[139] animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 100m and from any dwelling 30m, and from any other boundary 20m; ~~and~~[140]
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any dwelling on another site 50m, and from any other boundary 20m; **and**[141]
5. Performance standards for beekeeping in the Westland District apply as follows:
   i. No bees may be kept on a property less than 600m^2 net site area; and
   ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary.

Advice Note:
If land is used for disposal of effluent or solid waste then there may be rules that apply in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.

Activity status where compliance not achieved: Discretionary

[134] RMA First Schedule Clause 16(2)
[135] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280
[136] RMA First Schedule Clause 16(2)
[137] Grey District Council S608.800
[138] Consequential amendment Laurence McGuire S458.001
[139] RMA First Schedule Clause 16(2)
[140] RMA First Schedule Clause 16(2)
[141] RMA First Schedule Clause 16(2)

MPZ - R3 Conservation and Recreation Activities

Activity Status Permitted
Where:
1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Discretionary

MPZ - R4 Residential Activities

Activity Status Permitted
Where:
1. All performance standards for Rule MPZ-R1 are complied with.

Advice Note:

Where a residential building or noise-sensitive activity is located within:
i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or 40 m of a Railway
iii. Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports**, Haast Airfield**[142] or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

MPZ - R5 Minor Structures

Activity Status Permitted Where:
1. All performance standards for Rule MPZ - R1 are complied with; and
2. The minor structures are identified in an Iwi/Papatipu Rūnanga Management Plan; or
3. If there is no Iwi/Papatipu Rūnanga Management Plan:
   i. Masts, poles and aerials must not exceed 7m in height;
   ii. Any antenna dish must be less than 1m in diameter;
   iii. Any ornamental or garden structure must not exceed 2.4 m in height; **and**[143]
   iv. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R6 Fences, Walls and Retaining Walls

Activity Status Permitted
Where:
1. Fences, walls and retaining walls are a maximum 2m height above ground level~~; and~~[144]
2. ~~The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.~~[145]

Activity status where compliance not achieved: Discretionary

[142] Consequential amendment Laurence McGuire S458.001
[143] RMA First Schedule Clause 16(2)
[144] RMA First Schedule Clause 16(2)
[145] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.285

MPZ - R7 Relocated Buildings

Activity Status Permitted
Where:

1. All performance standards for Rule MPZ - R1 are complied with; ~~and~~[146]
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~, and~~ built ~~to be~~ **and**[147] used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven**[148] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed on the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12 months **of the building being delivered to the site; and**[149]
4. The building shall be located on permanent foundations approved by building consent no later than **two**~~2~~[150] months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[151]

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R8 Visitor Accommodation that is not in a Marae Complex

Activity Status Permitted
Where:

1. This is ancillary to a Residential Activity, Agricultural, Horticultural or Pastoral Activity, Conservation Activity or Māori Purpose Activity;
2. All performance standards for Rule MPZ - R1 are complied with;
3. There is a maximum of **six**~~6~~[152] paying guests at any one time;
4. Notification to the District Council is required prior to the activity commencing; and
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually.**[153]

Advice Note:

Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or
iii. 40m of a Railway Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

[146] RMA First Schedule Clause 16(2)
[147] New Zealand Heavy Haulage Association Inc. S616.013
[148] New Zealand Heavy Haulage Association Inc. S616.013
[149] Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)
[150] RMA First Schedule Clause 16(2)
[151] Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)
[152] RMA First Schedule Clause 16(2)
[153] Grey District Council S608.127

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports**, Haast Airfield**[154] or Greymouth or Karamea Aerodrome;
vi. 100m of a Rifle Range Protection Area identified in the Rifle Range Protection Area overlay. Then acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R9 Community Facilities, Park Furniture and Emergency Services Facilities[155]

Activity Status Permitted
Where:
1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R10 Buildings and Other Activities in a~~A~~ccordance with an Iwi/Papatipu Rūnanga Management Plan not p~~P~~rovided for in another Permitted Activity Rule

Activity Status Permitted
Where:
1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

MPZ - R11 Māori Purpose Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:
a. The extent to which the proposal complies with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site;
b. Size, height, design and location of any buildings and structures;
c. ~~Landscape measures~~**Measures to mitigate landscape effects;**[156]
d. Density of any residential buildings; ~~and~~
e. Methods of water supply, wastewater and stormwater treatment and disposal; **and**
f. **Design and location of vehicle access.**[157]

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.[158]

MPZ -R12 Minor structures not meeting Permitted Activity Standards Activity

Status Restricted Discretionary
Where:
1. The minor structure does not exceed 10m in height; and
2. All other performance standards for Rule MPZ - R1 are complied with.

[154] Consequential amendment Laurence McGuire S458.001
[155] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.279
[156] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[157] Grey District Council S608.803
[158] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**
b. **If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site**:[159]
    i. Design and location of structures; and
    ii. ~~Landscape measures~~**Measures to mitigate landscape effects.**[160]

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.[161]

MPZ - R13 Relocated buildings not meeting Permitted Activity Standards Activity

Status Restricted Discretionary
Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**
b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site[162]
    i. Design and location of structures;
    ii. Appearance of buildings; and
    iii. ~~Landscape measures~~**Measures to mitigate landscape effects;**[163].

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.[164]

MPZ - R14 Intensive indoor primary production

Activity Status Restricted Discretionary
Where:

1. This is not within the Arahura Pā settlement area; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site;
b. Bulk and location of buildings;
c. Management of traffic and parking;
d. Management of odour;
e. ~~Landscape measures~~**Measures to mitigate landscape effects;**[165]
f. Any impacts on the production values of the surrounding land;
g. Effects on visual amenity and rural character; and
h. Methods of water supply and effluent and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.[166]

[159] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.292
[160] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[161] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290
[162] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.293
[163] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[164] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290
[165] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[166] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

MPZ - R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary
Where:

1. This is ancillary to a farming, conservation, residential or Māori purpose activity; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**
b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:[167]

i. Number of visitors/workers staying on site;
ii. Number of days of use for the accommodation;
iii. Management of traffic and parking;
iv. ~~Landscape measures~~**Measures to mitigate landscape effects;**[168]
v. Any impacts on the production values of the surrounding land;
vi. Effects on visual amenity and rural character; and
vii. Methods of water supply and wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.[169]

MPZ - R16 Community Facilities not meeting Rule MPZ - R9

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**
b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:[170]

i. Management of access, parking and traffic generation;
ii. Hours of operation;
iii. Noise management and lighting; **and**[171]
iv. ~~Landscape measures~~**Measures to mitigate landscape effects.**[172]

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.[173]

~~**MPZ - R17 Non - rural Activities not meeting Permitted Activity Standards**~~
~~**Activity StatusRestricted Discretionary**~~
~~Where:~~

~~1. The maximum floor and yard area for any non-rural activity shall be 100m2; and~~
~~2. All performance standards for Rule MPZ - R1 are complied with.~~

~~**Discretion is restricted to:**~~

~~a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;~~
~~b. The extent to which the activity could be undertaken more appropriately in another zone;~~
~~c. Bulk and location of buildings;~~

[167] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.295
[168] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[169] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290
[170] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.296
[171] RMA First Schedule Clause 16(2)
[172] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[173] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

~~d. Management of traffic and parking;~~
~~e. Management of odour;~~
~~f. Landscape measures;~~
~~g. Any impacts on the production values of the surrounding land;~~
~~h. Effects on visual amenity and rural character; and~~
~~i. Methods of water supply, wastewater and stormwater treatment and disposal.~~

~~**Activity status where compliance not achieved:** Discretionary~~[174]

MPZ - R1~~8~~7 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site;
b. The extent to which the activity could be undertaken more appropriately in another zone;
c. Bulk and location of buildings;
d. Management of traffic and parking;
e. Management of odour;
f. ~~Landscape measures.~~**Measures to mitigate landscape effects;**[175]
g. Any impacts on the production values of the surrounding land;
h. Effects on visual amenity and rural character; and
i. Methods of water supply, wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.[176]

Discretionary Activities

MPZ - R1~~9~~8 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted~~, Controlled~~[177]** or Restricted Discretionary Activity Rules**

Activity Status Discretionary
Notification:
~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**. [178]

Activity status where compliance not achieved: N/A

MPZ - R~~20~~19 Rural Industry or Intensive Indoor Primary Production not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary
Notification:

[174] WMS Group S599.141 and Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.297
[175] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[176] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290
[177] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.299
[178] Consequential amendment stemming from SASM recommendation

~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**. [179]

Activity status where compliance not achieved: N/A

MPZ - R2~~1~~0 ~~Non-rural~~ Conservation and Recreation[180] **activities not meeting Permitted or Restricted Discretionary Activity Rules**

Activity Status Discretionary
Notification:
~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**. [181]

Activity status where compliance not achieved: N/A

MPZ - R2~~2~~1 Minor structures, Fences, Walls and Retaining Walls, and Relocated buildings not meeting Permitted or Restricted Discretionary Rules

Activity Status Discretionary
Notification:
~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**. [182]

Activity status where compliance not achieved: N/A

MPZ – R22 Mineral Extraction not meeting Permitted or Restricted Discretionary Rules.

Activity Status: Discretionary
Notification:

When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu. [183]

Activity status where compliance not achieved: N/A[184]

Non-complying Activities

MPZ - R23 Residential activities and visitor accommodation activities not meeting Permitted or Restricted Discretionary Rules

Activity Status Non-complying

Notification:

~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**. [185]

Activity status where compliance not achieved: N/A

[179] Consequential amendment stemming from SASM recommendation
[180] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.302
[181] Consequential amendment stemming from SASM recommendation
[182] Consequential amendment stemming from SASM recommendation
[183] Consequential amendment stemming from SASM recommendation
[184] WMS Group S599.142
[185] Consequential amendment stemming from SASM recommendation

MPZ - R24 Any Activity not provided for in another Rule in the Zone
Activity Status Non-complying **Activity status where compliance not achieved: N/A**

2.5. PORTZ - PORT ZONE – TAKIWĀ HŌHIPERA

- **Port Zone Chapter as a whole and Overview**

Submissions and Further Submissions

545. Seven submission points and two further submission points relating to the Port Zone (**PORTZ**) Chapter as a whole and the Overview were summarised in a Table on Page 98-99 of the s42A Report.

546. Two submissions points supported retaining the Port Zone provisions as notified. One submission sought amendments to the Overview.

547. Five submission points and one further submission point were received relating to the Port Zone as a whole. One sought to retain the provisions as notified and four sought amendments, with one further submission opposing in part an amendment.

548. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

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549. Ms Easton supported the inclusion of the more standardised and expanded "*Other relevant Te Tai o Poutini Plan provisions*" section in the Overview that was sought by Forest and Bird in relation to all SPZ.

550. Ms Easton acknowledged the support of WMS Group (S599.014) and KiwiRail (S442.011) for the definition of "*Port Activities*". She also acknowledged the support of WDC (S181.056) for the objectives, policies and rules.

551. WMS Group (S599.144) sought that the Overview be amended to both refer to Jackson Bay Port and provide an explanation that the ports are critical infrastructure. Ms Easton supported this submission in part. She did not support the reference to Jackson Bay Port, as this was not within the Port Zone (discussed further below). She supported adding reference in the Overview to Ports being considered critical infrastructure (recommended to be regionally significant infrastructure) but considered the extent of wording proposed by the submitter was unnecessary.

552. Ms Easton did not support the submission points from WMS Group (S599.172 and S599.163) that sought that the area about Jackson Bay wharf currently used for port activities be rezoned Port Zone; or the alternative to have a Jackson Bay Port Specific Control Area included on the planning maps to provide more enabling provisions within this area. Ms Easton described the facilities at Jackson Bay and noted that the Port Zone was essentially a very enabling heavy industry zone and was considered inappropriate for use at Jackson Bay. She noted the area was zoned Settlement Zone and Coastal Settlement Precinct; and advised there were specific provisions within this zoning for the Jackson Bay

marine facilities. She highlighted Rule SETZ–R16 Port Activities at Jackson Bay Port which specifically identifies the allotments associated with the Port and provides for a range of Port Activities that can occur at those locations as a permitted activity. Ms Easton noted the Jackson Bay Port was currently very lightly developed and that the specific permitted activity rule would allow for the development of significant new facilities at the port to support the expansion of activity there, but within a framework that recognised the very undeveloped nature of the surrounding area and its location within a World Heritage Area.

553. GDC (S608.128) sought that the objectives and policies be consistent with "*regionally significant infrastructure*" in the RPS. Ms Easton supported this submission in part and proposed a new objective in response to specific submissions which identified the ports as regionally significant infrastructure.

554. Ms Easton recommended the PORTZ Overview be amended as follows:

> Westport and Greymouth Ports are the major ports on the West Coast/Te Tai o Poutini **and are considered regionally significant infrastructure.** They are significant connections to the rest of New Zealand/Aotearoa me Te Waipounamu as well as providing the bases for the West Coast/Te Tai o Poutini fishing fleet….

555. Ms Easton did not support WMS Group's (S599.143) request for additional land to be zoned Port Zone at Greymouth and Westport Ports because no information had been provided with the submission and she considered land used for port activities at Westport and Greymouth Ports had been appropriately zoned.

Hearing and Submitter Evidence/Statements

556. The Poutini Ngāi Tahu hearing statement supported the s42A Report recommendation to not rezone the Jackson Bay wharf area as Port Zone.

Reporting Officer Reply Evidence

557. No specific points were made in the Reply Evidence regarding the Port Zone generally.

Hearing Panel's Evaluation

558. The Panel accept Ms Easton's reasons and recommendation to not rezone the Jackson Bay wharf area Port Zone and to not include it in the Overview. We agree with Ms Easton that the Greymouth and Westport harbours are the major ports on the West Coast/Te Tai o Poutini, and it is appropriate both are referred in the Overview as regionally significant infrastructure.

Hearing Panel's Recommendation

559. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Port Zone Overview**:

PORT ZONE - Te Takiwā Wāpu **Overview**

Westport and Greymouth Ports are the major ports on the West Coast/Te Tai o Poutini **and are regionally significant infrastructure.**[186] They are significant connections to the rest of New Zealand/Aotearoa me Te Waipounamu as well as providing the bases for the West Coast/Te Tai o Poutini fishing fleet.

The PORTZ - Port Zone applies to the two ports and their surrounds and the zone's purpose is to enable the efficient operation and development of the ports and associated land and activities. Flexibility for the ports to develop and adapt is important. The ports have special operational needs and environmental effects,[187] and the special purpose zoning is tailored to address those needs and effects. This includes providing for a degree of operational flexibility subject to environmental considerations.

Essentially the PORTZ - Port Zone has been developed as a type of heavy industrial zone, which recognises Port Activities as the major use for the area. It does, however, provide for other types of activities, but recognises that amenity levels within the zone are likely to be unsuitable for some types of development to occur.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for port activities, including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Port Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Port Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Port Zone.** [188]
- **Noise** - The Noise Chapter contains noise provisions for activities in the PORTZ - Port Zone.
- **Signs** - The Signs Chapter contains the provisions for signs for activities in the PORTZ - Port Zone
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the PORTZ -Port Zone.
- **Subdivision** - The Subdivisions chapter sets out the requirements for subdivision.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on local network utility infrastructure.

[186] WMS Group S599.144
[187] RMA First Schedule Clause 16(2)
[188] Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

PORTZ - Port Zone Objectives

Submissions and Further Submissions

560. Six submission points relating to the Port Zone objectives were summarised in a Table on pages 100-101 of the s42A Report. One submission points relating to the Port Zone objectives as a whole sought to retain the provision as notified and one sought amendment.

561. Two submission points relating to Objective **PORTZ - 01** sought to retain it as notified and one sought amendment.

562. One submission point supported Objective **PORTZ – 02** as notified.

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563. Ms Easton acknowledged the support of BDC (S538.619) and Te Mana Ora (S190.1210, S290.1211) for both objectives; and GDC's (S60.808) support for PORTZ-O1.

564. Ms Easton supported WMS Group's (S599.145) request to replace "*manage*" with "*enable*" and to include the "*safe and efficient operation*" but recommended alternative wording to address the submission from GDC, which sought two additional objectives.

565. GDC (S608.129) sought that two new objectives to recognise and provide for the Ports as regionally significant infrastructure; to protect the Ports from reverse sensitivity effects. Ms Easton agreed that the additional objectives were useful but recommended alternative wording.

566. Ms Easton recommended that the PORTZ Objectives be amended as follows:

> **PORTZ - O1** ~~Manage t~~**The safe and efficient maintenance, operation and upgrading of** West Coast/Te Tai o Poutini ports **is enabled and** ~~to sustain~~ their current and future potential use and development **is sustained**.
>
> **PORTZ – O3 The West Coast/Te Tai o Poutini Ports are recognised and provided for as regionally significant infrastructure that contribute to the economic and social wellbeing of the region.**
>
> **PORTZ – O4 The West Coast/Te Tai o Poutini Ports are protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects.**

Hearing and Submitter Evidence/Statements

567. No evidence was presented at the hearing in relation to the Port Zone objectives.

Reporting Officer Reply Evidence

568. No specific points were made in the Reply Evidence regarding the Port Zone objectives.

Hearing Panel's Evaluation

569. The Panel accepts Ms Easton's reasoning and recommended changes to PORTZ-O1. In terms of PORTZ-O2 we consider the term '*Minimise*' is overly restrictive in terms of

addressing the effects of Port Activities and we are of the view that '*Manage*' in this instance is a better term. We recommend this amendment based of the generic submission of Manawa to "*Replace the word 'minimise' with appropriate wording such as 'avoid, remedy or mitigate' throughout the Plan*".

570. The Panel accepts Ms Easton's recommendation to include two new objectives (PORTZ-03 and PORTZ-04) to give effect to the RPS. We consider PORTZ-O3 and PORTZ-O4 should specifically reference "*the Ports of Westport and Greymouth*" to acknowledge this only applies to regional significant infrastructure.

Hearing Panel's Recommendation

571. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Port Zone Objectives**:

Port Zone Objectives
PORTZ - O1
~~Manage t~~**The safe and efficient maintenance, operation and upgrading of**[189] West Coast/Te Tai o Poutini ports **is enabled and** ~~to sustain~~ their current and future potential use and development **is sustained**.[190]
PORTZ - O2
~~Minimise~~ **Manage**[191] effects of port activities on areas beyond those used for port activities, including adverse effects ion the adjacent coastal marine area.
PORTZ – O3
The West Coast/Te Tai o Poutini ports of Westport and Greymouth are recognised and provided for as regionally significant infrastructure that contribute to the economic and social wellbeing of the region.[192]
PORTZ – O4
The West Coast/Te Tai o Poutini ports of Westport and Greymouth are protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects.[193]

PORTZ - Port Zone Policies

Submissions and Further Submissions

[189] Grey District Council S608.129
[190] WMS Group S599.145
[191] Amendment resulting from Manawa (S438.001)
[192] Grey District Council S608.129
[193] Grey District Council S608.129

572. Seventeen submission points and two further submission points relating to the Port Zone policies were summarised in the Table on pages 101-103 of the s42A Report. Three submission points and one further submission point relating to policies as a whole. One submission sought to retain the policies as notified and two sought amendments, with a further submission in support an amendment.

573. One submission point supported retaining **PORTZ – P1** as notified and three sought amendments, with further submission in support of an amendment.

574. One submission point supported retaining **PORTZ – P2** as notified.

575. Two submission points supported retaining **PORTZ – P3** as notified.

576. One submission supported retaining **PORTZ – P4** as notified.

577. One submission supported retaining **PORTZ – P5** as notified.

578. Two submission points supported retaining **PORTZ – P6** as notified and one sought its deletion.

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579. Ms Easton acknowledged the support of BDC (S538.620) for the policies as a whole; GDC's (S608.810, S608.811) support for policies PORTZ – P1, PORTZ – P3 and PORTZ – P6.; and Te Mana Ora's (S190.1213, S190.1214, S190.1215, S190.1216) support for PORTZ – P2, PORTZ – P3, PORTZ – P4, PORTZ – P5 and PORTZ – P6.

580. WMS Group (S599.146) sought the addition of a new policy aimed at recognising the functional and operational needs of activities within the Port Zone. Ms Easton supported this submission in part and recommended an amendment to PORTZ–P1 as the best approach to address this matter, rather than a new policy.

581. GDC (S608.130) sought the addition of a new policy that supported other industrial activities occurring within the Port Zone. Ms Easton did not support this submission. She noted that the Port Zone was a very limited area, with a specific port location, and noted that other industrial zones were available for industrial activities not associated with the Port.

582. WMS Group (S599.147), Te Mana Ora (S190.1212) and GDC (S608.809, S608.131) sought that PORTZ-P1 be split into two policies. WMS Group and Te Mana Ora proposed essentially the exact same wording. GDC sought amended wording for the second policy to more directly refer to avoiding development that might affect port operations and reverse sensitivity effects, reflecting the additional objective that they also sought. Ms Easton supported these submissions in part. She agreed the policy should be split and recommended amended wording as follows:

> **PORTZ - P1** Enable the efficient operation, use and development **and recognise the functional and operational needs** of West Coast/Te Tai o Poutini ports. ~~by ensuring incompatible activities or developments do not compromise port operations or development of port and maritime~~

> **PORTZ – P7 Avoid incompatible activities or developments locating in the Port Zone where these could adversely affect the efficient operation or development of the port or result in reverse sensitivity effects arising.**

583. Ms Easton did not support WMS Group's (S599.148) request to delete PORTZ–P6. She noted that this was the only policy that directly referred to the requirement for performance standards to be included in the zone to protect the amenity of adjacent areas. She considered its deletion was highly inappropriate and disagreed with WMS Group that this policy did not give effect to the RPS, which sought to provide for regionally significant infrastructure. She considered that the RPS did not anticipate or direct that, in providing for regionally significant infrastructure, basic levels of residential amenity and health and safety of adjacent properties would not also be provided for.

Hearing and Submitter Evidence/Statements

584. No evidence was presented at the hearing regarding the Port Zone policies.

Reporting Officer Reply Evidence

585. No specific points were made in the Reply Evidence regarding the Port Zone policies.

Hearing Panel's Evaluation

586. The Panel accepts Ms Easton's reasoning and recommendation to split **PORTZ-P1** and to include a new Policy **PORTZ-P7**.

587. In relation to **PORTZ-P2, PORTZ-P3, PORTZ-P4,** and **PORTZ-P5,** the Panel accepts Ms Easton's recommendation to retain these policies as notified.

588. The Panel agrees with Ms Easton that Policy **PORTZ-P6** should not be deleted because it is the only policy that directly refers to the requirement for performance standards to be included in the zone that protects the amenity of adjacent areas. We agree that the policy should be retained in its notified form.

Hearing Panel's Recommendation

589. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Port Zone** policies:

Port Zone Policies
PORTZ - P1
Enable the efficient operation, use and development **and recognise the functional need and operational need**[194] of West Coast/Te Tai o Poutini ports ~~by ensuring incompatible activities or~~

[194] WMS Group S599.146

~~developments do not compromise port operations or development of port and maritime facilities~~**.**[195]

PORTZ - P2

Provide for public use and access to areas adjoining West Coast/Te Tai o Poutini ports, for recreational and tourism purposes, provided this does not adversely affect the efficient and safe operation of marine and port activities.

PORTZ - P3

Provide for maintenance and development activities that increase West Coast/Te Tai o Poutini ports' resilience to natural hazards.

PORTZ - P4

Recognise the historic and cultural significance of the West Coast/Te Tai o Poutini ports and make use of opportunities to identify and enhance historic and cultural sites, values and taonga of cultural significance to Poutini Ngāi Tahu.

PORTZ - P5

Work co-operatively with the West Coast Regional Council and the Port Operators to address cross-boundary resource management issues deriving from activities undertaken within port areas.

PORTZ - P6

Impose performance standards on development and land use in the PORTZ - Port Zone that protects the amenity values of the adjacent commercial, residential and rural areas.

PORTZ – P7

Avoid incompatible activities or developments locating in the Port Zone where these could adversely affect the efficient operation or development of the port or result in reverse sensitivity effects arising.[196]

PORTZ - Port Zone Rules

Submissions

590. Thirty-eight submission points relating to the Port Zone rules were summarised in a Table on pages 104-109 of the S42A Report.

591. Two submission points support amendments to the rules as a whole.

592. One submission point sought to retain **PORTZ-R1** as notified and four sought amendments.

593. One submission point sought to retain **PORTZ-R2** as notified, one sought amendment and one sought it be deleted.

[195] WMS Group S599.147, Te Mana Ora S190.1212 and Grey District Council S608.809
[196] WMS Group S599.147, Te Mana Ora S190.1212 and Grey District Council S608.809

594. Two submission points sought to retain **PORTZ-R3** as notified and one sought it be deleted.

595. Two submission points sought to retain **PORTZ-R4** as notified.

596. Three submission points sought to retain **PORTZ-R5** as and one sought it be deleted.

597. One submission point sought to retain **PORTZ-R6** as notified and two sought amendments.

598. One submission point sought to retain **PORTZ-R7** as notified, one sought amendment and one sought it be deleted.

599. Two submission points sought to retain **PORTZ-R8** as notified and one sought it be deleted.

600. Two submission points sought to retain **PORTZ-R9** as notified and one sought it be deleted.

601. Two submission points sought to retain **PORTZ-R10** as notified and one sought it be deleted.

602. Two submission points sought to retain **PORTZ-R11** and **PORTZ–R12** as notified.

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Rules as a whole

603. Ms Easton provided context for the analysis of submissions on pages 109-111 of the s42A Report. Notably, she advised that since the Plan was notified, there had been renewed development in the port areas. She noted that there was now a focus on the ports being used as major points for the export of mineral aggregate from a recently consented mineral aggregate mine at Cape Foulwind, as well as other planned mines at Barrytown and Hokitika. She noted that WMS Group and the two Councils were the predominant submitters interested in undertaking significant development work at both ports to support mineral extraction and export operations.

604. WMS Group (S599.149) sought significant amendments to the Port Zone rules. Ms Easton supported this submission in part and recommended some changes to the provisions.

605. Poutini Ngāi Tahu (S620.306) sought that the Port Zone rules be amended to reflect the continuing culturally significant relationship of Poutini Ngāi Tahu with the water and the expansive ocean. Ms Easton supported this submission in part and acknowledged that, as currently drafted, the rules did not implement PORTZ–P4. However, she noted the submission had not identified any specific changes to the rules and invited Poutini Ngāi Tahu to identify at the hearing what changes they consider appropriate to the provisions.

PORTZ – R1 Port and Industrial Activities and Buildings

606. Ms Easton acknowledged the support from Te Mana Ora (S538.594) for this rule.

607. GDC (S608.132, S608.812), WMS Group (S599.150) and BDC (S538.621) all sought amendments to the performance standards in this rule. However, Ms Easton noted that the views of GDC and BDC regarding how the zone should be managed were quite different.

608. Ms Easton summarised the standards and changes sought in a Table on pages 11-113 of the s42A Report. In terms of rationale from each of these submitters, she noted GDC was concerned that overly restrictive rules would impinge on the operation and development of the port. Whereas, BDC sought that the provisions be amended to be effective in protecting the adjacent residential and other land use amenity; and that the standards relating to regional council responsibilities be removed. She noted WMS Group considered the provisions they opposed were unnecessary and did not recognise the regional significance of the Port. Ms Easton noted her general support for these submissions in part.

609. Ms Easton did not support an increase in setbacks from roads as sought by BDC. She acknowledged BDC was concerned about the impacts on residential amenity but noted that there were no residential zones adjacent to Westport Port and noted the effect of this change would be felt at Greymouth Port. She considered that increasing the setbacks from roads would create additional restrictions for little or no benefit.

610. Ms Easton supported the amendments proposed by both BDC and GDC in relation to storage, carpark screening, and landscaping; and specifically, that the fencing standard refer to a minimum 1.8m high solid fence and require that landscaping not restrict visibility at vehicle access points.

611. Ms Easton supported the deletion of the standards relating to vibration, blasting, dust and odour. She considered that vibration and blasting issues should be managed through the Noise Chapter if required. She was of the view that dust and odour were matters regulated by the Regional Council and did not need to be included in the Plan.

612. Ms Easton acknowledged that the Regional Council primarily manages water quality but considered a standard requiring the collection and treatment of stormwater runoff was appropriate given the direction in the NPS-FM. She advised that because the ports were effectively heavy industry locations immediately adjacent to freshwater bodies (the Grey and Buller Rivers), she considered that stormwater management was required to avoid, remedy, or mitigate adverse effects on the health and well-being of those waterbodies, freshwater ecosystems, and receiving environments. She considered GDCs' request to reference NZS 4404:2010 for stormwater and stormwater treatment was appropriate.

613. Ms Easton also supported the broader submission point of GDC that buildings should connect to network utility services where available or otherwise be designed and constructed to meet NZ4404:2010.

614. Ms Easton supported WMS Group request that the recession plane standard only apply to Residential Zone boundaries.

615. Ms Easton recommended amendments to PORTZ-R1 as follows:

> **PORTZ - R1**
> **Port and Industrial Activities and Buildings Activity Status Permitted**
> Where:
> 1. The maximum building height above ground level is 20m;
> 2. Maximum site coverage is 80%;
> 3. Buildings are setback a minimum:
>   a. 5m from road boundaries, the rail corridor and any RESZ - Residential Zone or MUZ - Mixed Use Zone boundary; and
>   b. 10m from State Highways;

4. All external storage and car parking areas shall be screened by a **minimum** 1.8m high solid fence or landscaping so that it is not visible from any adjoining RESZ - Residential Zone boundary or adjoining public place outside of the PORTZ - Port Zone **except that landscaping shall not restrict the visibility of vehicle access**;
5. ~~Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any noise sensitive activity;~~
6. ~~Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any noise sensitive activity;~~
7. ~~There shall be no offensive or objectionable dust nuisance at or beyond the PORTZ - Port Zone boundary as a result of the activity;~~
8. ~~No noxious or offensive odour shall be detected beyond the PORTZ - Port Zone boundary that the activity occurs in;~~
9. The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, OSRZ - Open Space and Recreation Zone or MUZ - Mixed Use Zone, shall contain landscaping with a minimum width of 2 metres which includes planting that will, within two years of being planted, reach a height of 1m, except that this does not apply to any emergency services facility or vehicle access to the site;
10. Stormwater run-off associated with any Port, industrial or commercial activity or building, including earthworks, shall be collected and treated prior to discharge ~~to ensure there are no significant adverse effects on water quality~~ in **accordance with the relevant standards of NZS4404:2010;**
11. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any ~~site~~ **RESZ – Residential Zone**, boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:
    i. Road boundaries;
    ii. Buildings on adjoining sites that have a common wall along the boundary;
    iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
    iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
    v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.
12. **All buildings are connected to network utility services where they are available for water supply, wastewater and stormwater disposal. Where water supply, wastewater or stormwater services are not available then these systems shall be designed and constructed in accordance with the relevant standards of NZS4404:2010.**

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple functions such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**

PORTZ – R2 Minor Structures

621. Ms Easton acknowledged the support of Te Mana Ora (S190.1219) for this rule.

622. Ms Easton supported BDC's (S538.622) request to delete clause (1); and agreed with GDC (S608.133), in part, that clauses (4) and (5) should be deleted because the performance standards were unnecessary. She recommended amendments as follows:

PORTZ - R2 Minor Structures Activity Status Permitted
Where:
1. ~~All performance standards for Rule PORTZ - R1 are complied with except that compliance with standard 3 (setbacks) is not required;~~
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
4. ~~Any ornamental structure must not exceed 2.4 m in height; and~~
5. ~~Any other structure must not exceed 10m^2 and 2m in height.~~

PORTZ – R3 Fences, Walls and Retaining Walls

623. Ms Easton acknowledged the support from Te Mana Ora (S190.1220) and BDC (S538.623).

624. GDC (S608.134) sought that the rule be deleted. Ms Easton did not support this submission point. She noted that excessively large fences or walls could have adverse effects on the amenity of adjacent areas. Ms Easton did not recommend any amendments to this rule.

PORTZ – R4 Commercial Activities

625. Ms Easton acknowledged the support of Te Mana Ora (S190.1221) and BDC (S538.624) for this rule. She did not recommend any amendments to this rule.

PORTZ – R5 Extension of the Coastal Cycleway

626. Ms Easton acknowledged the support of Te Mana Ora (S190.1222), BDC (S538.625) and GDC (S608.135) for this rule.

627. WMS Group (S599.151) sought that the rule be deleted. Ms Easton did not support this submission. WMS Group considered that the rule contained an *ultra vires* requirement for confirmation from the Council. Ms Easton considered that this could easily be addressed by amending "*approval*" to "*certification*" within the performance standard. She recommended the following amendment to the rule:

PORTZ - R5 Extension of the Coastal Cycleway
Activity Status Permitted
Where:
1. This is undertaken in accordance with a cycleway extension plan ~~approved~~

certified by the relevant District Council as not impeding the function of the Port.

PORTZ – R6 Ancillary Residential Activities

628. Ms Easton acknowledged the support of Te Mana Ora (S190.1223) for this rule. She also acknowledged GDC's (S608.813) support for the rule, subject to amendments being made to PORTZ–R1.

629. Ms Easton supported BDC's (S538.626) request to amend to clause (1) to improve clarity; delete clauses (3) because these were not relevant to the Westport Port Zone; and delete clause (d) because it was a Building Act matter. She did not support the request to delete the advice note as a consequential amendment to the changes the submitter sought to the Noise Chapter rules until the recommendation regarding relevant cross-referenced rule as confirmed. She considered any necessary changes to the advice note could be made as a consequential amendment to the relevant Noise Chapter recommendations.

630. Ms Easton recommended amendments to the rule as follows:

PORTZ - R6 Ancillary Residential Activities
Activity Status Controlled
Where:

1. One ~~single~~ residential unit per site is provided;
2. The residential activity is ancillary to the port, commercial or industrial activity on the site;
3. ~~The residential activity is located at the rear of the site or above ground level;~~
4. All performance standards for Rule PORTZ - R1 are complied with.

Matters of control are:

a. Residential unit design;
b. Residential unit location;
c. Noise insulation requirements; and
d. ~~Internal air quality requirements.~~

PORTZ – R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1

631. Ms Easton noted the support of Te Mana Ora (S190.1224) for this rule and GDC's (S608.814) support, subject to the amendments it sought to PORTZ – R1 (which Ms Easton largely supported).

632. Ms Easton did not support BDC's (S538.627) request to delete this rule because she considered a restricted discretionary activity, with appropriate matters of discretion, was a sufficient level of oversight to regulate activities that infringed recession planes.

633. WMS Group (S599.152) sought to amend this rule so that the performance standard in relation to the recession plane was only in relation to a Residential Zone boundary; to delete clause (3) and matters of discretion (b)and (c); and to add a new matter of discretion "*whether the activity has a functional or operational need to be located within the recession plane*". Ms Easton supported this submission and noted the changes to the performance standard were consistent with her recommendations concerning PORTZ–R1. She agreed that as this rule only applied where a recession plane is infringed and therefore matters of discretion should be limited to those that were relevant.

634. Ms Easton recommended the following amendments to this rule:

PORTZ - R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1 Activity Status Restricted Discretionary

Where:

1. The building does not comply with a recession plane as defined in Appendix Two to commence 2.5m above any boundary with a RESZ - Residential Zone ~~projects into the 35 degree recession plane~~;
2. All other performance standards for Rule PORTZ-R1 are complied with; ~~and~~
3. ~~Rules NOISE - R8 and LIGHT - R2 are complied with.~~

Discretion is restricted to:

a. Design, height, bulk and location of buildings;
b. ~~Design and location of parking and access;~~ Whether the activity has a functional or operational need to be located within the recession plane; and
c. ~~Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~
d. Landscape measures

PORTZ – R8 Minor Structures not meeting Rule PORTZ - R2

635. Ms Easton acknowledged the support of Te Mana Ora (S190.1225) and BDC (S538.628) for this rule.

636. GDC (S608.136) sought that this rule be removed as a consequential amendment to its submission on Rule PORTZ–R2. Ms Easton supported this submission in part and considered that these activities could be dealt with in their entirety as a restricted discretionary activity and that the performance standard could be deleted.

637. Ms Easton recommended the following amendments to this rule:

PORTZ - R8 Minor Structures not meeting Rule PORTZ - R2 Activity Status Restricted Discretionary

~~Where:~~

~~1. Performance standards 1-10 for Rule PORTZ - R1 are complied with.~~

Discretion is restricted to:

a. Design and location of structures; and
b. Landscape measures.

Activity status where compliance not achieved: ~~Discretionary~~ N/A

PORTZ – R9 Fences, Walls and Retaining Walls not meeting Rule PORTZ - R3

638. Ms Easton acknowledged the support of Te Mana Ora (S190.1226) and BDC (S538.629).

639. GDC (S608.137) sought that this rule be removed as a consequential amendment to their submission on Rule PORTZ–R3. Ms Easton did not support this submission for the reasons outlined in relation to Rule PORTZ–R3. She recommended retaining the rule as notified.

PORTZ – R10 Minor Structures, Fences and Walls not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

640. Ms Easton acknowledged the support of Te Mana Ora (S190.1227) and BDC (S538.630).

641. Ms Easton supported GDC's (S608.138) request to delete this rule be deleted because she considered these matters were best dealt with as a restricted discretionary activity as discussed under PORT–R8. She recommended deleting this rule.

PORTZ – R11 Port and Industrial Activities and Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

642. Ms Easton acknowledged the support of Te Mana Ora (S190.1228) and the BDC (S538.631). for this rule. She recommended retaining the rule as notified.

PORTZ – R12 Any Activity Not Provided for in Another Rule in the Zone

643. Ms Easton acknowledged the support of Te Mana Ora (S190.1229) and BDC (S538.632) for this rule. She recommended retaining the rule as notified.

Hearing and Submitter Evidence/Statements

644. The Poutini Ngāi Tahu hearing statement confirmed support for the s42A Report recommendations in relation to the rules. In clarification, it requested a new matter of discretion "*Effects on Poutini Ngāi Tahu values*" be included in rule PORTZ-R7, PORTZ-R8 and PORTZ-R9.

Reporting Officer Reply Evidence

645. In response to questions from the Panel regarding the hearing statement from Poutini Ngāi Tahu, Ms Easton recommended adding a new matter of discretion "*Effects on Poutini Ngāi Tahu values*" to rules PORTZ-R7, PORTZ-R8 and PORTZ-R9.

646. In response to questions from the Panel on the discharge of dust, Ms Easton advised that, after considering the evidence presented at the hearings, generally, she had modified her view and considered that nuisance dust generated from unsealed yards from development could be addressed in a district plan. She noted site design and management could avoid nuisance dust that may not be regulated as an air discharge under the Air Plan.

647. In terms of vibration effects, Ms Easton considered that this was a Noise Chapter matter (as per the National Planning Standards) and remained of the opinion that the reference to vibration could be deleted.

648. In terms of blasting, she considered that this principally related to abrasive blasting and that this matter was adequately addressed in Rule 6 of the Regional Air Plan.

649. In terms of odour, Ms Easton advised that Chapter 6 of the Regional Air Plan addressed this matter. She noted that Rule 13 was very specific regarding the activities it regulated and concluded that any other activities that generate an objectionable or offensive odour were "*probably a discretionary activity*". For this reason, Ms Easton considered that district plan regulation of odour within the Port Zone was also unnecessary.

650. Ms Easton reconsidered her recommendation on PORTZ–R1(7) following her analysis of the Regional Air Plan provisions relating to dust. She identified a policy gap in relation to residential activities and the nuisance effects of dust. On this basis, she has revised her view on this matter and considered it appropriate to retain PORTZ-R1(7) requiring no offensive or objectionable dust nuisance beyond the Port Zone boundary.

Hearings Panel's Evaluation

651. In relation to Rule **PORTZ-R1**, the Panel agrees with Ms Easton's assessment of the submissions on this rule and accepts her recommended amendments. We consider the amendments recognise and provide for the difference between the two Ports, particularly their differing proximity to neighbouring zones. We consider the amendments will not hinder port activities, while providing adequate protection for the surrounding environment, including freshwater and saltwater ecosystems. We agree with Ms Easton's recommendation (as stated in her reply) to retain clause (7), which addresses dust nuisance due to the nature of the products handled at the ports. Regarding the standards that she recommends be deleted, we agree with her that the subject matter of those Standards can be addressed through means other than this Plan's provisions.

652. The Panel agrees with Ms Easton's recommendation to retain Rule **PORTZ-R2** to permit minor structures and agree that clauses (1), (4) and (5) are necessary given the nature of port activities. We accept Ms Easton's recommended changes.

653. The Panel accepts Ms Easton reasons and recommendation to retain rules **PORTZ-R3, PORTZ-R4, PORTZ-R11** and **PORTZ-R12** as notified.

654. In relation to Rule **PORTZ-R5,** the Panel agrees with Ms Easton that the submitters' concerns with this rule can be addressed by deleting the word '*approval* 'and replacing it with the word '*certified*'. Furthermore, we note that the Councils and the Ports would liaise before the construction of a cycleway, presumably over either port- or Council-owned land.

655. The Panel accepts Ms Easton's reasons and recommended amendments to Rule **PORTZ-R6.**

656. The Panel agrees with Ms Easton that Rule **PORTZ-R7** not be deleted and agree a restricted discretionary activity classification, with appropriate matters of discretion, is a sufficient level of oversight to regulate activities. We agree the recession plane performance standard should only apply to a Residential Zone boundary, the matters of discretion concerning design and location of parking and access and management of hazardous substances are deleted, and to add a new matter of discretion "*whether the activity has a functional or operational need to be located within the recession plane*". However, we consider activities not complying with the relevant district-wide noise and light rules should be considered as a discretionary activity under PORTZ-R11 and therefore recommend clause (3) is retained.

657. The Panel also accept Ms Easton's recommendation to add new matter of discretion "*Effects on Poutini Ngāi Tahu Values*" to provide for the relationship of Poutini Ngai Tahu with the Ports area. We agree this new matter of discretion is appropriate for all restricted discretionary rules.

658. In relation to Rule **PORTZ-R8**, the Panel agrees with Ms Easton that these minor structure activities could be dealt with in their entirety as a Restricted Discretionary Activity and that performance standard (1) is be deleted.

659. The Panel accepts Ms Easton's recommendation to retain Rule **PORTZ-R9** as notified, except for adding a new matter of discretion "*Effects on Poutini Ngāi Tahu Values*".

660. In relation to Rule **PORTZ-R10**, the Panel accepts Ms Easton's recommendation to delete this rule because the matters this rule seeks to address are best dealt with as a restricted discretionary activity as discussed under Rule PORTZ–R8.

Hearing Panel's Recommendation

661. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Port Zone Rules**:

Port Zone Rules

Permitted Activities

PORTZ - R1
Port and Industrial Activities and Buildings

Activity Status Permitted
Where:

1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
   a. 5m from road boundaries, the rail corridor and any RESZ - Residential Zone or MUZ - Mixed Use Zone boundary; and
   b. 10m from State Highways;
4. All external storage and car parking areas shall be screened by a **minimum** 1.8m **high solid**[197] fence or landscaping so that it is not visible from any adjoining RESZ - Residential Zone boundary or adjoining public place outside of the PORTZ - Port Zone **except that landscaping shall not restrict the visibility of vehicle access**;[198]
5. ~~Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any noise sensitive activity;~~[199]

~~6. Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any noise sensitive activity;~~[200]

~~7.~~**5.** There shall be no offensive or objectionable dust nuisance at or beyond the PORTZ Port Zone boundary as a result of the activity;

~~8. No noxious or offensive odour shall be detected beyond the PORTZ - Port Zone boundary that the activity occurs in;~~[201]

~~9.~~**6.** The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, OSRZ - Open Space and Recreation Zone or MUZ - Mixed Use Zone, shall contain landscaping with a minimum width of 2 metres which includes planting that will, within two years of being planted, reach a height of 1m, except that this does not apply to any emergency services facility or vehicle access to the site;

~~10.~~ **7.** Stormwater run-off associated with any Port, industrial or commercial activity or building, including earthworks, shall be collected and treated prior to discharge

[197] Buller District Council S538.621
[198] Grey District Council S608.812
[199] Grey District Council S608.132
[200] Grey District Council S608.132 and Buller District Council S538.621
[201] Grey District Council S608.132 and Buller District Council S538.621

~~to ensure there are no significant adverse effects on water quality~~[202] **in accordance with the relevant standards of NZS4404:2010;**[203]

~~11.~~**8.** No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any ~~site~~ **RESZ – Residential Zone**[204] boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~[205] This standard does not apply to

i. Road boundaries;
ii. Buildings on adjoining sites that have a common wall along the boundary;
iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

9. All buildings are connected to network utility services where they are available for water supply, wastewater and stormwater disposal. Where water supply, wastewater or stormwater services are not available then these systems shall be designed and constructed in accordance with the relevant standards of NZS4404:2010.[206]

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple functions such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.
3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.** [207]

Activity status where compliance not achieved: Discretionary for standards 1 – ~~10~~**7 and 9**, Restricted Discretionary for standard ~~11~~**8**[208]

PORTZ - R2 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule PORTZ - R1 are complied with except that compliance with standard 3 (setbacks) is not required;~~[209]

[202] Buller District Council S538.621
[203] Grey District Council S608.812
[204] WMS Group S599.150
[205] Buller District Council S538.621
[206] Grey District Council S608.812
[207] Buller District Council S538.621
[208] Consequential amendment Grey District Council S608.132, S608.812 and Buller District Council S538.621
[209] Buller District Council S538.622

2. Masts, poles, aerials and pou whenua must not exceed 7m in height; **and**
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to**.**
4. ~~Any ornamental structure must not exceed 2.4 m in height; and~~
5. ~~Any other structure must not exceed 10m and 2m in height.~~[210]

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted
Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R4 Commercial Activities

Activity Status Permitted
Where:

1. All performance standards for Rule PORTZ - R1 are complied with; and
2. Any retail activity shall occupy no more than 250m^2 or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved: Controlled

PORTZ - R5 Extension of the Coastal Cycleway

Activity Status Permitted
Where:

1. This is undertaken in accordance with a cycleway extension plan ~~approved~~ **certified**[211] by the relevant District Council as not impeding the function of the Port.

Activity status where compliance not achieved: N/A

Controlled Activities

PORTZ - R6 Ancillary Residential Activities

Activity Status Controlled
Where:

1. One ~~single~~[212] residential unit per site is provided;
2. The residential activity is ancillary to the port, commercial or industrial activity on the site;
3. ~~The residential activity is located at the rear of the site or above ground level;~~ [213]
4. All performance standards for Rule PORTZ-R1 are complied with.

Matters of control are:

[210] Grey District Council S608.133
[211] WMS Group S599.151
[212] Buller District Council S538.626
[213] Buller District Council S538.626

a. Residential unit design;
b. Residential unit location; **and**
c. Noise insulation requirements~~.; and~~
~~d. Internal air quality requirements.~~[214]

Advice Note:

~~1.~~ The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 apply as a minimum in this location.

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

PORTZ - R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1

Activity Status Restricted Discretionary
Where:

1. The building **does not comply with a recession plane as defined in Appendix Two to commence 2.5m above any boundary with a RESZ - Residential Zone** ~~projects into the 35 degree recession plane~~**; and**[215]
2. All other performance standards for Rule PORTZ-R1 are complied with; and
3. Rules NOISE - R~~8~~**6** and LIGHT - R2 are complied with.

Discretion is restricted to:

a. Design, height, bulk and location of buildings;
b. ~~Design and location of parking and access;~~ **Whether the activity has a functional or operational need to be located within the recession plane;**[216]
~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~[217]
d. ~~Landscape measures~~**Measures to mitigate landscape effects; and**[218]
e. **Effects on Poutini Ngāi Tahu values.**[219]

Activity status where compliance not achieved: Discretionary

PORTZ - R8 Minor Structures not meeting Rule PORTZ - R2

Activity Status Restricted Discretionary
~~**Where:**~~
~~1. Performance standards 1-10 for Rule PORTZ - R1 are complied with.~~[220]

Discretion is restricted to:

a. Design and location of structures; ~~and~~
b. ~~Landscape measures~~**Measures to mitigate landscape effects; and**[221]
c. Effects on Poutini Ngāi Tahu Values.[222]

Activity status where compliance not achieved: ~~Discretionary~~ **N/A**

[214] Buller District Council S538.626
[215] WMS Group S599.152
[216] WMS Group S599.152
[217] WMS Group S599.152
[218] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[219] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.306
[220] Grey District Council S608.136
[221] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[222] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.306

PORTZ - R9 Fences, Walls and Retaining Walls not meeting Rule PORTZ - R3

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; ~~and~~
b. ~~Landscape measures~~**Measures to mitigate landscape effects; and**[223]
c. **Effects on Poutini Ngāi Tahu Values.**[224]

Activity status where compliance not achieved: N/A

Discretionary Activity

~~**PORTZ - R10 Minor Structures, Fences and Walls not meeting Permitted, Controlled or Restricted Discretionary Activity Standards**~~

~~**Activity Status Discretionary**~~
~~**Activity status where compliance not achieved:** N/A~~[225]

PORTZ - R1~~1~~0 Port and Industrial Activities and Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

Non-complying Activities

PORTZ - R1~~2~~1 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

2.6. STADZ - Stadium Zone - Te Takiwā Hākinakina

Definitions and Stadium Zone Chapter as a whole

Submissions

674. One submission point supported the definition of '*Stadium Activity'.* One submission point n supported the Stadium Zone Chapter as a whole.

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[223] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[224] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.306
[225] Grey District Council S608.138

675. Ms Easton supported the Ministry of Education Te Tāhuhu o Te Mātauranga's (S456.004) request to replace "*Childcare facilities*" with "*Educational facilities*" in the definition of Stadium Activity because it recognised the current activities within the zone at Greymouth.

676. Ms Easton acknowledged the WDC's (S181.057) support for the chapter as a whole.

Hearing and Submitter Evidence/Statements

677. No evidence was presented at the hearing in relation to the Stadium Zone Chapter.

Reporting Officer Reply Evidence

678. No specific points were made in the Reply Evidence regarding the Stadium Zone.

Hearing Panel's Evaluation

679. The Panel accepts Ms Easton's recommendation to replace '*Childcare facilities'* with '*Education facilities*' in the definition for Stadium Activity, which recognises that part of Greymouth High School is included within the Stadium Zone at Greymouth.

Hearing Panel's Recommendation

680. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted, and recommend the following changes to the **Definitions**:

STADIUM ACTIVITY
means the use of land and/or buildings where the principal activities relate to the function of the facilities in the Stadium Zone. These include, but are not limited to: 1. Sport and recreation activity and events 2. Cultural, entertainment and exhibition activities including music festivals, concerts and performances 3. Trade fairs, market days and displays 4. Conference, meetings and functions including weddings 5. Sports and cultural activity related education 6. Museum facilities 7. After school/holiday programmes 8. ~~Childcare~~**Educational** facilities[226] 9. Physiotherapy and massage 10. Retail activities including café or retail sales that are ancillary to other activities on the site 11. Any ancillary activities necessary for the functioning of the facility, including ancillary office activity and ticket sales.

681. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted or accepted in part and recommends the following changes to the **Stadium Zone Overview**:

[226] Ministry of Education Te Tāhuhu o Te Mātauranga S456.004

Stadium Zone - Te Takiwā Hākinakina

Overview

The STADZ - Stadium Zone applies to the two major stadium facilities on the West Coast/Te Tai o Poutini - the Pulse Energy Events Centre in Westport and the Westland Recreation Centre in Greymouth. These two large facilities have multiple uses with a range of activities. Therefore, the flexibility to develop and adapt these facilities is important.

The intention of the STADZ - Stadium Zone is that the stadia will continue to be used for this purpose, together with other complementary activities. It is not anticipated that land use at the sites will change fundamentally.

The stadia and their associated activities have the potential for visual, noise, lighting/glare and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are minimal adverse impacts on the rest of the community. Activities permitted within the STADZ - Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for stadium activities, including:

a. **Noise -** The Noise Chapter contains noise provisions for activities in the STADZ - Stadium Zone.
b. **Signs** - The Signs Chapter contains the provisions for signs for activities in the STADZ - Stadium Zone.
c. **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the STADZ - Stadium Zone.
d. **Natural Hazards** - The Natural Hazards Chapter contains provisions in relation to flood susceptibility which may be relevant in particular to the Pulse Energy Events Centre.
e. **Ecosystems and Indigenous Biodiversity - The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Stadium Zone.**[227]

STADZ – Stadium Zone Objectives

Submissions

682. Two submission points supported the Stadium Zone objectives as notified and one sought a minor amendment to correct the spelling of stadium.

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683. Ms Easton acknowledged the support of Te Mana Ora (S190.1231, S190.1232, S190.1233).

684. GDC (S608.815) sought to correct a spelling error, which was supported by Ms Easton.

[227] Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

Hearing and Submitter Evidence/Statements

685. No evidence was presented at the hearing in relation to the Stadium Zone objectives.

Reporting Officer Reply Evidence

686. No specific points were made in the Reply Evidence regarding the Stadium Zone objectives.

Hearing Panel's Evaluation

687. The Panel accepts Ms Easton's recommendation to correct the spelling error.

Hearing Panel's Recommendation

688. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted and recommends the following changes to the **Stadium Zone Objectives**:

Stadium Zone Objectives
STADZ- O1
To enable efficient and effective operation of the ~~stadia~~ **stadiums**[228] in the STADZ - Stadium Zone
STADZ- O2
Land use development and activities are designed and operated to: a. Provide a good standard of on-site amenity for visitors; and b. Maintain and enhance the amenity of surrounding areas as far as is practicable.

STADZ – Stadium Zone Policies

Submissions

689. Six submission points relating to the Stadium Zone policies were summarised in a Table on page 120 of the s42A Report. One submission point supported Policy **STADZ – P1** as notified. One submission point supported Policy **STADZ–P2** as notified and one sought a spelling correction. One submission point supported Policy **STADZ–P3** as notified and two sought amendments.

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690. Ms Easton acknowledged the support of Te Mana Ora (S190.1234, S190.1235, S190.1236) for the policies.

691. Ms Easton supported GDC's (S608.816) request to replace "*stadia*" with "*stadium*" to correct an error in STADZ–P2.

692. Ms Easton supported the Buller Conservation Group (S552.200) and Frida Inta's (S553.200) request that Policy STADZ–P3 be amended to refer to the adverse effects of light as well

[228] Grey District Council S608.815

as noise and to require hooding of upwards light spill. She considered was appropriate for the policy to address light but she did not support the addition of text around upward hooding. She noted that the detailed management of light was addressed in the LIGHT Chapter.

693. Ms Easton recommended amendments to STADZ – P3 as follows:

> **STADZ - P3** Require land use activities and development to be designed and operated to ensure that adverse effects of noise **and light** on the amenity of adjacent residential areas are minimised.

Hearing and Submitter Evidence/Statements

694. Ms Inta reiterated her submission points on STADZ – P3.

Reporting Officer Reply Evidence

695. No specific points were made in the Reply Evidence regarding the Stadium Zone policies.

Hearing Panel's Evaluation

696. The Panel accepts Ms Easton's recommendation to retain **STADZ-P1** and **STADZ-P2** as notified, except for correcting the spelling error in STADZ-P2.

697. The Panel accepts Ms Easton's recommendation to include light in **STADZ-P3.** We note Rule LIGHT-R2 applies to artificial outdoor light in the Stadium Zone.

Hearing Panel's Recommendation

698. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Stadium Zone Policies**:

Stadium Zone Policies
STADZ – P1
Provide for activities ancillary to the stadium function: a. Which support the efficient and effective operation of the stadium; and b. Are not more appropriately located in another zone.
STADZ - P2
Provide for flexibility of use of the ~~stadia~~ **stadiums**[229], recognising a range of uses are likely to be needed to support financial viability but avoiding residential and industrial activities.
STADZ - P3
Require land use activities and development to be designed and operated to ensure that adverse effects of noise **and light**[230] on the amenity of adjacent residential areas are minimised.

[229] Grey District Council S608.816
[230] Buller Conservation Group S552.200 and Frida Inta S553.200

STADZ – Stadium Zone Rules

699. Twelve submission points relating to the Stadium Zone rules were summarised on a Table on page 121 of the S42A Report. One submission point supported Rule **STADZ-R1** as notified and two sought amendments. One submission point supported Rules **STADZ R2** and **STADZ R3** as notified. Three submission points supported Rule **STADZ-R4** as notified and one sought amendment.

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700. Ms Easton acknowledged the support of Te Mana Ora (S190.1237, S190.1238, S190.1239, S190.1240, S190.1241, S190.1242, S190.1243, S190.1244) for all the rules.; and GDC's (S608.817) support for Rule STADZ–R4.

701. Ms Easton did not support the Buller Conservation Group (S552.201) and Frida Inta's (S553) request for an additional permitted activity standard for noise and light because these were managed by appropriate noise and light performance standards in the District-Wide Chapters, in accordance with the National Planning Standards.

702. The New Zealand Heavy Haulage Association Inc (S616.012) sought amendments to the relocated buildings Rule STADZ-R4, which were the same as those sought in other similar rules in other zones. Ms Easton did not support this submission and considered the proposed wording did not improve the notified wording.

703. Ms Easton recommended retaining the rules as notified. However, Appendix 1 of the s42A Report shows consequential amendments to STADZ-R1(5) regarding recession planes and the addition of an advice note referring to the Deemed Permitted Activity Boundaries process, where boundary setbacks are infringed.

Hearing and Submitter Evidence/Statements

674. Ms Inta reiterated her submission points on the Stadium Zone rules.

675. The New Zealand Heavy Haulage Association Inc (S616.012) did not present any further information to support their submission point in relation to Rule STADZ-R4.

Reporting Officer Reply Evidence

676. No specific points were made in the Reply Evidence regarding the Stadium Zone rules.

Hearings Panel's Evaluation

677. The Panel accepts Ms Easton's recommendation to retain the Stadium Zone rules as notified, except for consequential amendments to STADZ-R1 to be consistent with changes to other equivalent rules in relation to recession planes. We also recommend amendments to STADZ-R4 to include reference to new Appendix Eleven providing guidance for pre-inspection reports for relocated buildings.

Hearing Panel's Recommendation

678. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Stadium Zone Rules:**

Stadium Zone Rules

Permitted Activities

STADZ - R1 Stadium Activity

Activity Status Permitted

Where:

1. The maximum height above ground level is 15 metres. This height limit does not include:
   a. Solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter), hydro slides and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m;
2. The maximum building length is 20m where this abuts a RESZ - Residential Zone;
3. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level so that it is not visible from any adjoining residential zone boundary;
4. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be set back:
   a. 3m from any RESZ - Residential Zone or OSZ - Open Space Zone; and
   b. 3m from the road boundary;
5. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary**.** ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ [231] This standard does not apply to:
   i. Road boundaries;
   ii. Buildings on adjoining sites that have a common wall along the boundary;
   iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically;
   v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note<u>s</u>:

1. The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.
2. **<u>Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.</u>** [232]

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R2 Minor Structures

[231] Consequential amendment Buller District Council S538.621
[232] Consequential amendment Buller District Council S538.621

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed $10m^2$ and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R3 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. A building pre-inspection report **completed in accordance with Appendix Eleven**[233] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site**; **and** [234]
3. The building shall be located on permanent foundations approved by building consent no later than **two**~~2~~[235] months of the building being moved to the site.~~; and~~
4. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated building shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[236]

Advice Note:

The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary

[233] New Zealand Heavy Haulage Association Inc. S616.012
[234] Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)
[235] RMA First Schedule Clause 16(2)
[236] Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)

STADZ - R5 Stadium Activities, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

1. Design, size, height and location of buildings, structures and facilities;
2. Screening, planting and landscape measures;
3. Shading and privacy impacts on neighbouring properties;
4. Any adverse effects on the streetscape;
5. Any adverse effects on the amenity of neighbouring properties;
6. Geotechnical and drainage requirements; and
7. The extent to which the infringement is necessary due to the shape, natural or physical features of the site.

Activity status where compliance not achieved: N/A

Non-complying Activities

STADZ - R6 Residential buildings and activities

Activity Status Non-complying
Activity status where compliance not achieved: N/A

STADZ - R7 Industrial activities

Activity Status Non-complying
Activity status where compliance not achieved: N/A

STADZ - R8 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying
Activity status where compliance not achieved: N/A

2.7. SVZ - SCENIC VISITOR ZONE – TE TAKIWĀ MANUHURU TIROTIRO TAIAO

Scenic Visitor Zone Chapter as a whole

Submissions and Further Submissions

679. Seven submission points on the Scenic Visitor Zone (**SVZ**) Chapter as a whole and relevant definitions were summarised in a Table on Pages 123-124 of the s42A Report. Two submissions sought to retain the provisions, two sought amendments and three opposed the provisions either in whole or in respect of individual properties. A further submission supported the submission point that sought to delete the SVZ.

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680. Ms Easton acknowledged the support of Director General of Conservation (S602.234) and WDC (S181.065) for the SVZ as notified.

681. Ms Easton supported the inclusion of the more standardised and expanded *"Other relevant Te Tai o Poutini Plan provisions*" section in the Overview, as outlined earlier.

682. Ms Easton did not support Karen Lippiatt's (S439.001) request to delete the SVZ and replace it with Settlement Zone instead because she considered the Settlement Zone was essentially a residential zone and the SVZ was a bespoke commercial zone.

683. Jane Whyte & Jeff Page (S467.002) sought that the Plan enable the continuation of the mix of uses at Punakaiki Village, and if necessary, the upgrade and replacement of the various buildings and structures associated with this. Ms Easton supported this submission in part and recommended amendments to the specific rules within the zone to recognise the issues raised in the submission.

684. The zone changes sought by the Scenic Hotel Group (S483.002) and (S483.005) are addressed in a separate section of this Report below.

685. The West Coast Wildlife Centre's (S1.001) request to rezone its facility on land adjacent to 32 Cron Street is addressed in a separate section of this Report below.

686. Ms Easton recommended no changes to the SVZ Chapter in response to submissions.

Hearing and Submitter Evidence/Statements

687. No evidence was presented at the hearing in relation to the submission points on the SVZ Chapter as a whole.

Reporting Officer Reply Evidence

688. No specific points were made in the reply regarding the SVZ Chapter as a whole.

Hearing Panel's Evaluation

674. The Panel accepts Ms Easton's recommendation that no amendments are required in response to submissions on the SVZ Chapter as a whole, except for Plan-wide amendments to the *"Other relevant Te Tai o Poutini Plan provisions*" section in the Overview.

Hearing Panel's Recommendation

675. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Scenic Visitor Zone Overview:**

Scenic Visitor Zone **Overview**
This zone recognises the unique tourism and scenic qualities of the commercial areas of Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships. These three areas sit adjacent to the Tai Poutini/Westland National Park, and Paparoa National Park respectively. They are located in areas of spectacular natural and cultural value, and development needs to respect the qualities of the environment in which they are located.

Because of their spectacular locations, these townships are among the most visited in the country, and form key tourism and visitor infrastructure for the West Coast/Te Tai o Poutini.

In the case of the glacier towns of Franz Josef/Waiau and Fox Glacier/Weheka, tourism numbers have reached as high as 750,000 per annum (6000 people per day), with 450,000 people per annum visiting Punakaiki. The communities themselves, however, are home to a few hundred people, so the main focus of the commercial areas is supporting visitor activity.

Alongside their scenic locations, these three townships are all threatened by significant natural hazards - coastal erosion and rockfall at Punakaiki, **and**[237] flooding and the Alpine Fault at Fox Glacier/Weheka and Franz Josef/Waiau. Climate change may also threaten these natural features~~/~~.[238] As part of the development of these areas over time, Te Tai o Poutini Plan seeks to increase the respective townships resilience to natural hazards. At Franz Josef/Waiau, where the Alpine Fault crosses through the centre of the township, and the Waiho River also poses a significant threat, development away from the faultline and river is supported by the Plan. This includes through changes in zoning provisions, as well as the natural hazards provisions in the Natural Hazards **C**~~c~~hapter.[239]

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-**W**~~w~~ide[240] Matters chapters also contain provisions that may be relevant for activities in the SVZ - **Scenic**~~pecial~~[241] Visitor Zone, including:

~~a. Overlay Chapters - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~[242]

a. Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Scenic Visitor Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

b. Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Scenic Visitor Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.

c. Natural Character and Margins of Waterbodies - in some locations areas of Scenic Visitor Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.

[237] RMA First Schedule Clause 16(2)
[238] RMA First Schedule Clause 16(2)
[239] RMA First Schedule Clause 16(2)
[240] RMA First Schedule Clause 16(2)
[241] RMA First Schedule Clause 16(2)
[242] Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

d. Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Scenic Visitor Zone. These are in addition to the specific provisions in Rules SVZ – R1 and SVZ – R5 in relation to vegetation clearance in the Punakaiki Scenic Visitor Zone.

e. Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.

f. **Subdivision** - The Subdivision chapter sets out the requirements for subdivision activities in the SVZ - Scenic Visitor Zone.

g. **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

SVZ – Scenic Visitor Zone Objectives

Submissions

676. Eleven submission points relating to the SVZ objectives were summarised in a Table on pages 125-126 of the s42A Report. Ten submission points sought to retain the provisions as notified and one sought amendment.

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677. Ms Easton acknowledged the support of William McLaughlin (S567.711), Chris & Jan Coll (S558.683), Chris J Coll Surveying Limited (S566.683), Laura Coll McLaughlin (S574.683), Te Mana Ora (S190.1246, S190.1247), Paparoa Track Services (S605.033), Jane Whyte & Jeff Page (S467.009) and Neil Mouat (S535.070, S535.071) to the objectives as notified.

678. Poutini Ngāi Tahu (S620.307) sought amendments to Objective SVZ – O1 to refocus this to be about the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas. Ms Easton did not support this submission. As discussed above, Ms Easton noted that the zone was a bespoke commercial zone reflecting the scenic and tourist nature of the commercial areas of the three townships

679. Ms Easton recommended that no changes be made to the SVZ objectives.

Hearing and Submitter Evidence/Statements

680. The Poutini Ngāi Tahu hearing statement addressed Objective SVZ-01 and sought the following alternative amendment to the substantial wording amendment sought in submissions – "*…unique values (including Poutini Ngai Tau values)…"*. It considered this was necessary to be consistent with the other objectives in the Plan that balances growth and visitor needs with Poutini Ngāi Tahu values.

Reporting Officer Reply Evidence

681. No specific points were made in the Reply Evidence regarding the Scenic Visitor Zone objectives.

Hearing Panel's Evaluation

682. The Panel agrees with Ms Easton's recommendation not to amend Objective SVZ-O1, as request by Poutini Ngāi Tahu in the original submission, because it would change the focus of the objective of the zone from providing a bespoke commercial zone reflecting the scenic and tourist nature of the commercial areas of the three townships. However, we consider the alternative wording suggest in the hearing statement of Poutini Ngāi Tahu is appropriate and links well with SVZ-P6(d) without changing the focus of the Objective. We recommend adding this alternative wording and accept in part the submission point of Poutini Ngāi Tahu (S620.307).

683. The Panel accepts Ms Easton's' recommendation to retain Objective SVZ-O2 as notified.

Hearing Panel's Recommendation

684. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **Scenic Visitor Zone Objectives**:

Scenic Visitor Zone Objectives
SVZ - O1
To provide for community and visitor needs in the Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships in a way that delivers protection of the unique values **(including Poutini Ngāi Tahu values)** [243] that attracts visitors and benefits the local and regional economies and communities.
SVZ - O2
To support the expansion of the Fox Glacier/Weheka and Franz Josef/Waiau townships into areas of lower risk from natural hazards and to reduce the risk where existing development is located in high-risk natural hazard locations.

SVZ – Scenic Visitor Zone Policies

Submissions and Further Submissions

685. The submission points and further submission points relating to the SVZ policies were summarised in a Table on pages 127-130 of the s42A Report.

686. Five submission points supported retaining Policy **SVZ–P1** as notified and three submission points sought amendments, with one further submission supporting an amendment.

687. Five submission points supported retaining Policy **SVZ–P2** as notified and one opposed the policy but did not state a reason.

688. Eight submission points supported retaining Policy **SVZ–P3** as notified.

[243] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.307

689. One submission point supported retaining Policy **SVZ–P4** as notified and seven sought amendments.

690. Eight submission points and a further submission supported retaining Policy **SVZ–P5** as notified.

691. Five submission points supported retaining Policy **SVZ–P6** as notified and three sought amendments.

692. Five submission points and a further submission point supported retaining Policy **SVZ–P7** as notified.

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693. Ms Easton acknowledged that most submissions on the policies were in support.

694. Ms Easton did not support Paparoa Track Services (S605.034) and Jane Whyte & Jeff Page's (S467.010) request to include a new clause in Policy SVZ – P1 that recognised the existing mixed character of commercial and residential uses of Punakaiki Township. She noted that all the land zoned SVZ in Punakaiki (to which this policy applies) was used for commercial purposes (or not yet developed) and that the intent of the Plan was to protect existing and potential commercial use and recognise the very limited private land undeveloped at Punakaiki.

695. Ms Easton supported Paparoa Track Services (S605.036) and Jane Whyte & Jeff Page's (S467.012) request to amend Policy SVZ-P1 to recognise that development should be sympathetic to both scenic and built environments.

696. William McLaughlin (S567.715), Chris & Jan Coll (S558.687), Chris J Coll Surveying Limited (S566.687), Laura Coll McLaughlin (S574.687) and Neil Mouat (S535.075) sought that SVZ–P4 be amended to include specific references to both visitor accommodation and worker accommodation. Ms Easton supported these submissions and considered that these were essential components for these locations that were appropriately located within the SVZ.

697. Ms Easton recommended amendments to Policy SVR–P4 as follows:

> **SVZ - P4** Support the development of appropriate tourism and visitor businesses such as visitor accommodation, visitor attractions, worker accommodation and tourism support facilities that relate to the scenic and built environment in which they are located.

698. Poutini Ngāi Tahu (S620.309) sought that Policy SVZ-P6 be amended to delete the word "*cultural*" and refer to Poutini Ngāi Tahu values. Ms Easton supported this and considered it was consistent with other recommended changes in the Plan.

699. Paparoa Track Services (S605.037) and Jane Whyte & Jeff Page (S467.013) sought that Policy SVZ-P6 to amended to add a new clause "*Reflect the character of the existing built environment".* Ms Easton supported this in part and she considered this matter could be added to clause (b).

700. Ms Easton recommended amendments to Policy SVR–P6 as follows:

SVZ - P6 Require high-quality design outcomes within the SVZ - Scenic Visitor Zone that:

a. Recognise and respond to the natural character and scenic landscape values of the area;
b. Have appropriate controls on design and height to protect the landscape, **existing built environment** and natural character values;
c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiau;
d. Recognise and provide for Poutini Ngāi Tahu ~~cultural~~ values; and
e. Avoid the significant risks of natural hazards.

Hearing and Submitter Evidence/Statements

701. The hearing statement of Poutini Ngāi Tahu noted support for Policies SVZ – P5 and SVZ – P6 as recommended in the s42A Report.

Reporting Officer Reply Evidence

702. No specific points were made in the Reply Evidence regarding the SVZ policies.

Hearing Panel's Evaluation

703. In relation to Policy **SVZ-P1**, the Panel agrees with Ms Easton that a new clause is not necessary given all of the SVZ land at Punakaiki is used for commercial purposes or is not yet developed.

704. The Panel accepts Ms Easton's recommendation to retain policies **SVZ–P2, SVZ–P3,** and **SVZ–P5** as notified.

705. In relation to Policies **SVZ–P4** and **SVZ–P6,** the Panel accepts Ms Easton's recommended amendments for the reasons outlined.

Hearing Panel's Recommendation

706. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Scenic Visitor Zone policies**:

Scenic Visitor Zone Policies
SVZ - P1
Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships that: a. Supports the long-term viability of the commercial areas and the communities that support them; b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located; and c. Avoids locating further development in areas at greatest risk from significant natural hazards.

SVZ - P2

Provide for new commercial development areas beyond the current Fox Glacier/Weheka and Franz Josef/Waiau centres where these are at lower risk from natural hazards and avoid areas of high hazard risk.

SVZ - P3

Recognise the significance of the three townships to the wider visitor economy of the West Coast/Te Tai o Poutini and enable the further development of these areas as world class visitor destinations.

SVZ - P4

Support the development of appropriate tourism and visitor businesses such as **visitor** accommodation, visitor attractions, **worker accommodation**[244] and tourism support facilities that relate to the scenic **and built**[245] environment in which they are located.

SVZ – P5

Within the SVZ - Scenic Visitor Zone ensure:

a. Sufficient sewerage, stormwater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure is provided as part of new development;
b. Where new wastewater disposal infrastructure is developed, this takes a land-based disposal approach, recognising the importance of natural environment and Poutini Ngāi Tahu values in these locations; and
c. Industrial activities are avoided.

SVZ - P6

Require high quality design outcomes within the SVZ - Scenic Visitor Zone that:

a. Recognise and respond to the natural character and scenic landscape values of the area;
b. Have appropriate controls on design and height to protect the landscape, **existing built environment**[246] and natural character values;
c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiau;
d. Recognise and provide for Poutini Ngāi Tahu ~~cultural~~[247] values; and
e. Avoid the significant risks of natural hazards.

SVZ – Scenic Visitor Zone Rules

674. The submission points and further submission points relating to the SVZ rules were summarised in a Table on pages 131-136 of the s42A Report.

675. Twenty-four submission points relating to Rule **SVR-R1.** One submission point sought the rule be retained as notified, 20 sought amendments and three opposed the rule in part.

676. Five submission points and a further submission supported retaining Rule **SVR-R2** as notified and one sought amendment, with a further submission supporting this.

[244] William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075
[245] Paparoa Track Services S605.036 and Jane Whyte & Jeff Page S467.012
[246] Paparoa Track Services S605.037 and Jane Whyte & Jeff Page S467.013
[247] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.309

677. Five submission points supported retaining Rule **SVR-R3** as notified and sought amendments, with a further submission supporting this.

678. One submission point sought supported retaining Rule **SVR-R4** as notified, one sought amendment and five sought to delete the rule, with one further submission in support.

679. One submission point sought supported retaining Rule **SVR-R5** as notified, six sought amendments, with a further submission supporting this.

680. One submission point supported retaining Rule **SVZ–R6** as notified and one sought amendment, with a further submission in support.

681. Two submission points supported retaining the discretionary activity rules generally.

682. Two submission points supported retaining Rule **SVR-R7** as notified, three sought amendments, with a further submission supported this.

683. One submission point supported retaining Rule **SVR–R8** as notified and one sought amendment, with a further submission point in support of this.

684. One submission points supported retaining Rule **SVR-R9** ne submission point sought the as notified, four sought that the rule be deleted and one sought amendment, with a further submission supporting this.

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SVZ – R1 Commercial, Visitor Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

685. Ms Easton acknowledged Te Mana Ora's (S190.1255) support for this rule as notified.

686. William McLaughlin (S567.719), Chris & Jan Coll (S558.691), Chris J Coll Surveying Limited (S566.691) and Laura Coll McLaughlin (S574.691) sought that the advice note regarding NOISE–R3 requirements be deleted. Ms Easton did not support this and noted Rule NOISE–R3 would be considered as part of the Noise Chapter Recommendation Report. Ms Easton indicated that if the rule was deleted or was no longer relevant, the advice note could be removed as a consequential amendment.

687. William McLaughlin (S567.720), Chris & Jan Coll (S558.693), Chris J Coll Surveying Limited (S566.693) Laura Coll McLaughlin (S574.693) and Neil Mouat (S535.077) sought to delete clause (2) relating to the screening of storage and waste management space. Ms Easton did not support this because she considered this was not consistent with the objectives for the zone, particularly in terms of visual amenity, landscape, and character. However, she supported these submissions in part, as she agreed that non-compliance with this standard should default to a restricted discretionary activity and not a discretionary activity.

688. Davis Ogilvie & Partners Ltd (S465.037) sought clarification on clause (3) in relation to outdoor living spaces and the minimum dimension or 'shape factor' to ensure that living spaces were practical and contribute to residential amenity. Ms Easton did not support this without a suggestion from the submitter on what an appropriate requirement would be and invited the submitter to provide this at the hearing.

689. William McLaughlin (S567.721), Chris and Jan Coll (S558.694), Chris J Coll Surveying Limited (S566.694), Laura Coll McLaughlin (S574.694), and Neil Mouat (S535.077) sought to delete clause (4). Jane Whyte and Jeff Page (S467.014) also sought this but also sought it be replaced with a provision allowing residential buildings of no more than 200m² in gross ground floor area per site, with any new building not exceeding 100 m² gross ground floor area per site. Ms Easton did not support these submissions because it explicitly related to Punakaiki and was 'rolled over' from the operative Buller District Plan. She noted clause (4) covered four important issues and recommended these standards were retained without good reasons for opposing them.

690. In relation to Jane Whyte and Jeff Page, Ms Easton noted that they were seeking for the SVZ to become a residential area, which she considered was not the purpose of the zone. She noted that there was only a very small area of land zoned SVZ in Punakaiki and the advice she had received from Council staff was that the current provisions (that had been rolled over into this Plan) had been working well in terms of providing for commercial development within a very visually sensitive environment.

691. Laura Coll McLaughlin (S574.695), Chris J Coll Surveying Limited (S566.695), Chris & Jan Coll (S558.695) and William McLaughlin (S567.722) sought amendments to clause (8) to accommodate projection beyond the recession plane building envelope if this was due to satisfying the requirements of the natural hazard-related provisions. Ms Easton did not support these submissions. She noted that the freeboard requirements for commercial development were significantly less stringent than those for residential development and that, due to the natural hazard overlays, resource consent would often already be required for these buildings, even if they did not infringe the recession plane requirements.

692. William McLaughlin (S567.723), Chris & Jan Coll (S558.696) and Chris J Coll Surveying Limited (S566.696) sought that non-compliance escalates to a controlled activity rather that restricted discretionary or discretionary. Ms Easton did not support these submissions without justification for such a change. She considered that within very sensitive environments with significant natural, built and amenity values, the change sought could allow for inappropriate activities to be required to be approved, with limited ability to require consent conditions to address adverse effects.

693. Ms Easton did not support Neil Mouat's (S535.058) request to amend the rule to be more enabling of development. She noted that the areas where this zone applied were located immediately adjacent, or in the case of Punakaiki, surrounded by, a National Park, and areas of Outstanding Coastal Natural Character and Outstanding Natural Landscapes. She considered the rules aimed to strike a balance between providing opportunities for development to support the tourism industry while retaining the natural and aesthetic values that attract tourists. Ms Easton also noted that all three townships had been the subject of a range of master planning exercises by the relevant district councils and that this work recognised that improvement was needed in relation to visual amenity. She considered the proposed rules struck an appropriate balance in aiming to achieve this, while providing for further development of these areas.

694. Ms Easton recommended the following consequential changes to SVR–R1:

> **SVZ - R1 Commercial, Visitor Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities**

Activity Status Permitted Where:
1…
…8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~…
Advice Note:
1. Much of Franz Josef/Waiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.
2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council
3. …

SVZ – R2 Minor Structures

695. Ms Easton acknowledged the support of Te Mana Ora (S190.1256), William McLaughlin (S567.724), Chris & Jan Coll (S558.697), Chris J Coll Surveying Limited (S566.697) and Laura Coll McLaughlin (S574.697) for this rule.

696. Neil Mouat (S535.059) sought that this rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R3 Fences, Walls and Retaining Walls

697. Ms Easton acknowledged the support of Te Mana Ora (S190.1257), William McLaughlin (S567.725), Chris & Jan Coll (S558.698), Chris J Coll Surveying Limited (S566.698) and Laura Coll McLaughlin (S574.698) for this rule.

698. Neil Mouat (S535.060) sought that this rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R4 Relocated Buildings

699. Ms Easton acknowledged the support of Te Mana Ora (S190.1258) for this rule.

700. The New Zealand Heavy Haulage Association Inc. (S616.014) sought amendments to the rule that were consistent with other submissions it has made on other zones. Ms Easton did not support this submission. She considered that it would result in new pre-built residential housing being moved onto a site, potentially requiring a resource consent. She did not support the other changes proposed and did not consider that they would improve the clarity or enforceability of the rule.

701. William McLaughlin (S567. 031, S567.726), Chris & Jan Coll (S558.241, S558.699), Chris J Coll Surveying Limited (S566.241, S566.699), Laura Coll McLaughlin (S574.241, S574.699) and Neil Mouat (S535.061) sought to delete this rule. Ms Easton did not support these submissions. She considered the rules struck an appropriate balance between providing

opportunity for development to support the tourism industry, while retaining the natural and aesthetic values that attract tourists.

702. Ms Easton did not recommend any changes to this rule.

SVZ – R5 Commercial, Visitor Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

703. Ms Easton acknowledged the support of Te Mana Ora (S190.1259) for this rule.

704. Poutini Ngāi Tahu (S620.310) sought an amendment to refer to "*Poutini Ngāi Tahu ~~cultural~~ values*". Ms Easton supported this submission and noted this was consistent with other recommendations she has made.

705. William McLaughlin (S567.727), Chris & Jan Coll (S558.700), Chris J Coll Surveying Limited (S566.700) and Laura Coll McLaughlin (S574.700) sought that this rule be amended so that existing non-compliance with performance standards in Rule SVZ–R1 would not preclude the application of this rule. Ms Easton did not support these submissions. She noted that lawfully established activities had existing use rights, but that outside of a resource consent process, she considered that existing non-compliance should not be specifically accommodated within the rules.

706. Neil Mouat (S535.062) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R6 Commercial, Visitor Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules

707. Ms Easton acknowledged the support of Te Mana Ora (S190.1260) for this rule.

708. Neil Mouat (S535.063) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

Discretionary Activities

709. William McLaughlin (S567.732), Chris & Jan Coll (S558.252), Chris J Coll Surveying Limited (S566.252) and Laura Coll McLaughlin (S574.252) sought that the references/rules concerning relocated buildings be deleted. Ms Easton did not support these submissions. She considered that the rules struck an appropriate balance between providing opportunities for development to support the tourism industry, while retaining the natural and aesthetic values that attract tourists.

SVZ – R7 Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules

710. Ms Easton acknowledged Te Mana Ora (S190.1261) and Laura Coll McLaughlin (S574.00743) supported this rule as notified.

711. William McLaughlin (S567.732), Chris & Jan Coll (S558.252), Chris J Coll Surveying Limited (S566.252) and Laura Coll McLaughlin (S574.252) sought to delete the references/rules concerning relocated buildings. As noted with other similar submission points from these submitters. Ms Easton did not support these submissions. She considered the rules struck an appropriate balance between providing the opportunity for development to support the tourism industry, while retaining the natural and aesthetic values that attract tourists.

712. Neil Mouat (S535.064) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R8 Industrial Activities

713. Ms Easton acknowledged Te Mana Ora (S190.1262) supported this rule as notified.

714. Neil Mouat (S535.064) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R9 Any Activity Not Provided for in Another Rule in the Zone

715. Ms Easton acknowledged Te Mana Ora (S190.1263) supported this rule as notified.

716. William McLaughlin (S567.729), Chris & Jan Coll (S558.702), Chris J Coll Surveying Limited (S566.702) and Laura Coll McLaughlin (S574.702) sought to delete this rule. Neil Mouat (S535.066) sought that this rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support these submissions and recommended that no changes be made to this rule. She noted this type of "*catch-all*" rule was more commonly a discretionary activity in other parts of New Zealand and invited the submitters to provide information at the hearing about their view on whether that was an alternative relief they would support.

Hearing and Submitter Evidence/Statements

717. Mr Neil Mouat spoke at the hearing in support of his submissions requesting the SVZ be amended to be more enabling of development at Punakaiki to avoid it becoming a 'one horse town'. He highlighted the very limited land available to support tourism development in the area, the high cost of building and difficulties with visitor accommodation occupancy rates because of the adverse effects of Airbnb rentals.

718. The Poutini Ngāi Tahu hearing statement recorded support for the recommended changes to SVZ-R5.

719. Mr Bhana-Thomson, for the New Zealand Heavy Haulage Association, reiterated the submissions in relation to relocated buildings.

Reporting Officer Reply Evidence

720. Ms Easton made no specific comments in reply in relation to the SVZ rules.

Hearings Panel's Evaluation

674. In relation to Mr Mouat's request for the rules to be more enabling of development, we agree with Ms Easton that the rules strike a balance between providing opportunities for development to support the tourism industry and retaining the natural and aesthetic values that attract tourists, including the values associated with the National Park and areas of Outstanding Coastal Natural Character and Outstanding Natural Landscapes. We accept that the master planning exercises undertaken by the district councils recognised that improvement is needed in relation to visual amenity and consider the rules will drive this needed improvement.

675. In relation to **SVZ–R1**, the Panel accepts Ms Easton's recommended amendments for the reasons outlined in relation to her analysis regarding appropriate standards, including consequential amendments relating to recession planes and a new advice note referring to the Deemed Permitted Activity Boundaries process, where boundary setbacks are infringed. We also agree with Ms Easton's recommendation to include a new advice note clarifying that the indigenous vegetation clearance in the rule in relation to the Punakaiki SVZ are in addition to the requirements in the ECO Chapter to address Forest and Bird's submissions in relation to SPZ generally.

676. The Panel agrees with Ms Easton's recommendation that the advice note regarding NOISE–R3 requirements is not deleted. We have had regard to the Noise Chapter Recommendation Report and consider no consequential amendment is required.

677. The Panel accepts Ms Easton's recommendation that non-compliance with clauses (2) and (8) should default to a restricted discretionary activity and rather than a discretionary activity for the reasons outlined. We note the rule as notified incorrectly referred to standard "9" instead of standard "8" and we recommend this is corrected to "7". We agree with Ms Easton that within very sensitive environments with significant natural, built and amenity values, it is not appropriate to provide for controlled activities where consent must be granted.

678. The Panel accepts Ms Easton's recommendations to retain rules **SVZ-R2**, **SVZ-R3, SVZ-R6, SVZ-R7**, **SVZ-R8** and **SVZ-R9** as notified for the reasons provided in the s42A Report.

679. In relation to **SVZ–R4**, the Panel agrees with Mr Easton that the rule should not be deleted for the reasons outlined. The Panel accepts in part the submission of The New Zealand Heavy Haulage (S616.014) and recommends amendments that are consistent with recommendations made in relation to the equivalent rules in the Residential Zones (General Residential Zone, Large Lot Residential Zone and Medium Residential Zone) and other SPZ (MPZ-R7 and STADZ-R4); and reflect the addition of new Appendix Eleven to guide pre-inspection requirements recommended in the Residential Zone Chapter Recommendation Report.

680. In relation to **SVZ–R5**, the Panel accept Ms Easton's recommended amendment to address the submission point of Poutini Ngāi Tahu (S620.310). We agree existing non-compliances should not be accommodated explicitly within the rules and acknowledge lawfully established activities have existing use rights.

681. For completeness, the Panel's recommended amendments to rules **SVZ-R1, SVZ-R5** and **SVZ-R6**, as alternative relief to the zone changes sought by the Scenic Hotel Group (S483.002) are shown in the recommendation box below. Our consideration of these submissions is addressed in a separate section of this Report below. We consider this is also an appropriate consequential amendment to accepting the submissions that sought to add similar wording to Policy SVZ-P4 (S567.715, S558.687, S566.687, S574.687 and S535.075)

Hearing Panel's Recommendation

682. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Scenic Visitor Zone Rules**:

Scenic Visitor Zone Rules

Permitted Activities

SVZ - R1 Commercial, Visitor and Worker[248] Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted
Where:

1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary;
2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space;
3. Any residential activity must provide a minimum of 50m2 outdoor living space for each residential unit which is separate from any parking and manoeuvring areas;
4. In the Punakaiki SVZ - Scenic Visitor Zone:
   a. A maximum of 50m^2 indigenous vegetation clearance occurs as part of the activity;
   b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
   c. Maximum site coverage is 60%;
   d. Residential activities are ancillary to a Commercial or Community activity;
5. Maximum building height is:
   a. 7m in the Punakaiki SVZ - Scenic Visitor Zone; and
   b. 10m in the Franz Josef/Waiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone except that hose drying towers associated with Emergency Service Facilities are exempt from this standard;
6. In the Franz Josef/Waiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone:
   a. Building roof pitch is between 8-35 degrees;
   b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
   c. Buildings are clad in wood, plaster stone and/or profile metal sidings;
   d. Accessory buildings are in the style, appearance and materials of the principal building;
   e. Residential unit density is a minimum of 1 unit per 200m2 net site area;
   f. Maximum building coverage is:
      i. 80%; except

[248] Alternative relief Scenic Hotel Group S483.002 and consequential amendment William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075

ii. 100% for sites in the Franz Josef/Waiau Main Street Frontage area;

g. Except in the Franz Josef/Waiau Main Street Frontage area, a minimum 10% of the indigenous vegetation is retained on any site;

7. All buildings in the Franz Josef/Waiau Main Street Frontage area:
   a. Are located on the front boundary of the site with no setback from the street boundary except that a recess of up to 0.5m within the facade of the building is permitted;
   b. Have a cantilevered continuous verandah to cover the full width of the footpath;
   c. Have 50% of the ground floor facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage; and
   d. Have one public entrance with glazing comprising at least 40% of the doors; **and**[249]
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~.[250] This standard does not apply to:
   a. Road boundaries;
   b. Buildings on adjoining sites that have a common wall along the boundary;
   c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
   e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

1. Much of Franz Josef/Waiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**[251]
3. Where a residential building, visitor accommodation or a noise sensitive activity is located within:
   a. 80m of a State Highway with a speed limit of 70kph or greater; or
   b. 40m of a State Highway with a speed limit of less than 70kph; or
   c. The 50 dBA Noise Contour boundary of Franz Josef Heliport.

   Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.
4. **The provisions of this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.**[252]

Activity status where compliance not achieved:

[249] RMA First Schedule Clause 16(2)
[250] Consequential amendment Buller District Council S538.621
[251] Consequential amendment Buller District Council S538.621
[252] Royal Forest and Bird Protection Society S560.391, S560.0541

Restricted Discretionary where standard **2,**[253] 3, ~~or~~ 4 **or 8**[254] is not complied with
Discretionary where standards 1 ~~–2~~ and 5 - ~~9~~**7**[255] are not complied with

SVZ - R2 Minor Structures

Activity Status Permitted
Where:
1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1m in diameter;
3. Any ornamental structure must not exceed 2.4m in height; and
4. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Discretionary

SVZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted
Where:
1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.

Activity status where compliance not achieved: Discretionary

SVZ - R4 Relocated Buildings

Activity Status Permitted
Where:
1. All standards for Rule SVZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built **and**~~to be~~[256] used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven**[257] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**[258]
4. The building shall be located on permanent foundations approved by building consent no later than **two**~~2~~[259] months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include~~

[253] William McLaughlin S567.720, Chris & Jan Coll S558.693, Chris J Coll Surveying Limited S566.693 and Laura Coll McLaughlin S574.693
[254] Laura Coll McLaughlin S574.695, Chris J Coll Surveying Limited S566.695, Chris & Jan Coll S558.695 and William McLaughlin S567.722
[255] RMA First Schedule Clause 16(2)
[256] New Zealand Heavy Haulage Association Inc. S616.014
[257] New Zealand Heavy Haulage Association Inc. S616.014
[258] William McLaughlin (S567.031, S567.726), Chris & Jan Coll (S558.241, S558.699), Chris J Coll Surveying Limited (S566.241 S566.699), Laura Coll McLaughlin (S574.241, S574.693), Neil Mouat (S535.061)
[259] RMA First Schedule Clause 16(2)

~~connections to all infrastructure services and closing in and ventilation of the foundations~~.[260]

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

SVZ - R5 Commercial, Visitor and Worker[261] Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary
Where:
1. This is in the Punakaiki SVZ - Scenic Visitor Zone; and
2. Indigenous vegetation clearance is proposed as part of the activity; and
3. All other performance standards for Rule SVZ - R1 are complied with.

Discretion is restricted to:
a. Design, height, bulk and location of buildings and structures;
b. Carparking, vehicle and pedestrian access;
c. Extent of indigenous vegetation clearance;
d. Effects on Poutini Ngāi Tahu ~~Cultural~~ values; [262]
e. Effects on natural character and landscape values; and
f. Effects on biodiversity and wildlife values.

Activity status where compliance not achieved: Discretionary

Advice Note: The provisions in this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.[263]

Discretionary Activities

SVZ - R6 Commercial, Visitor and Worker[264] Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SVZ - R7 Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

[260] William McLaughlin (S567.031, S567.726), Chris & Jan Coll (S558.241, S558.699), Chris J Coll Surveying Limited (S566.241 S566.699), Laura Coll McLaughlin (S574.241, S574.693), Neil Mouat (S535.061)
[261] Alternative relief Scenic Hotel Group S483.002 and consequential amendment William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075
[262] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.310
[263] Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541
[264] Alternative relief Scenic Hotel Group S483.002 and consequential amendment William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075

SVZ - R8 Industrial Activities
Activity Status Non-complying
Activity status where compliance not achieved: N/A
SVZ - R9 Any Activity Not Provided for in Another Rule in the Zone
Activity Status Non-complying
Activity status where compliance not achieved: N/A

2.8. Submissions Across All Special Purpose Zones or Seeking New Zones (excluding Skyline Enterprises Limited

Submissions and Further Submissions

683. Four submission points and five further submission points (excluding Skyline Enterprises Limited), relating to all Special Purpose Zones or seeking new Zones were summarised in a Table on pages 141-142 of the s42A Report. All submission points sought amendments, with two further submission point supporting and one opposing the amendments.

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684. New Zealand Energy Limited (S463.002) (support in part by Poutini Ngāi Tahu FS41.244 and opposed by Brian Anderson FS237.002) and Inchbonnie Hydro Limited (S540.002) supported by Brian Anderson FS237.003) sought a new special purpose zone for existing hydroelectric infrastructure be included in the Plan modelled on the Queenstown Lakes or Otago District Plan special zones.

685. Ms Easton advised that these submitters have existing operations on public conservation land, as do Manawa Energy. She noted that the subject land was currently zoned either Open Space Zone, or Natural Open Space Zone.

686. Ms Easton noted that the Zone provisions did not apply to energy activities, which were subject to the Energy Chapter provisions. However, where these activities occur within the Open Space and Recreation Zones, assessment of the policies of that chapter would apply to any discretionary or non-complying activity application under the Energy Chapter rules. In reviewing those rules, Ms Easton noted that only new large-scale renewable electricity generation would trigger a discretionary activity; and the maintenance, repair, upgrading and expansion of existing hydroelectricity generation would likely to be either a permitted or restricted discretionary activity. However, she noted the district-wide rules for landscape or vegetation clearance could also be triggered. On this basis, she considered a special purpose zone was unnecessary for existing hydroelectric infrastructure. She noted that the Queenstown District Plan had been prepared prior to the National Planning Standards and the criteria that must be met for a Special Purpose Zone.

Hearing and Submitter Evidence/Statements

687. No evidence was presented at the hearing in relation to the submission points.

Reporting Officer Reply Evidence

688. No specific points were made in the reply in relation to these submission points.

Hearing Panel's Evaluation and Recommendation

689. For the reasons advanced by Ms Easton, the Panel agrees with her recommendation to not include a new Special Purpose Zone for hydroelectricity infrastructure in the Plan, in particular because it is not impractical to manage the activity in other zones and through a combination of spatial layers (in accordance with Section 8: Zone Framework, Mandatory Direction 3 of the National Planning Standards).

2.9. Franz Josef Area - Skyline Enterprises (Submitter 250)

Submission Points – Outstanding Natural Landscape

690. Ms Easton summarised the four submission points Skyline Enterprises Limited (**SEL**) made on the Outstanding Natural Landscape provisions in a table on page 6 of the s42A Report for the Franz Josef Area.

691. SEL (S250.004) sought that the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes Chapter to enable consideration of such a development. Ms Easton did not support this submission and noted that the proposal was being considered as part of the review of the Westland/Tai Poutini National Park Management Plan.

692. SEL (S250.004) raised concerns that construction of an aerial cableway in an ONFL would not be included in the definition for '*Conservation Activity'* and would not be covered by the permitted activity rules. Ms Easton did not support this submission. She noted that a cableway had not yet been designed, and the Westland/Tai Poutini National Park Management Plan had not yet been finalised. She considered that because there was no clarity about whether such a proposal would be supported within the National Park, a discretionary activity status would be appropriate to fully consider such as proposal.

693. SEL (S250.008) opposed the boundaries of ONL 14. Ms Easton advised that ONL 14 covered the Franz Josef Glacier Valley (in both the notified Plan maps and the updated Brown Limited maps) to recognise and protect its outstanding natural landscape values. She did not support this submission point.

694. SEL (S250.010) opposed the inclusion of ONF 16 – the Franz Josef Glacier. Ms Easton did not support this submission point. She noted Franz Josef Glacier was recognised as being an internationally significant geological feature and she considered it was appropriately included within Schedule Six.

Submission Points – Sites and Areas of Significance to Māori (SASM)

695. Ms Easton summarised the three submission points SEL made on the SASM Chapter in a table on page 7 of the s42A Report for the Franz Josef Area.

696. In terms of SEL (S250.003), the Panel notes this has been addressed in the SASM recommendation.

697. Ms Easton did not support SEL's (S250.009) request to remove the identified SASM over the Franz Josef Glacier to avoid restrictions on the aerial cableway proposal to the Franz Josef Glacier. She did not consider this was a relevant reason to exclude the Franz Josef Glacier given it was a significant site to Ngāti Mahaki and wider Poutini Ngāi Tahu.

Submission Points – Open Space Zones

698. Ms Easton summarised SEL's submission point on the Open Space Zone (S250.002) in a table on page 8 of the s42A Report for the Franz Josef Area. She did not support this submission point because the proposal was under consideration as part of the draft Westland/Tai Poutini National Park Management Plan.

Submission Points – General Rural Zones

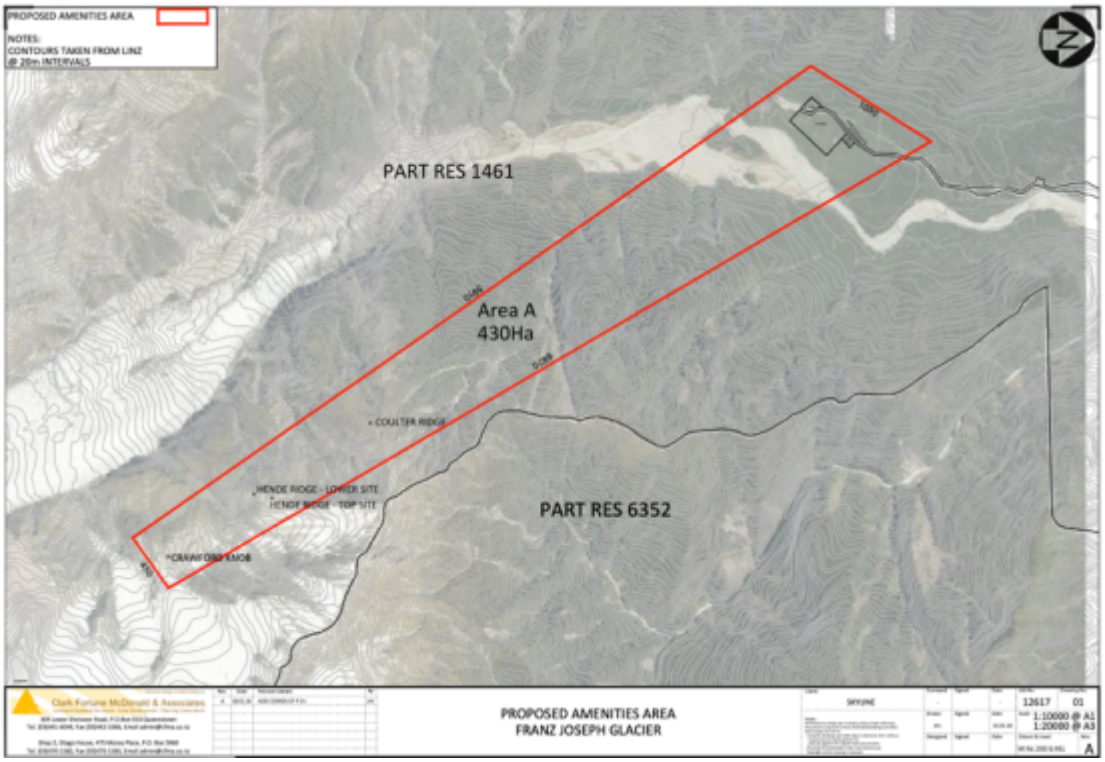
699. Ms Easton summarised SEL's submission point (S250.001) and one further submission point (FS34.022) made on the General Rural Zone in a table on page 9 of the s42A Report for the Franz Josef Area.

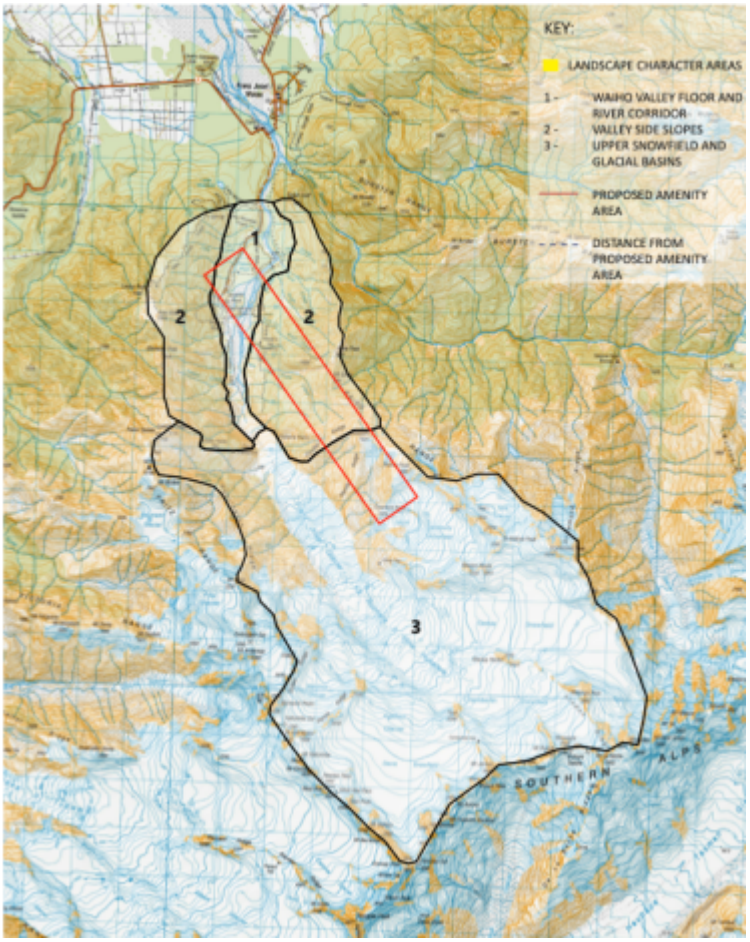
700. SEL sought to include an identified '*Amenities Area'* on the planning maps and the provisions in the General Rural Zone Chapter to enable development of the proposal for an aerial cableway at Franz Josef Glacier. Ms Easton did not support this submission. She considered the most appropriate zone for this proposed area in the Special Purpose Zones S42A Report and concluded that this was likely to be the Open Space Zone.

Submission Points – Special Purpose Zones

701. Ms Easton summarised SEL's two submission points and one further submission on the Special Purpose Zone in a table on page 9 of the s42A Report for the Franz Josef Area.

702. SEL (S250.005, S250.006) sought to include a new special purpose zone for the proposed '*Amenities Area'* to support the proposed aerial cableway in the Plan. Ms Easton acknowledged the submitter had provided significant detail about the proposal in their submission. The proposed '*Amenities Area'* covers a 430-ha area, from the valley floor up 5.7km to Crawford Knob, as shown in the following maps taken from the submission:





703. SEL sought that the new SPZ '*Amenities Area*' provide for the cableway, and ancillary access and parking within the zone as a discretionary activity, supported by the new

objectives and policies outlined in the submission (Franz Josef Amenities Area Zone **FJAAZ**).

704. Ms Easton advised that the land SEL sought to zone for the amenities area was within Westland National Park and was zoned as the Natural Open Space Zone. She noted the proposed activity would likely be a non-complying activity in this zone and was located within an ONL, ONF and SASM identified in the Plan. She also considered it likely that the activity would require discretionary activity resource consents for the clearance of indigenous vegetation to establish car parking and maintenance access to the cableway structures. She considered it would be difficult to obtain the necessary resource consent for the non-complying activity in the Natural Open Space Zone.

705. Ms Easton considered, that if the proposal is to be accommodated within the TTPP, she was not convinced that creating another Special Purpose Zone was necessary. She suggested an alternative would be to include the area within the Scenic Visitor Zone, with some additional policies and a rule to cover the development of the facility. However, she considered the alternative of zoning the subject area Open Space Zone was a better option.

706. Ms Easton noted that she was unclear on the level of support for the proposal by the landowner or the wider community. She highlighted there was one further submission opposing the SEL submission but noted that many stakeholders may be unaware of the submitter's proposal for a Special Purpose Zone. She noted that creating a Special Purpose Zone would effectively ensure the proposal could go ahead, without a public process around its appropriateness having occurred.

707. For the reasons outlined, Ms Easton did not support the submission.

Hearing and Submitter Evidence/Statements

708. Mr Sean Dent provided planning evidence on behalf of SEL. In summary, Mr Dent concluded:

(a) The proposed rezoning to incorporate a new Special Purposes Zone (FJAAZ) represented the most efficient and effective zoning.

(b) The proposed FJAAZ would result in an efficient and effective consenting pathway for an aerial cableway which would be a significant, and iconic sustainable tourism development for Franz Josef and the wider region.

(c) Such a development could be managed so it would integrate appropriately with the natural environment of the Franz Josef Valley.

(d) Applying the FJAAZ to the Franz Josef Valley was appropriate in the context of the Resource Management Act 1991.

709. Ms Nikki Smetham provided landscape evidence on behalf of SEL. Ms Smethan's Executive Summary stated:

> *Overall, there are very high physical, perceptual and associative values pertaining to the receiving environment. My LVA concluded that, overall, the perceived effect on landscape values, including natural character and visual amenity will be low.*

> *I have reviewed and provided input into the FJAAZ provisions prepared in Mr Sean Dent's evidence. Overall, I consider these would enable appropriate consideration of effects on landscape values arising from the future development enabled by the FJAAZ.*

710. Dr Andrew Wells provided ecological evidence on behalf of SEL. The conclusion of Dr Wells evidence was as follows:

> *The proposed FJAAZ is an intact ecosystem with very high ecological values. These values are associated with individual flora and fauna species, as well as landscape-level aspects including connectivity and intact sequences. Further ecological surveys are required to better understand ecological values related to invertebrates, lizards, and bats within the FJAAZ.*
>
> *Subject to the further ecological surveys, it is considered that adverse ecological effects associated with the construction and ongoing operation of the proposed AC can be appropriately managed through the effects management hierarchy, such that ecological effects of the proposal will be reduced to levels of minor or less than minor.*
>
> *The proposed FJAAZ and associated concept plans and provisions also provide adequate scope for additional significant design input at the future consenting stage, which would include incorporation of ecological matters in the finalised design including any additional matters emerging through future surveys. Therefore, ecological considerations should not prevent the rezoning of this site.*

711. Mr Fraser Colegrave provided economic evidence on behalf of SEL. In summary, Mr Colegrave advised:

(a) Tourism is very important to the local, district and regional economies and is captured by TTPP strategic objectives and policies.

(b) Skyline Enterprise's proposal was well aligned with this strategic direction because it would enable a new iconic attraction with widespread appeal that not only generates significant economic impacts itself, but would also support other tourism operators by helping to sustainably grow visitor numbers.

(c) The proposal would have significant one-off impacts during its construction and will sustain ongoing economic impacts via future operations.

(d) The proposal would likely help to draw a different mix of visitors to the region.

(e) The proposal would improve (viewing) access to the glaciers and reduce reliance on helicopters, without displacing existing helicopter access because the two options complement one another and the proposal would provide access in poor weather conditions.

(f) The proposal's overall economic benefits would likely be strong and enduring.

712. Mr Paul Faulkner provided geotechnical evidence on behalf of SEL. He considered there were no impediments (in principle) to constructing and designing an aerial cableway that could ensure that risks from natural hazards were less than minor or managed appropriately. Notwithstanding that, he confirmed further work would be required to support the final structure locations and design.

713. Mr Rob Greenway provided recreation and tourism evidence on behalf of SEL. He considered the aerial cableway proposal was worthy of consideration through a consenting process, supported by a suite of plan provisions which recognise its recreational and other potential benefits.

714. Mr Geoff McDonald, the Chief Executive Officer of SEL, provided corporate evidence for SEL.

Reporting Officer Interim Reply Franz Josepf Hearing

715. Ms Easton provided and interim Right of Reply (dated 14 October 2024) in response to Panel questions relating to the scope of the SEL submission and whether an amendment to the definition of "*Recreation Activities*" was within the scope of the original submission. She advised that she considered that the submission did provide scope and recommended:

> *In response to the Skyline Enterprises Limited submission the definition of 'Recreation Activity' is amended as follows:*
>
> *means the use of land, waterbodies and/or buildings and structures for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes.*

Skyline Enterprises Ltd's response to Minute 49 – Definition of Recreation Activity

716. Counsel for SEL provided a response to Minute 49 (dated 29 October 2024) addressing the following:

(a) The approach to rezoning under RMA s32 and relevance of 'consenting efficiency' across the TTPP;

(b) The need for an ongoing zone after consenting;

(c) Issues regarding precedent from the special purpose zone relief sought;

(d) Analysis of the planning standards/direction for special purpose zones, including the 'impracticality' criterion;

(e) Review of the proposed FJAAZ provisions and drafting amendments discussed at the hearing; and

(f) Alternative options to FJAAZ and further s32AA analysis, including on:

(i) Revised definition of Recreation Activity and associated objective and policy amendments in NOSZ; and

(ii) Precinct overlay in NOSZ.

717. The conclusions from the response were as follows:

> *The FJAAZ amended relief, or the alternatives presented in Mr Dent's further s32AA analysis (precinct followed by NOSZ amendments for a recreation activity) provide comparatively more appropriate zoning outcomes for a regionally significant tourism opportunity than the notified TTPP provisions.*
>
> *Any future aerial cable way for the Franz Josef Glacier will need to be extremely closely examined, even under a discretionary consenting pathway. Far from approving such an outcome, the SEL relief if approved, would only allow for the consenting door to remain open and feasibly explored from an investment perspective.*

718. Mr Dent provided planning evidence (dated 30 October 2024) in response to matters raised at the hearing, including in relation to the definition of Recreation Activity, and the further proposed changes to the wording of the definition from that recommended by Ms Easton. He also provided an analysis of the regional plans, the meaning of "tolerable risk" in relation to natural hazards, the option of a precinct, and amendments to the Open Space Zone Chapter.

719. Mr Dent also a further section 32AA analysis of the following options to achieve the intent of the SEL submission relief sought:

    (i) The proposed FJAAZ with amendments proposed following the hearing.

    (ii) A potential precinct for an aerial cableway.

    (iii) A change to the definition of Recreation Activity and retention of the Natural Open Space Zone with amended provisions.

720. In summary Mr Dent advised:

> *Having undertaken the further analysis outlined above and contained in Appendices [A] – [C], I stand by the conclusion in my primary evidence that overall, the proposal for a new Special Purpose Zone (FJAAZ) is considered to represent the most efficient and effective zoning when compared to the notified TTPP provisions.*
>
> *The proposed FJAAZ will spatially and geographically recognise an area where an Aerial Cableway can be developed with no more than minor effects on the environment and provide a potential consenting pathway for an iconic, sustainable tourism development that will have a profound positive effect on Franz Josef's strategic importance to the tourism industry.*
>
> *Accordingly, applying the proposed FJAAZ to the Franz Josef Valley is considered appropriate in the context of the Resource Management Act 1991.*

721. Mr Dent provided a final set of recommended amendments to the proposed FJAAZ in Appendix A of his further evidence.

Reporting Officer Final Reply Franz Josef Hearing

722. Ms Easton provided a final Right of Reply in relation to the Franz Josef hearing (dated 10 December 2024). In summary, Ms Easton advised the following:

    (a) The activity of developing and operating a gondola (as proposed by SEL) could fall within the definition of Recreation Activity.

(b) Mr Dent's prefers a bespoke approach with specific definitions in relation to the term "*aerial cableway*".

(c) A separate zone for this activity was not supported over accommodation within an existing zone because the activity of an aerial cableway would be compatible with inclusion of the site within an Open Space and Recreation Zone.

(d) In the interest of clarity, she would support a further amendment to the definition of Recreation Activity to specifically include "*aerial cableways*" within the definition, as well including a new definition for "*aerial cableway"* in the Plan.

(e) Her recommended amendment to the definition for Recreation Activity' was as follows:

> ***Recreation activity*** *means the use of land, waterbodies and/or buildings and structures for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation, aerial cableways or provision of recreation facilities to clients for recreational purposes.*

(f) Her recommended new definition for '*Aerial Cableway'* was as follows:

> ***Aerial cableway*** *means an aerial lift used to carry passengers and includes aerial trams, cable cars, and gondolas and all associated support structures, terminal buildings, and viewing platforms.*

(g) The Open Space Zone/Natural Open Space Zone provisions do not include policy direction to address tourism but that review of a range of submissions did not find scope to address this issue.

(h) If SEL's submission to create precinct or specific controls (discussed further below) was given partial relief, then she considered this would provide scope to add additional policy direction.

(i) Some policies in the SVZ would support the SEL activity but she considered that the SVZ was inappropriate.

(j) There was a risk if special provisions (zone, overlay, precinct or specific controls) were put in place and the activity did not eventuate, that this could be used as a permitted baseline for another activity.

(k) In response to a question from the Panel on whether the evidence presented by the Director General of Conservation at the Open Space Zones hearing provided insight on appropriate zoning, Ms Easton considered the Open Space and Recreation Zone would likely be acceptable, while acknowledging the Director General's preference for a Natural Open Space Zone generally over conservation land.

(l) She did not support the use of an overlay as an alternative to a Special Purpose Zone and considered a precinct or special controls within an existing zone could be a mechanism used provided the precinct aligns with the wider purposes and values of the zone.

(m) Specific controls and precincts were both generally used in the Plan for both the establishment of new activities and the ongoing management of the effects of existing activities within a spatial area.

(n) A precinct approach would provide a more robust framework than specific controls in this case and, if adopted, would only require one additional policy.

(o) She did not support the 'very detailed and prescriptive' set of provisions proposed in the submitter's planning evidence and considered that recommended provisions for landscape, ecosystems and indigenous biodiversity, noise, light and other district–wide matters were unnecessary.

(p) A precinct approach could be applied within the Natural Open Space Zone, which she considered was the most appropriate zone given the location is within a National Park; and had the advantage, that should the development not proceed, the wider Natural Open Space Zone provisions would still apply.

(q) Any new policies must focus on the key aspects of the development that were not already provided for within the suite of policies in the Open Space and Recreation Zone Chapter, noting that policies OSRZ-P2 to OSRZ-P5, OSRZ-P8 OSRZ- P18, OSRZ-P19 and OSRZ-P20 (as amended in the recommendations in the Open Space Zone s42A Report and Right of reply) were of particular relevance.

(r) Ms Easton recommended a new specific policy for the 'Franz Josef Amenities Area Precinct' focussed on the construction and operation of facilities in the area, as follows:

> **NOSZ – PREC1 - P1** Within the Franz Josef Amenities Area Precinct, provide for the development and operation of an aerial cableway/gondola facility provided that:
>
> a. The adverse effects on the natural environment and Poutini Ngāi Tahu values are minimised;
>
> b. The facilities are designed and constructed to minimise the risk of exacerbating natural hazards;
>
> c. Any restrictions on public access to the Franz Josef Valley are of a temporary nature during the construction period;
>
> d. Operation of the facility is undertaken in accordance with a management plan which addresses how visitors will be managed to minimise adverse effects on the outstanding values of the Franz Josef Valley, including any adverse effects on the alpine environment.

(u) In acknowledging that the proposed activity would involve the construction of at least two buildings (bottom and top of the glacier) and multiple towers along the gondola route, she considered a bespoke discretionary activity rule was appropriate and recommended adding a new rule as follows:

> **NOSZ – RXX Construction, Operation, Removal and Post Closure Remediation of an Aerial Cableway and associated ancillary buildings and ancillary activities within the Franz Josef Amenities Area Precinct.**

Activity Status: Discretionary

Advice Note: When assessing any resource consent within the Franz Josef Amenities Area Precinct, assessment should be undertaken against all relevant OSRZ Policies, including OSRZ–P1 and OSRZ–P10 – P10.

Hearing Panel's Evaluation

723. Having carefully considered SEL's submissions and evidence, the Panel consider that provision for an appropriate consent pathway should be made for SEL's proposed aerial cableway within the Plan to support tourism, which is recognised within the Plan as being of particular economic importance for the district.

724. The Panel has considered the most efficient and effective way to achieve this in the Plan, while acknowledging the proposal may never eventuate for many reasons, including landowner and community support, financial viability, climate change, significant natural hazard risk, or ultimately because it may not be granted consent due to adverse environmental effects.

725. Overall, the Panel prefers Ms Easton's recommendation for a '*Franz Josef Amenities Area Precinct*' within the existing zone to manage the establishment and operation of the activity and agree this aligns with the broader purposes and values of the zone, with an amendment to the definition of Recreation Activities. We accept Ms Easton's view that amending the definition of Recreation Activities is within the scope of the original SEL submission. We consider her recommended amendments to the definition to include a specific reference to "*aerial cableways*", along with a new definition for Aerial Cableway, is appropriate.

726. The Panel agrees with Ms Easton that a precinct approach provides a more robust framework than specific controls, in this instance, and is already used in the Plan. We accept Ms Easton's view that it is important that the precinct aligns with the wider purposes and values of the zone. We agree with Ms Easton's assessment that the Natural Open Space Zone is the appropriate zone given the location is within a National Park. We also agree that the precinct approach has the advantage that, should the development not proceed, the wider Natural Open Space Zone provisions will still apply.

727. The Panel accepts Ms Easton's analysis that the Open Space Zone/Natural Open Space Zone suite of policies does not address tourism and that there is no scope within submissions to address this issue. However, we agree with Ms Easton that if the SEL submission is granted partial relief by creating a precinct, this provides scope to add additional policy specific to the Franz Josef Amenities Area Precinct focussed on the construction and operation of facilities in the area. Having considered her Right of Reply recommended wording for that policy, we agree with the wording with the inclusion of "*outstanding and significant values*" in clause (d). The Panel accepts that the new policy along with other relevant OSRZ policies provide sufficient policy direction.

728. The Panel agree with Ms Easton's view that a bespoke discretionary activity rule is appropriate to consider the proposal. We accept Ms Easton's recommended wording for the new rule.

729. The Panel has carefully considered SEL's request for a new Special Purpose Zone (FJAAZ) and associated bespoke objectives and policies. We find it is not 'impractical' to provide

a consenting pathway for such as proposed development within the existing zones and therefore consider a Special Purpose Zone does not meet the criteria in the National Planning Standards. Additionally, we consider SEL's proposed objectives and policies are too complex and prescriptive for a proposed development at the concept stage and would likely require amendment subject to further design and planning for the proposal. We also consider these would conflict with other provisions in the district-wide matters and overlay chapters.

730. The Panel also agrees with Ms Easton that the risk of the special provisions (zone, overlay, precinct or specific controls) being used as a permitted baseline for another activity if the proposed activity does not eventuate is avoided using the precinct approach.

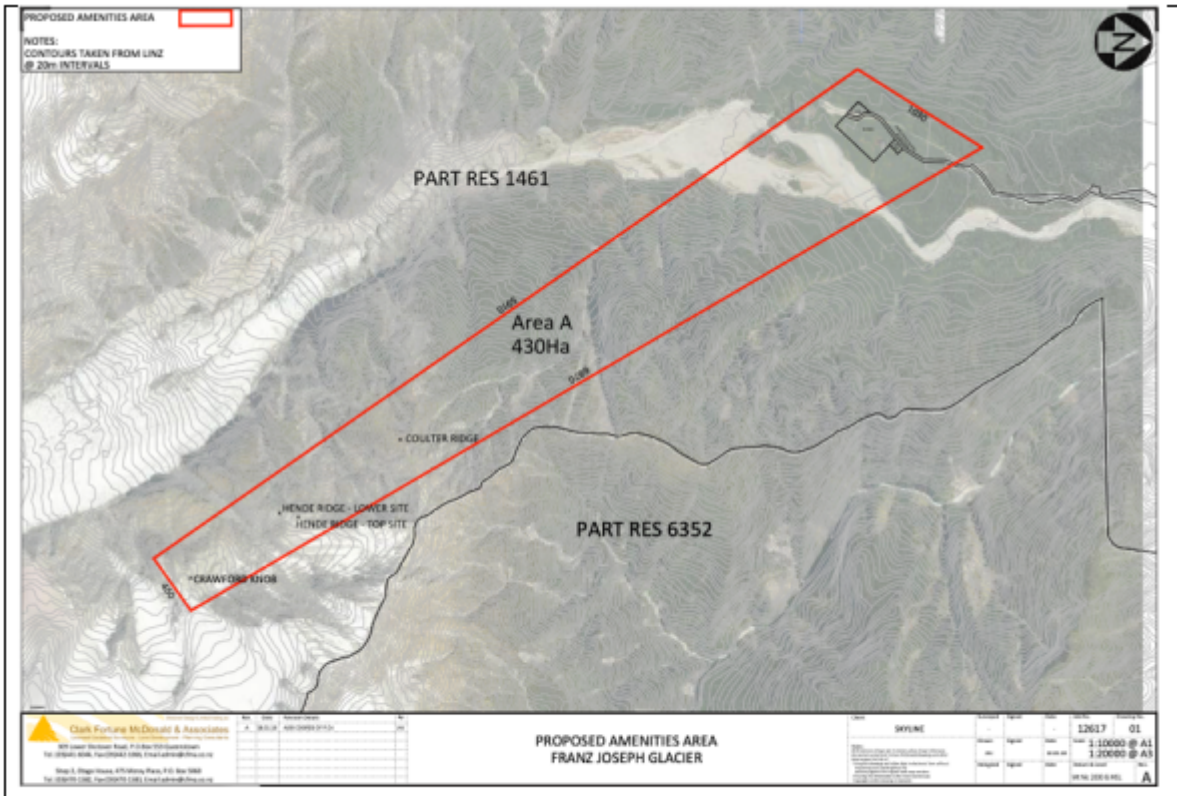
731. Essentially, we consider that Ms Easton's recommendations achieve the desired outcome of providing an appropriate means of assessing any future resource consent application for an aerial cableway within a sensitive environment by applying the Natural Open Space Zone framework to this location. Overall, her recommendations have the attraction of simplicity and conformity with the balance of the Plan provisions, compared to the SEL's' more complicated planning approach.

732. The Panel generally accept the wording of the new policy NOSZ-PREC1-P1, however we consider "*minimise*" in clause (a) should be replaced with "*avoid, remedy or mitigate*" to reflect the potential for adverse effects on matters of national importance. We also consider that the text in clause (b) should be consistent with the wording in the Natural Hazard Chapter policies. We also consider that clause (c) should include reference to "*limited or temporary*" in relation to potential restrictions on public access, for certainty that it may be partial restriction to the area.

Hearing Panel's Recommendation

733. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel accepts in part S250.002, and recommends the following changes:

Rezoning
Rezone part of the Franz Josef Glacier Valley as Natural Open Space Zone: Franz Josef Amenities Area Precinct as shown on the map below:



Area in Red to be Rezoned Natural Open Space Zone : Franz Josef Amenities Area Precinct

Definitions

RECREATION ACTIVITY

means the use of land, waterbodies and/or buildings **and structures** for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. **Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation, aerial cableways or provision of recreation facilities to clients for recreational purposes.**

AERIAL CABLEWAY

means an aerial lift used to carry passengers and includes aerial trams, cable cars, and gondolas and all associated support structures, terminal buildings, and viewing platforms.

Natural Open Space Zone Chapter

NOSZ – PREC1 - Franz Josef Amenities Area Precinct Policy

Within the Franz Josef Amenities Area Precinct, provide for the development and operation of an aerial cableway/gondola facility provided that:

a. The adverse effects on the natural environment and Poutini Ngāi Tahu values are avoided, remedied or mitigated;

b. The facilities are designed and constructed to minimise the risk of exacerbating natural hazard risk;

c. Any restrictions on public access to the Franz Josef Valley are of a limited or temporary nature during the construction period;

d. Operation of the facility is undertaken in accordance with a management plan which addresses how visitors will be managed to minimise adverse effects on the significant and outstanding values of the Franz Josef Valley including any adverse effects on the alpine environment.

NOSZ – R14 Construction, Operation, Removal and Post Closure Remediation of an Aerial Cableway and associated ancillary buildings and ancillary activities within the Franz Josef Amenities Area Precinct.

Activity Status: Discretionary

Advice Note: When assessing any resource consent within the Franz Josef Amenities Area Precinct, assessment should be undertaken against all relevant OSRZ Policies including OSRZ – P1 – OSRZ – P10.

2.10. Franz Josef Area – Gavin Molloy (Submitter 485)

734. Mr Gavin Molloy (S485.001) sought that the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone and the Westland District Plan provisions be carried over into TTPP. It is noted that the Natural Hazards s42A Report considers the submitter's submission point concerning the flood overlays.

735. The subject area of this submission point is shown below:

Donovan Drive Land Franz Josef/ Franz Alpine Resort Proposed Plan Zoning



Operative Westland District Plan Zoning



Donovan Drive Land Franz Josef/ Franz Alpine Resort Proposed Plan Earthquake Hazards



736. Ms Easton did not support this submission. She noted that while there had been 'downzoning' of this area from the Operative Westland District Plan provisions, this had been in response to the issues that have arisen over time as the development commenced, both in terms of water infrastructure, and provision of better information about the hazard risks in the location with the Alpine Fault, flood hazards and land instability hazards all affecting the area.

737. Ms Easton recommended that no amendments are made to the Plan because of this submission.

738. No further information was presented at the hearing in relation to the submission point.

Hearing Panel's Evaluation and Recommendation

739. The Panel accepts Ms Easton's reasons and recommendation on this submission to retain the zone as notified.

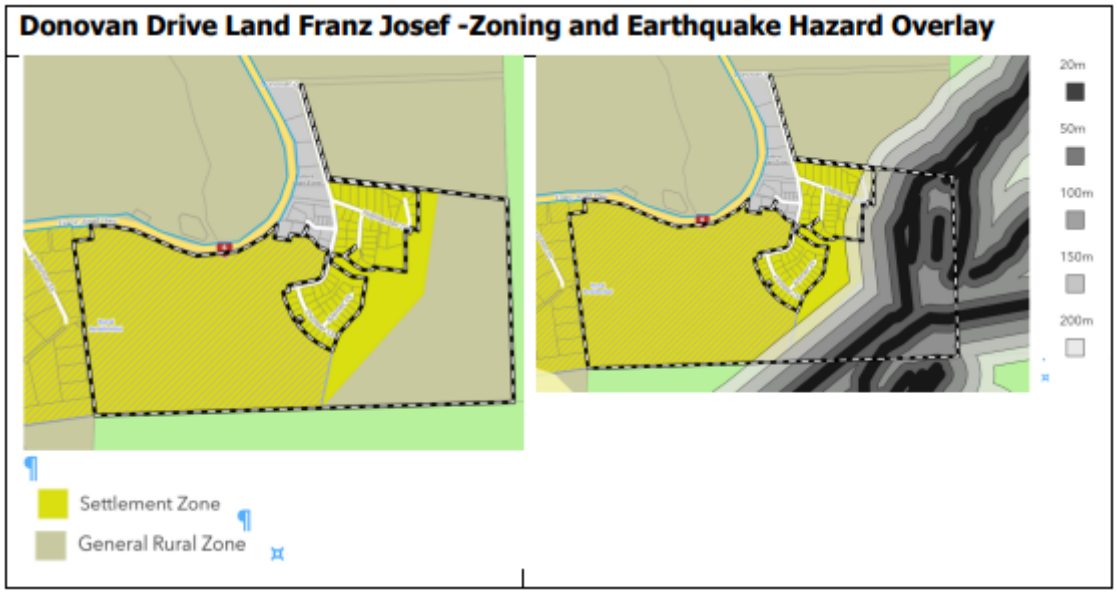
2.11. Franz Josef Area - Totally Tourism Limited (Submitter 449)

740. It is noted that the Natural Hazards Chapter Recommendation Report addresses Totally Tourism Limited's submission points in relation to flood risk. Their submission point relating to the boundaries of ONL 14 are addressed in the Natural Landscape and Feature Chapter Recommendation Report, and matters associated with AIRPZ have already been addressed in this report.

741. Ms Easton also acknowledged Totally Tourism Limited's submission point supporting the objectives and policies in the Rural Zone Chapter (S449.017) and the submission points made in support of the Settlement Zone Chapter rules (S449.016) and zoning (S449.007 and S449.010) in the Franz Josef Area.

742. Totally Tourism Limited (S449.008) sought that the 72.79 ha of land (Lot 33 Deposited Plan 409401) located off Donovan Drive, Franz Josef be rezoned to Settlement Zone - Settlement Centre Precinct. Ms Easton did not support this submission. She noted that the Plan identifies the majority of the site as Settlement Zone: Rural Residential Precinct, reflecting the lack of infrastructure servicing of this area. Ms Easton further noted that the Settlement Centre Precinct allowed a higher degree of development than any other Settlement Zone Precinct, and the Council considered that infrastructure servicing was essential for this zone. She also advised that the Alpine Fault traversed the site and that the area affected by the Earthquake Hazard Overlay was zoned General Rural Zone which she considered entirely appropriate.

743. The area subject to this submission point is shown below:



744. Ms Easton did not recommend any changes to the Plan in relation to this submission point.

745. No evidence was presented at the hearing in relation to the submission points.

Hearing Panel's Evaluation and Recommendation

746. In relation to the submission point (S449.008) seeking that the 72.79 ha of land (Lot 33 Deposited Plan 409401) located off Donovan Drive, Franz Josef, be rezoned from General Rural Zone to Settlement Zone - Settlement Centre Precinct, the Panel agrees with Ms Easton's recommendation to retain the site zoning as notified.

2.12. Franz Josef Area - Scenic Hotel Group (Submitter 483)

747. Ms Easton summarised the two submission points Scenic Hotel Group made on the SVZ (S483.002 and S483.005) in a Table on page 16 of the s42A Report for the Franz Josef area.

748. Scenic Hotel Group (S483.002) opposed the SVZ for their properties at:

- Te Waionui Forest Retreat 3 Wallace St Franz Josef Glacier
- Scenic Hotel Franz Josef Glacier 45 SH6 Franz Josef Glacier
- Kea Staff Village 93 Cron Street, Franz Josef Glacier
- Heartland Hotel Glacier Country, 11 Cook Flat Road, Fox Glacier
- 27-31 Sullivan Road Fox Glacier

749. Scenic Hotel Group sought to retain the Tourist Commercial Zone from the operative Westland District Plan and sought compensation for any rezoning. Ms Easton did not support this because the Tourist Commercial Zone had been included and replaced by the SVZ. She noted that the RMA explicitly provided that no compensation was payable as a result of land use rules and noted that existing uses on these sites were subject to existing use rights.

750. Scenic Hotel Group (S483.005) also sought no rezoning for its properties from Tourist Commercial (under the Westland Operative Plan zone) to General Rural Zone. Ms Easton did not support this submission. She noted the proposed future development approach for Franz Josef (which recognised the multiple hazards faced in this location and the need not to locate new development directly on the Alpine Fault or within locations at very severe risk of flooding) meant that some "downzoning" of land had occurred to manage these natural hazard risks.

751. Ms Easton did not recommend any changes to the Plan in relation to these submission points.

752. Scenic Hotel Groups (S483.004) opposed the Settlement Zone zoning on the following properties:

- 31 Pekanga Drive, Fox Glacier
- 35 Pekanga Drive, Fox Glacier
- 24 Cowan Street, Franz Josef Glacier
- 26 Cron Street, Franz Josef Glacier

- 2 Condon Street, Franz Josef Glacier.

753. These properties are shown on the maps below:





754. Ms Easton considered that Settlement Zone was entirely appropriate for these sites and noted it was the same zone as the surrounding residential properties.

755. Ms Easton advised that all three Franz Josef properties were within an area identified as Settlement Zone. She highlighted the multiple significant natural hazards that apply within Franz Josef area (Alpine Fault, flooding and landslide hazard). She noted there had therefore been a focus on ensuring that further sensitive activities were not developed on the Alpine Fault, which was located directly through 24 Cowan Street. However, she noted that these properties would benefit from existing use rights.

756. Ms Easton recommended no amendments the Plan as a result of these submission points.

Hearing and Submitter Evidence/Statements

757. Ms Melanie Foote provided planning evidence on behalf of Scenic Hotel Group. In summary, Ms Foote proposed a range of amendments to the Plan provisions (as outlined on pages 3-10 of her evidence) instead of the zoning request changes sought in submissions. She considered the amended provisions would achieve the purpose of the RMA, would ensure that the tourism industry was supported and that the growing needs of visitors were met, whilst also providing for local employment and accommodation for workers. She advised Scenic Hotel Group formally withdrew the zone changes requested.

758. At the Panel's request, Ms Foote provided further advice from Meares Williams, Legal Counsel for Scenic Hotel Group, on matters of scope in relation to their client's original submission and the amendments requested through evidence presented at the hearing. Counsel acknowledged that the nature of the submission presented some legal problems in terms of scope for the amendments sought by Ms Foote. The submissions also acknowledged that the issues and relief sought were not clear when compared to the specific and focused evidence provided by Ms Foote but argued the changes sought could be considered to be in scope "*by implication*".

759. Ms Foote provided a response (dated 8 November 2024) to questions raised at the hearing around her proposed drafting amendments and whether improvements could be made. Ms Foote identified further amendments/refinement in Appendix Two of her response.

Reporting Officer Reply Evidence

760. Ms Easton noted her concerns about the natural justice aspect of the provision amendments sought by Ms Foote. She retained her view that these matters were out of scope of the original Scenic Hotel Group submission.

761. For those matters which Ms Easton considered were out of scope, she considered whether there were other submission points that addressed these matters, and whether she supported the proposed amendment from Ms Foote's. She provided this analysis in a table in of her Right of Reply (pages 5 and 6).

762. Based on her analysis, Ms Easton recommended the following amendments to the SVZ rules to provide for worker accommodation:

> ***SVZ - R1 Commercial, Visitor <u>and Worker</u> Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities Activity Status Permitted***
> *Where: 1….*

> ***SVZ - R5 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards Activity Status Restricted Discretionary***
> *Where: 1. …..*
>
> ***SVZ - R6 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.***

763. Ms Easton also referenced the location of the properties that Scenic Hotel Group own and the zoning that applied, and as noted earlier, considered some of the properties at Punakaiki may be incorrectly zoned.

764. She considered the SVZ would be a more appropriate zone for the Punakaiki Tavern and acknowledged that this may also be the case for some of this submitter's other properties. However, she did not consider there was scope within submissions for rezoning.

Hearing Panel's Evaluation

765. In relation to the submissions seeking a change to the zoning from Scenic Visitor Zone to retain the Tourist Commercial Zone from the operative Westland District Plan for properties located at Franz Josef and Fox Glacier, the Panel agrees with Ms Easton's recommendations not to amend the notified plan provisions concerning rezoning. We agree with Ms Easton that the zone the submitter sought is not included in the TTPP; however, the provisions of the Tourist Commercial Zone have been rolled over and updated into the Scenic Visitor Zone, which replaces it.

766. In relation to the submissions opposing the Settlement Zone zoning for the submitters' identified properties in Franz Josef and Fox Glacier, the Panel agrees with Ms Easton's recommendations that the Settlement Zone is entirely appropriate for these sites. It is the same zone as the surrounding residential properties. We agree that no changes are required in relation to the zoning of these properties.

767. The Panel agrees with Ms Easton that the zoning changes sought are, in any event, beyond the scope of the relevant submissions and, further, no compensation is available under the RMA relating to the Scenic Visitor or Settlement Zone submissions.

768. The Panel accepts Ms Easton's review of other submissions that address these out-of-scope matters, and her consequent recommendations to amend the rules based on those submissions, as detailed in a table on pages 5 and 6 of her Right of Reply. Essentially, she recommended adding the words '*and worker*' to each of the rules SVZ-R1, SVZ-R5 and SVZ-R6. We agree with her reasons and the wording of the amendment to these rules.

Hearing Panel's Recommendation

769. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following amendments to the **Scenic Visitor Zone rules**, as also indicated at paragraph 681 of this Report:

Scenic Visitor Zone Rules

SVZ - R1 Commercial, Visitor and Worker Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities Activity Status Permitted
Where: 1….

SVZ - R5 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards Activity Status Restricted Discretionary
Where: 1. …..

SVZ - R6 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules. Activity Status Discretionary Activity status where compliance not achieved: N/A

2.13. Franz Josef Area - Wildlife Centre – Teewah Holdings Ltd (Submitter 1)

770. Ms Easton summarised the submission point made by in a Table on page 19 of the s42A Report for the Franz Josef Area.

771. West Coast Wildlife Centre – Franz Josef – Teewah Holdings Ltd (S1.001) sought to have their facility on land adjacent to 32 Cron Street rezoned from General Rural Zone to SVZ. Ms Easton supported this submission and advised this land had been excluded from the SVZ in error. She confirmed the land met the criteria used to identify properties for inclusion in SVZ. She clarified the property was currently zoned Settlement Zone (not General Rural) as shown on the map below:

29-31 Cron Street – West Coast Wildlife Centre Aerial Photo



29-31 Cron Street – West Coast Wildlife Centre Current Zoning



772. Ms Easton recommends that the property at 29-31 Cron Street – West Coast Wildlife Centre be changed from Settlement Zone to Scenic Visitor Zone on the Planning Maps.

Hearing Panel's Recommendation

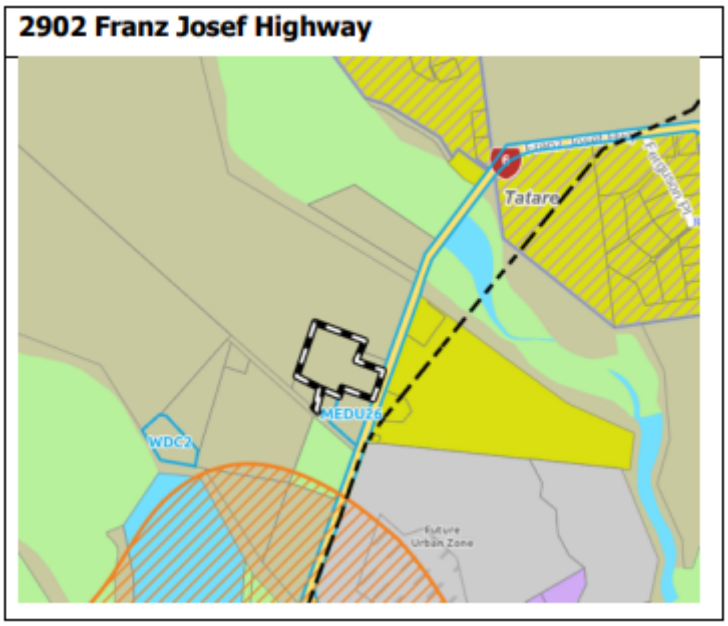
773. The Panel agrees with Ms Easton's recommendation that the West Coast Wildlife Centre site, as described above, be rezoned Scenic Visitor Zone for the reasons she provides.

774. The Panel recommends changing the zoning of 29-31 Cron Street, Franz Josef from Settlement to Scenic Visitor Zone on the Planning Maps.

2.14. Franz Josef Area - Freehold Property (Investments) LLP (Submitter 73)

775. Ms Easton summarised the submission point made by Freehold Property Investments on the Settlement Zone (S1.001) in a Table on page 21 of the s42A Report for the Franz Josef Area.

776. Freehold Property Investments (S73 sought to have the site at 2902 Franz Josef Highway (Lot 3, DP 426218) rezoned from General Rural Zone to Settlement Zone in its entirety. The site is identified below:



777. Ms Easton did not support this submission. She noted that there was no Settlement Zone land identified on the western side of the State Highway and considered rezoning would result in a pocket of Settlement Zone within a wider GRUZ area.

778. Mr Richard Innes spoke at the hearing in support of this submission. He explained the site was currently operated a Top 10 Holiday Park, which needed investment to upgrade the facilities. He considered a Settlement Zone would help in securing investment for potential development plans such as a laundry facility.

779. Ms Easton advised the Panel at the hearing, after Mr Innes presented, that she considered the most appropriate zoning would be SVZ, and that it would be a matter of determining scope of the submission to make that change. She considered that the level of development anticipated between SETZ and SVZ was similar.

Hearing Panel's Evaluation and Recommendation

780. The Panel accepts Ms Easton's recommendation to not rezone the property at 2902 Franz Josef Highway (Lot 3 DP 426218) and to retain the notified zoning of the property. We agree that it is not appropriate to make a pocket of Settlement Zone land within a wider General Rural Zone.

781. The Panel has considered Ms Easton's recommendation that the most appropriate zoning would be SVZ. We acknowledge the matter of scope identified by Ms Easton, but consider that the submitter was clear about reasons for seeking re-zoning, due to GRUZ not reflecting existing use of the site as a Top 10 Holiday Park, and that the submitter identified SETZ zone as an alternative based on properties nearby. The Panel agree with the submitter that GRUZ does not reflect existing use of the site. We received advice from legal counsel on application of scope over the course of the hearing. We consider that the submitter did not identify the best alternative zone, but that the matter of concern was fairly and reasonably raised and therefore the Panel are satisfied that alternative relief can be granted, particularly in light of Ms Easton's advice about similar levels of development between SETZ and SVZ. The Panel adopt the advice of Ms Easton that the best zone for the site is SVZ, to reflect its use as a holiday park with associated tourism facilities.

782. The Panel therefore recommend that the zoning of 2902 Franz Josef Highway (Lot 3 DP 426218) is amended from General Rural Zone to Scenic Visitor Zone.



Paul Rogers

Hearings Panel - Chair



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member



Dean Chrystal

Hearings Panel – Chair



Anton Becker

Hearings Panel Member

Date: 11 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

AIRPORT ACTIVITIES	means the use of land and/or buildings where the principal activities relate to the function and operation of the Karamea or Greymouth Aerodrome, Westport or Hokitika Airport**, Haast Airfield** or Franz Josef Heliport. These include, but are not limited to: a. Aircraft operations, including landing, taxiing and take off; b. Airport operations, including freight, luggage and passenger facilities; c. Airport navigational, control and safety equipment; d. Aviation, educational and training and recreational facilities and activities; e. Maintenance and servicing of aircraft; f. Fuel installations and fuel servicing facilities; g. Warehousing and storage; h. Catering and preparation of food; i. Access roads, car parking, walkways and cycleways; j. Emergency services. They may include ancillary activities such as the sale of food and beverages which are ancillary to the principal activity.
Healthcare and Medical Activities	means a. medical and psychiatric assessment, diagnosis, treatment, rehabilitation and in-patient services, including operating theatres; b. aged care facilities; c. dispensaries; d. outpatient departments and clinics; e. medical research and testing facilities, including diagnostic laboratories; f. medical training and education; g. ambulance facilities; h. first aid and other health-related training facilities; i. rehabilitation facilities, including gymnasiums and pools; j. palliative facilities; k. hospice facilities; l. residential care services and facilities; m. temporary living accommodation; n. **retirement villages where these are ancillary to the hospital activity**; ~~n.~~**o.** secure facilities; ~~o.~~**p.** mortuaries; and ~~p.~~**q.** operations and maintenance support services, including laundries, kitchens, cafeterias, refreshment facilities,

	generators, substation, storage facilities, ancillary offices, ancillary retail, ancillary childcare and ancillary business services and workshops
IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN	Means a plan developed by Poutini Ngāi Tahu and: (1) a. Endorsed by the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawho; or b. In areas where the takiwa of the two rūnanga overlaps endorsed by both rūnanga; **or** c. **A relevant planning document recognised by Te Rūnanga o Ngāi Tahu, as the iwi authority, as an Iwi Management Plan; and** **(2) In relation to a Māori Purpose Zone an Iwi/Papatipu Rūnanga Management Plan** ~~Which~~ **also must** include~~s~~ the following information for any **MPZ** site it applies to: ~~i~~**a**. A description of the activities, buildings and structures, existing or proposed to be established within any development area; ~~ii~~**b**. The bulk and location of any buildings and structures; ~~iii~~**c**. How any adverse effects resulting from proposed activities, particularly at zone boundaries, will be avoided, remedied or mitigated; ~~iv~~**d**. The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and ~~v~~**e**. The protection of mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established
~~**MĀORI LAND**~~	~~means:~~ ~~a. Land owned by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or one of their holding companies;~~ ~~b. Land gazetted or determined by order of the Māori Land Court as Māori reservation under s338 Te Ture Whenua Māori Act 1993;~~ ~~c. Māori customary and Māori freehold land as defined in s4 and s129 of Te Ture Whenua Māori Act 1993;~~ ~~d. Any land where:~~ ~~i. A status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no changes of ownership since the conversion other than to an owner's bloodline successor(s); or~~

	~~ii. One or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Rūnanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court; or~~ ~~iii. The land is vested in a Trust constituted pursuant to Part 12 of Te Ture Whenua Māori Act 1993 or a Māori incorporation constituted pursuant to Part 13 of the Te Ture Whenua Māori Act 1993~~
PAPAKĀINGA	means a development ~~for Poutini Ngāi Tahu residing on the West Coast providing~~ **of** residential accommodation for members of Poutini Ngāi Tahu and may also including include communal buildings and facilities**, for the benefit of members of Poutini Ngāi Tahu and others who whakapapa to Poutini Ngāi Tahu.**
PAPATIPU RŪNANGA	**has the same meaning as in the Ngāi Tahu Claims Settlement Act 1998 (as set out below):** means the Papatipu Rūnanga of Ngāi Tahu Whānui referred to in section 9 of Te Runanga o Ngai Tahu Act 1996. ~~[Ngāi Tahu Claims Settlement Act 1998]~~
STADIUM ACTIVITY	means the use of land and/or buildings where the principal activities relate to the function of the facilities in the Stadium Zone. These include, but are not limited to: 1. Sport and recreation activity and events 2. Cultural, entertainment and exhibition activities including music festivals, concerts and performances 3. Trade fairs, market days and displays 4. Conference, meetings and functions including weddings 5. Sports and cultural activity related education 6. Museum facilities 7. After school/holiday programmes 8. ~~Childcare~~**Educational** facilities 9. Physiotherapy and massage 10. Retail activities including café or retail sales that are ancillary to other activities on the site 11. Any ancillary activities necessary for the functioning of the facility, including ancillary office activity and ticket sales.
RECREATION ACTIVITY	means the use of land, waterbodies and/or buildings **and structures** for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. **Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation, aerial cableways or provision of recreation facilities to clients for recreational purposes.**
AERIAL CABLEWAY	**means an aerial lift used to carry passengers and includes aerial trams, cable cars, and gondolas and all associated support structures, terminal buildings, and viewing platforms**

Airport Zone Chapter

AIRPZ Airport Zone – Te Takiwā Taunga Rererangi

Overview

The Hokitika and Westport Airports, Greymouth and Karamea Aerodromes**,** ~~and~~ Franz Josef Heliport **and Haast Airfield** are major strategic infrastructure assets and facilities for the West Coast/Te Tai o Poutini. Hokitika and Westport Airports are key entry points along with Greymouth and Karamea Aerodromes**, and** Franz Josef Heliport **and Haast Airfield** play a significant role in facilitating access, trade, tourism and economic activity locally, regionally and nationally.

These facilities contain critical infrastructure assets such as runways, aprons, aircraft hangers and carparking areas. They contain operations including Air Ambulance services, refuelling services and navigational aids. They also have areas of land and buildings to serve commercial tenants. All of these facilities are included within the AIRPZ - Airport Zone. The purpose of the zone is to enable the efficient operation and development of the airports and associated land and facilities.

Other relevant Te Tai o Poutini Plan provisions

There are two key overlays which affect the Airport Zones - the Airport Approach Path Overlay which applies to the flight paths into the airports and the runways themselves, and the Airport Noise Contour Overlay.

These overlays can be viewed on the planning maps.

Rules in relation to the Airport Approach Path Overlay as it relates to areas outside of the AIRPZ - Airport Zone can be found in the Zone Chapters.

The Rules in relation to the Airport Noise Contour Overlays can be found in the NOISE Chapter at Rule NOISE - R~~10~~**7**.

It is important to note that in addition to the provisions in this Chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for Airport Zone activities, including:

- **Sites and Areas of Significance to Māori Chapter - there may be sites and areas of significance to Māori, identified at individual sites within the Airport Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori Chapter.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Airport Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Natural Character and Margins of Waterbodies - in some locations areas of Airport Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Coastal Environment - in some locations areas of Airport Zone may be within the Coastal Environment. The Coastal Environment Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Indigenous Biodiversity – t he Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Airport Zone.**

AIRPZ - O1

To support the continued operation, maintenance and upgrading of the Hokitika and Westport Airports, Greymouth Aerodrome as critical infrastructure and recognising the contribution they make to the economic and social wellbeing and health of communities of the West Coast/Te Tai o Poutini.

AIRPZ - O2

To ensure that Franz Josef (Glacier Country) Heliport, ~~**and**~~ Karamea Aerodrome **and Haast Airfield** continue to operate as significant tourism and industry infrastructure.

AIRPZ - O3

To manage the potential reverse sensitivity effects on the airports**, airfields, aerodromes** and heliports in the AIRPZ - Airport Zone by providing noise contours and requirements for mitigation of these effects during subdivision and development.

AIRPZ - O4

To ensure that the airport**s, airfields, aerodromes and heliports** and related activities within the AIRPZ - Airport Zone maintain an acceptable level of noise amenity that recognises the**ir** inherent function, alongside the need for general amenity, for those using the **airport****s, airfields, aerodromes and heliports** and living adjacent to them.

AIRPZ – P1

Enable the efficient operation, use and development of the West Coast/Te Tai o Poutini public airports, **airfields, aerodromes** and heliports by providing for aviation activities and associated infrastructure necessary for them to operate in a safe and efficient manner.

AIRPZ – P2

Ensure that aircraft takeoff and landing, and safe airport**, airfield, aerodrome** and heliport function is not affected by the intrusion of vegetation and into approach paths within the Airport Approach Path Overlay.

AIRPZ – P3

Manage adverse effects on amenity values arising from the on-going development, use and maintenance of the airports**, airfields, aerodromes** and helip~~ads~~**orts** in the AIRPZ - Airport Zone.

AIRPZ – P4

Ensure that the noise associated with the operation of the airports**, airfields, aerodromes** and heliports within the AIRPZ - Airport Zone does not exceed nationally accepted standards, and that any new noise sensitive activities provide adequate acoustic management.

AIRPZ – P5

Avoid the location of noise sensitive activities close to the airports**, airfields, aerodromes** and heliports in the AIRPZ - Airport Zone that have the potential to result in reverse sensitivity effects.

AIRPZ – P6

To provide for development on AIRPZ - Airport Zone land that allows for a range of commercial and industrial activity, where such activities would not:
a. Constrain airport/aviation operations;

b. Result in significant adverse effects on urban form, including on the role, function, viability and amenity of the Town Centres and Settlements;
c. Lead to significant adverse effects on transportation networks; or
d. Adversely affect the visual amenity of the residential and rural areas adjacent to the ~~airports~~**AIRPZ – Airport Zone**.

AIRPZ – P7

To allow for the future expansion of the Hokitika and Westport Airports aviation activities including a lengthened runway, aircraft hangers and expanded terminal whilst:

a. Minimising effects on amenity values and traffic effects on the land transport network;

b. Ensuring noise and light emissions remain at an acceptable level, particularly in relation to sensitive activities; ~~**and**~~

c. Recognising natural features and landforms, waterbodies, coastal environment, indigenous vegetation, historic heritage, sites and areas of significance to Poutini Ngāi Tahu, archaeological sites or scheduled features~~**;**~~**; and**

d. ~~**including by**~~ **U**~~u~~sing best practice industry requirements and technology to ensure efficient use of land and to reduce effects.

AIRPZ – P8

To provide for future additions of airports**, airfields, aerodromes** and heliports to the AIRPZ - Airport Zone where these are significant public infrastructure or public benefit and are operated by a network utility operator.

AIRPZ – P9

To encourage the incorporation of Poutini Ngāi Tahu mātauranga principles into the design of buildings in the AIRPZ - Airport Zone and opportunities for Poutini Ngāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of activities and/or development at the airports**, airfields, aerodromes** and heliports that may affect cultural, spiritual and/or heritage values of importance to Poutini Ngāi Tahu.

AIRPZ – P10

To manage the risks of natural hazards to the airports**, airfields, aerodromes** and helip~~ads~~**orts** within the AIRPZ - Airport Zone including:

a. Providing for maintenance and development activities that increase West Coast/Te Tai o Poutini public airports**, airfields, aerodromes** and heliports' resilience to natural hazards; and

b. Planning for managed retreat from existing hazards at Westport Airport including potential relocation in the future.

AIRPZ – P11

To minimise the development or location of large **artificial** areas of open water, or other land disturbance which could act as a significant bird attractant near to the airports**, airfields, aerodromes** and heliports in the AIRPZ - Airport Zone.

AIRPZ – P12

To allow the use of the Greymouth Aerodrome for outdoor events and entertainment, where this will not compromise its primary use as an aerodrome.

Airport Zone Rules

Permitted Activities

AIRPZ– R1 Airport Activities

Activity Status Permitted
Where:

1. The maximum gross ground floor area of a single building is 2000m^2;
2. No building, structure or tree shall protrude into the Airport Approach Path of any airport**,** **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine; and
3. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m from internal boundaries.

Activity status where compliance not achieved: Restricted Discretionary

AIRPZ– R2 Grazing, cropping, moss collection and beekeeping Activities

Activity Status Permitted

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport**, airfield** or aerodrome identified on the planning maps and as described in Appendix Nine.

Activity status where compliance not achieved: Non-complying

AIRPZ– R3 Emergency Service Facilities

Activity Status Permitted

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport**,** **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine; and
2. Buildings are setback a minimum of 3m from the road boundary and 5m from the State Highway Boundary.

Activity status where compliance not achieved: Non-complying

AIRPZ– R4 Network Utility and Meteorological Structures

Activity Status Permitted

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport**,** **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine.

Activity status where compliance not achieved: Non-complying

AIRPZ– R5 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. No fence shall protrude into the Airport Approach Path of any airport**, airfield** or aerodrome identified on the planning maps and as described in Appendix Nine;
2. Fences, walls and retaining walls are a maximum 2m height above ground level; and
3. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

AIRPZ– R6 **Outdoor events and entertainment activities at Greymouth Aerodrome**

Activity Status Permitted

Where:

1. **No building or structure, including temporary buildings and structures~~,~~ shall protrude into the Airport Approach Path for Greymouth Aerodrome identified on the planning maps and as described in Appendix Nine.**

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

AIRPZ– R~~6~~7 **Industrial Activities and Buildings at Hokitika or Westport Airport or Greymouth Aerodrome**

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule AIRPZ - R1 are complied with.

Discretion is restricted to:

~~Matters of discretion are:~~

a. Bulk, design and location of buildings;
b. Incorporating Poutini Ngāi Tahu design principles into buildings;
c. Management of access, traffic and parking;
d. Management of odour and dust;
e. ~~Landscape measures~~**Measures to mitigate landscape effects;**
f. Any impacts on the amenity or production value of surrounding rural land;
g. Effects on visual amenity;
h. Any impacts on the amenity of adjacent residential land; and
i. Any impacts on the efficiency or function of the main Airport Activity in the Zone; and
j. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010.

Activity status where compliance not achieved: Discretionary

AIRPZ– R~~7~~8 **Commercial Activities and Buildings other than Visitor Accommodation at Hokitika and Westport Airports and Greymouth Aerodrome**

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule AIRPZ - R1 are complied with.

Discretion is restricted to:

a. Bulk, design and location of buildings;
b. Management of access, traffic and parking;
c. ~~Landscape measures~~**Measures to mitigate landscape effects;**
d. Incorporating Poutini Ngāi Tahu design principles into buildings;
e. Any impacts on the amenity or production value of surrounding rural land;
f. Effects on visual amenity;
g. Any impacts on the amenity of adjacent residential land; ~~and~~
h. Any impacts of retail activities on the viability of the Hokitika, Westport or Greymouth town centres; ~~and~~
i. Any impacts on the efficiency or function of the main Airport Activity in the Zone; ~~and~~
j. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010.

AIRPZ– R~~8~~9 Airport Activities and Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine.

Discretion is restricted to:

a. Bulk, design and location of buildings;
b. Management of access, traffic and parking;
c. ~~Landscape measures~~**Measures to mitigate landscape effects;**
d. Any impacts on the amenity or production value of surrounding rural land;
e. Effects on visual amenity;
f. Any impacts on the amenity of adjacent residential land; and
g. Any impacts on the efficiency or function of the main Airport Activity in the Zone;
h. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010; and
i. Incorporating Poutini Ngāi Tahu design principles into buildings.

AIRPZ– R~~9~~10 Visitor Accommodation at ~~Hokitika and~~ Haast Airfield, Westport Airport or Greymouth or Karamea Aerodrome

Activity Status Restricted Discretionary

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport**,** **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine; and
2. Visitor accommodation buildings shall meet the standards specified in Rule NOISE - R3.

Discretion is restricted to:

a. Bulk, design and location of buildings;

b. Management of access, traffic and parking;

c. ~~Landscape measures~~**Measures to mitigate landscape effects;**

d. Incorporating Poutini Ngāi Tahu design principles into buildings;

e. Any impacts on the amenity or production value of surrounding rural land;

f. Effects on visual amenity;

g. Any impacts on the amenity of adjacent residential land; ~~and~~

h. Any impacts on the efficiency or function of the main Airport Activity in the Zone; and

i. **Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010.**

Activity status where compliance not achieved: Non-complying

Advice Note: Visitor Accommodation Activities at Hokitika Airport are regulated under Rule AIRPZ – R12.

Discretionary Activities

AIRPZ– R1~~0~~1	**Industrial and Commercial Activities and Buildings not meeting Restricted Discretionary Activity Standards**

Activity Status Discretionary

Where:

1. This does not include Visitor Accommodation **except where this is located at Hokitika Airport**; and
2. No building, structure or tree shall protrude into the Airport Approach Path of any airport**, airfield** or aerodrome identified on the planning maps and as described in Appendix Nine.

Activity status where compliance not achieved: Non-complying

Non-complying Activities

AIRPZ– R1~~1~~2	**Any activity not provided for by another Rule in the zone**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

AIRPZ– R12	**Outdoor events and entertainment activities at Greymouth Aerodrome not meeting the Permitted Activity Standard**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Future Urban Zone Chapter

Overview

This zone applies to land which is intended for housing and business purposes in the future. The FUZ - Future Urban Zone applies to rural land which has been identified as being suitable for these purposes. It is located in places where this need may arise as a result of natural hazards and the need for managed retreat for settlements. The zone is a holding zone where land can continue to be used for a range of rural activities and subdivision and urban development are discouraged until a structure plan is prepared, or the land is

rezoned. Structure planning helps achieve an optimal type, form and extent of urban development and demonstrates how future development can be adequately serviced by infrastructure.

Rural-lifestyle subdivision, use and development, non-farming related industry and commercial activities are discouraged in the FUZ - Future Urban Zone along with ad hoc urban development. Subdivision and development is restricted to limit fragmentation of land and to maintain the land's character, amenity and productive capability in the interim.

The FUZ - Future Urban Zone is currently proposed in some areas on the fringes of Greymouth, as well as some locations around Franz Josef. **It is noted that significant indigenous biodiversity values in areas of the Future Urban Zone have not been assessed before the identification of areas as the Future Urban Zone, and that this work is planned to be undertaken in the future. Where there are potential land instability issues in the zone, any necessary remediation will be addressed during subdivision.**

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for ~~hospital~~ **Future Urban Zone** activities, including:

- ~~**Overlay Chapters - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.**~~
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters. There may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Future Urban Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Future Urban Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Natural Character and Margins of Waterbodies - in some locations areas of Future Urban Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**

- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Future Urban Zone.**
- **Subdivision -** The Subdivision chapter sets out the requirements for subdivision activities in the FUZ - Future Urban Zone.
- **Financial Contributions -** The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

FUZ – O1
Future urban development is not compromised by incompatible subdivision, use and development.
FUZ – O2
Future urban land is available for managed retreat of vulnerable communities.
FUZ – O3
Rural activities that will not create reverse sensitivity issues in the future are provided for until the land is rezoned for urban purposes.
FUZ – O4
Urbanisation on sites zoned FUZ - Future Urban Zone occurs in a planned manner either by Plan Change, or by implementation of a Structure Plan ~~where Council resolution identifies that natural hazard risk thresholds have been met~~.
FUZ – P1
Provide for use and development that is consistent with the policies of the GRUZ - General Rural Zone unless that use will give rise to reverse sensitivity issues when urban development occurs.
FUZ – P2
Avoid subdivision in the FUZ - Future Urban Zone that will result in the fragmentation of land and compromise future urban development.
FUZ – P3
Avoid subdivision, use and development of land that may result in one or more of the following: a. Structures and buildings of a scale and form that will hinder or prevent future urban development; b. Compromise the **safe,** efficient and effective operation of ~~a~~ future urban transport and infrastructure networks; c. The provision, or extension of the transport, wastewater, water supply, stormwater networks or other infrastructure unless this is provided as part of the development in a way that will not compromise the ultimate infrastructure configuration of the zone;

d. Create or extend infrastructure out of sequence or that is not contiguous with the existing network infrastructure;

e. Establishment of incompatible activities that could give rise to reverse sensitivity issues when urban development occurs; or

f. Undermine the form or nature of future urban development or compromise the integrity of any relevant Structure Plan.

FUZ – P4

Where land is zoned FUZ - Future Urban Zone, subject to adequate provision of any infrastructure, to allow for:

a. The provision of the necessary infrastructure by any person or by the Council for any part or all of that land;

b. The provision of wastewater infrastructure that utilises disposal to land or connects to a Council operated reticulated system;

c. Infrastructure servicing plans that are approved by Council, prior to the removal of the Future Urban Zone, which are required to be implemented under the urban zone through subsequent subdivision or development.

FUZ – P5

Where the FUZ - Future Urban Zone is activated by Council Resolution, or where urban development is undertaken prior to rezoning, provide for use and development which is consistent with the policies of the relevant urban zone as identified in the Structure Plan for the area.

Future Urban Zone Rules

Permitted Activities

FUZ - R1 Agricultural, Pastoral and Horticulture Activities and Buildings

Activity Status Permitted
Where:

1. The maximum gross ground floor area of a single building is 500m^2;
2. Maximum building height above ground level is 10m;
3. Buildings are setback a minimum of 10m from the road boundary, 5m from side boundaries and 20m from rear boundaries; and
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m.

Activity status where compliance not achieved: Discretionary

FUZ - R2 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.

Activity status where compliance not achieved: Discretionary

FUZ - R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.
2. Residential unit density is no more than one unit per 4ha net site area except where the site is already in existence at the date of notification of the Plan;
3. There is a maximum **one**~~1~~ residential building per site;
4. There is no more than **one**~~1~~ minor residential unit with a maximum gross floor area of 65m^2 where this is located within 20 metres of and shares the driveway with the principal residential dwelling; and
5. Any minor residential unit shares a driveway with the site's principal residential unit.

Advice Note:

Where a residential building or noise sensitive activity is located within:

1. 80m of a State Highway with a speed limit of 70kph or greater; or
2. 40m of a State Highway with a speed limit of less than 70kph; or
3. 40m of a Railway Line; or
4. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
5. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield,** or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Non-complying

FUZ - R4 Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4m in height; and
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

FUZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Discretionary

FUZ - R6 Relocated Buildings

Activity Status Permitted
Where:

a. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with;
b. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built**,** ~~to be~~ **and** used as a dwelling;
c. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site**; **and**
d. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~
e. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

FUZ - R7 Home Business

Activity Status Permitted
Where:

1. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and – R~~3~~**4** and SIGN - R15 are complied with;
2. There is a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and
3. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R8 Visitor Accommodation

Activity Status Permitted
Where:

1. This is ancillary to a residential, conservation or rural activity;
2. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and -R~~3~~**4** and SIGN - R15 are complied with;
3. There are a maximum of **six**~~6~~ paying guests at any one time;
4. Notification to the District Council is required at the time of the activity commencing; and
5. Records of letting activity are kept and provided to the Council ~~on request~~ **annually**.

Advice Notes:

1. Compliance with the Building Code is also required.
2. Where a residential building or noise sensitive activity is located within:
   a. 80m of a State Highway with a speed limit of 70kph or greater; or
   b. 40m of a State Highway with a speed limit of less than 70kph; or
   c. 40m of a Railway Line; or

d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports**, Haast Airfield,** or Greymouth or Karamea Aerodrome. Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R9 Mineral Prospecting and Mineral Exploration

Activity Status Permitted
Where:

1. This is authorised under a prospecting or exploration permit from ~~NZPAM~~**New Zealand Petroleum and Minerals, where legally required;**
2. Notice is provided to the relevant District Council Consent Authority **10**~~5~~ working days ~~ahead of work being undertaken~~ **prior to any Mineral Prospecting or Mineral Exploration commencing**;
3. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred;~~
3. **Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary;**
4. The site ~~shall be~~ **is progressively** rehabilitated ~~generally~~**as far as is practicable** to its ~~original~~ condition **prior to activity occurring with rehabilitation to be completed no later than three months after Mineral Prospecting and Mineral Exploration ceases**; ~~and~~
5. ~~All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R10 Any Activity provided for as a Permitted Activity within the relevant Urban Zone

Activity Status Permitted
Where:

1. The relevant District Council has made a Resolution to activate the Future Urban Zone for urban uses; and
2. A Structure Plan has been prepared **in accordance with Appendix Twelve** for the site and adopted by the relevant District Council; and
3. The activity, use and development are in accordance with the Permitted Activities in the Zone(s) identified in the adopted Structure Plan.

Activity status where compliance not achieved: Refer to relevant Zone rules

Controlled Activities

FUZ - R11 Relocated Buildings not meeting Permitted Activity Standards Activity Status Controlled

Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Matters of control are:

a. Design and location of structures;
b. Methods of wastewater and stormwater treatment and disposal;
c. Methods of ensuring safe drinking water supply;
d. Landscape measures; and

e. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

FUZ - R12 Minor Structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. The minor structure does not exceed 10m in height above ground level; and
2. All other performance standards from Rule FUZ - R1 are complied with.

Matters of control are:

a. Design and location of structures; and
b. ~~Landscape measures~~**Measures to mitigate landscape effects;**.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

FUZ - R13 Home Business not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a residential or rural activity; and
2. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

a. Hours of operation, emission of noise and traffic generation;
b. Compatibility with the character and amenity values of the Future Urban Zone;
c. Site design, layout and scale;
d. Adequacy of infrastructure servicing including on-site servicing;
e. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone;
f. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone; and
g. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Non-complying

FUZ - R14 Visitor Accommodation and Temporary Worker Accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a residential, rural or conservation activity; and
2. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

a. Requirements for record keeping of letting activity;
b. Hours of operation, emission of noise and traffic generation;
c. Compatibility with the character and amenity values of the Future Urban Zone;
d. Site design, layout and scale;
e. Adequacy of infrastructure servicing including on-site servicing;
f. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and

g. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Non-complying

FUZ - R15 Mineral Extraction, Mineral Prospecting, Mineral Exploration not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Whether the activity could compromise the future intended use of the Future Urban Zone;
b. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone;
c. Management of access, parking and traffic generation from the site;
d. Noise, glare, light, dust, blasting and vibration management;
e. Hours of operation;
f. Hazardous substances and waste management;
g. Historic and cultural heritage requirements;
h. Extent and design of earthworks and indigenous vegetation clearance;
i. Effects on ecological values including any threatened fauna or their habitats;
j. Design and location of ancillary buildings, structures and infrastructure;
k. Overburden management;
l. Monitoring, reporting and community liaison requirements;
m. Financial contributions and any requirement for bonds;
n. Potential for reverse sensitivity effects; and
o. Site rehabilitation and mine closure requirements.

Activity status where compliance not achieved: N/A

FUZ -R16 Community Facilities

Activity Status Restricted Discretionary
Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

a. Compatibility with the character and amenity values of the Future Urban Zone;
b. Site design, layout and scale;
c. Adequacy of infrastructure servicing including on-site servicing;
d. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and
e. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Discretionary

FUZ -R17 Camping Grounds

Activity Status Restricted Discretionary
Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

a. Compatibility with the character and amenity values of the Future Urban Zone;
b. Site design, layout and scale;
c. Adequacy of infrastructure servicing including on-site servicing;
d. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and
e. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Discretionary

Discretionary Activities

FUZ - R18 Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls, Community Facilities and Camping Grounds not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status Discretionary

~~Where:~~
~~1. The performance standards for Rule FUZ - R3 are complied with.~~

Activity status where compliance not achieved: ~~Non-complying~~**N/A**

FUZ – R19 Agricultural, Pastoral and Horticultural Activities not meeting Rule FUZ - R1

Activity Status Discretionary
Where:

1. There is no intensive indoor primary production being undertaken.

Activity status where compliance not achieved: Non-complying

FUZ - R20 Any activity not provided for by another Rule in the zone

Activity Status ~~Non-complying~~ **Discretionary**

Activity status where compliance not achieved: N/A

Non-Complying Activities

FUZ - R21 Residential Activities not provided for as a Permitted Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R22 Commercial Activities including Visitor Accommodation and Home Business not provided for in another rule within the Future Urban Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R23 Industrial Activities including Rural Industrial Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R24 Intensive Indoor Primary Production

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Hospital Zone Chapter

HOSPITAL ZONE

Overview

The HOSZ - Hospital Zone applies to the three public hospitals that are located on the West Coast/Te Tai o Poutini. It also applies to major medical centres and aged care facilities. Te Nikau, Grey Hospital and Health Centre is the main public regional hospital and is located in Greymouth/Māwhera. It provides a range of services that are essential to the social wellbeing and health for people and communities throughout the West Coast/Te Tai o Poutini. Buller and Reefton Hospitals provide a range of hospital and health services for the communities within the Buller District.

There are also medical centres at Fox Glacier/Weheka, Franz Josef/Waiau, Haast, Harihari, Hokitika, **Ngākawau,** and Karamea and aged care facilities in Westport/ Kawatiri, Greymouth/Māwhera and Hokitika included within the zone.

The zone's purpose is to provide for efficient and effective operation and development of these regionally important medical facilities. It also provides for ancillary activities that are associated with each hospital, such as pharmacies, offices, administrative activities and commercial activities.

The sites on which the hospitals are located are predominantly characterised by bulky buildings with large footprints. These buildings tend to generate higher volumes of passenger vehicle traffic compared with typical residential or business activities and as a result, have large areas of sealed parking. Signage is important for wayfinding and providing information about hospital facilities and lighting is important for wayfinding and safety. Sporadic noise is generated from ambulance sirens and helicopters.

Flexibility for medical facilities to develop, upgrade, expand and adapt is important. Some of the facilities run 24 hours per day and have special operational needs and environmental effects. The special purpose is to provide for a degree of operational flexibility, subject to environmental considerations, while ensuring neighbouring communities are aware of what is anticipated within the zone.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for hospital activities, including:

b. ~~**Overlay Chapters** - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian~~

~~areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Hospital Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Hospital Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Coastal Environment - in some locations areas of Hospital Zone may be within the Coastal Environment. The Coastal Environment Chapter contains additional provisions on how these areas must be managed.**
- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Hospital Zone.**
- **Noise** - The Noise Chapter contains the provisions for managing noise effects from sites in the HOSZ - Hospital Zone.
- **Signs** - The Signs Chapter contains the provisions for signs, including those within the HOSZ - Hospital Zone.
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, including lighting within the HOSZ - Hospital Zone.

HOSZ-O1

To ensure the safe and efficient operation, maintenance, upgrading and expansion of the West Coast/Te Tai o Poutini hospitals, medical centres and aged care facilities.

HOSZ- O2

To recognise the scale, form, nature and use of development at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Facility sites. These sites are characterised by:

a. Large scale grounds and buildings which accommodate major healthcare activities and ancillary support activities;
b. A range of scales of buildings; and
c. A spacious and open environment.

Hospital Zone Policies

HOSZ-P1

Allow activities that are compatible with the role, function and predominant character of the HOSZ - Hospital Zone, including:

a. Major healthcare activities;
b. Medical and health services;
c. Helicopter facilities, including helicopter take-off and associated fuelling and service facilities at Te Nikau Grey Hospital, Buller Integrated Health Facility and Reefton Hospital sites;
d. Building activities;
e. Carparking;
f. Emergency response services;
g. Temporary accommodation;
h. Ancillary retail, café and service facilities; ~~and~~
i. Ancillary community facilities; **and**
j. Aged care facilities, including retirement villages where these are ancillary to the hospital activity.

HOSZ-P2

Require activities within the HOSZ - Hospital Zone to maintain the residential amenity of adjoining residential sites by:

1. Ensuring structures are of a bulk, height and form that minimises adverse dominance effects on adjoining residential activities;
2. Achieving adequate separation distances and/or setbacks to minimise adverse daylighting and shading effects;
3. Managing adverse noise and light overspill within adjoining residential sites;
4. Providing screening to minimise adverse visual effects for adjoining residential sites; and
5. Avoiding industrial and non-hospital related commercial and residential activities within the zone.

Hospital Zone Rules

Permitted Activities

HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted
Where:
1. Any ancillary commercial activity does not exceed 200m^2 gross floor area or 10% of the hospital building footprint per commercial activity per site, whichever is the lesser;
2. The maximum building height above ground level is:

a. 12 metres at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Centre Site; and
b. 10m at all other locations in the zone; and
c. This does not include solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m;

3. ~~The maximum building length is 20m where this is within 5m of an adjoining RESZ - Residential Zone;~~
4. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level;
5. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be setback:
   a. 5m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
   b. 5m from the road boundary; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:
   a. Road boundaries;
   b. Buildings on adjoining sites that have a common wall along the boundary;
   c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
   e. Solar panels and solar water heaters provided, these do not exceed the height in relation to the boundary plane by more than 0.5m vertically.

Advice Note:

1. Where Healthcare and Medical Facilities are located within one of the Natural Hazard Overlays, the relevant rules for sensitive activities and critical response facilities of the Natural Hazards Chapter will apply.
2. Where Healthcare and Medical Facilities are located within the Airport Noise Contour boundary, the acoustic insulation requirements of Rule NOISE - R3 will apply.
3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council**.

HOSZ – R2 Helicopter facilities including helicopter pads and associated fuelling and servicing facilities

Activity Status Permitted

Where:

1. These are located at the Te Nikau Grey Hospital, Reefton Hospital or Buller Integrated Health Facility **or Medical Centre** sites only;
2. All performance standards for Rule HOSZ – R1 are complied with.

HOSZ - R3 Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule HOSZ -R1 are complied with ~~except that hose drying towers associated with Emergency Service Facilities are exempt from height standards~~; and
2. Any community facility is ancillary to and/or supports healthcare and medical activity.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R4 Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule HOSZ -R1 are complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed $10m^2$ and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

~~**HOSZ - R6 Relocated Buildings**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. All performance standards for Rule HOSZ -R1 are complied with;~~
~~2. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;~~
~~3. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and~~
~~4. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

~~**Activity status where compliance not achieved**: Restricted Discretionary~~

Restricted Discretionary Activities

HOSZ - R~~7~~6 Activities, Buildings, Facilities, Minor Structures, Fences, Walls and Retaining Walls Provided for as Permitted Activities but not meeting the Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design, size and location of buildings, structures and facilities;
b. Screening, planting and landscape measures;
c. Shading and privacy impacts on neighbouring properties;
d. Any adverse effects on the streetscape;
e. Any adverse effects on the amenity of neighbouring properties;
f. The extent to which the infringement is necessary due to the shape, natural or physical features of the site; ~~and~~
g. The extent to which any helicopter facilities are ancillary to and necessary for effective Healthcare and Medical Activities in the zone; **and**
h. **Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010**.

Discretionary Activities

HOSZ - R~~8~~7 Any Activity that is not a Permitted Activity, a Restricted Discretionary Activity or a Non-complying Activity

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

HOSZ - R~~9~~8 Commercial Activity not ancillary to a Healthcare and Medical Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

HOSZ - R~~10~~9 Residential Activity not provided for as a Permitted Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

HOSZ - R1~~1~~0 Industrial Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

~~**HOSZ - R12 Any activity not provided for by another Rule in the zone**~~

~~**Activity Status Non-complying**~~

~~**Activity status where compliance not achieved:** N/A~~

Māori Purpose Zone

MĀORI PURPOSE ZONE

Overview

The purpose of the MPZ - Māori Purpose Zone is to enable tino rangatiratanga for Poutini Ngāi Tahu in relation to their own lands, and allow for their unique social, cultural, environmental and

economic needs to be met within Te Tai o Poutini/the West Coast, **and a variety of uses of Māori land.**

A key element of the rules in the zone, is the development of Iwi/Papatipu Rūnanga Management Plans. These plans will be developed by Poutini Ngāi Tahu and endorsed by the relevant rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, **or Te Rūnanga o Ngāi Tahu.** In areas where their takiw~~a~~**ā** overlaps, the plan(s) will need to be endorsed by both **Papatipu** **R**~~r~~ūnanga.

These Iwi/Papatipu Rūnanga Management Plans will enable Poutini Ngāi Tahu to undertake activities on specific sites in a way that reflects the unique identities and values of the sites, while managing the effects of the activities.

Once the Iwi/Papatipu Rūnanga Management Plan is lodged with the Council, many activities become **p**~~P~~ermitted. Prior to that, the zone still provides for a wide range of **p**~~P~~ermitted **a**~~A~~ctivities which enable Poutini Ngāi Tahu to use and develop the land within a cultural framework.

~~The MPZ – Māori Purpose Zone incorporates a variety of land types, but it is only Māori Land that should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. When land is no longer Māori Land in this zone, other zone provisions should apply and a Plan Change will be required to amend the zone.~~

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the ~~GRUZ - General Rural Zone~~ MPZ – Māori Purpose Zone, including:

~~a. Overlay Chapters - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~

Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Māori Purpose Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Māori Purpose Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.

Natural Character and Margins of Waterbodies - in some locations areas of Māori Purpose Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.

Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Māori Purpose Zone.

Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.

General District Wide Matters - provisions in relation to earthworks, signs, subdivision and activities on the surface of water in particular may be relevant to many activities.

Māori Purpose Zone Objectives

MPZ – O1

The use and possession of ~~ancestral~~ land by Poutini Ngāi Tahu ~~and Te Rūnanga o Ngāi Tahu~~ is recognised and provided for within the MPZ - Māori Purpose Zone, within which Ngāi Tahu are able to exercise tino rangatiratanga.

MPZ – O2

The MPZ - Māori Purpose Zone specifically provides **for use of Māori land and** Poutini Ngāi Tahu needs and activities, including **for the avoidance of doubt in respect of both** residential, social, cultural, environmental and economic use and development to:

a. Provide a safe, nurturing environment for ngā uri (descendants), whānau (family), hapū (extended family), iwi me ngā manuhiri (tribe and visitors);

b. Ensure the whenua is managed in accordance with tikanga Māori; and

c. Ensure the protection and maintenance of ngā taonga tuku iho (treasures)

MPZ – O3

Provide for appropriate use and development of the MPZ - Māori Purpose Zone while recognising ~~The significant coverage of~~ identified natural environment overlays across some parts of the ~~MPZ – Māori Purpose Z~~zone and the contribution their values make to the wider community ~~is recognised, and the appropriate use and development of the Zone is provided for~~.

Māori Purpose Zone Policies

MPZ - P1

Enable the incorporation of whānaungatanga, mātauranga and tikanga in relation to the use, design and layout of development within the MPZ - Māori Purpose Zone.

MPZ – P2

Enable the use and development of the land in the MPZ - Māori Purpose Zone for a wide range of activities to support ~~the~~ Poutini Ngāi Tahu ~~community~~ **and enable the use and development of Māori land**, including:

a. Single dwellings, multiple dwellings, and papakāinga housing;
b. Marae complexes;
c. Cultural uses including harvest of mahinga kai;
d. Social, recreational, educational and community facilities; and
e. Farming and other economic activities.

While

i. Ensuring any significant adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are **avoided, remedied or** mitigated; and
ii. Requiring that the above activities are adequately serviced with on-site or community scale facilities **for water supply, wastewater or stormwater.**

MPZ - P3

Enable the establishment of compatible activities within the MPZ - Māori Purpose Zone while ensuring that:

a. Use and development is consistent with the purpose of the zone;
b. The Poutini Ngāi Tahu community is sustained;

c. Cultural values are maintained or enhanced; and
d. The quality of the environment within or adjacent to the zone is not adversely affected.

MPZ – P4

Avoid activities which are likely to be incompatible with the purpose of the MPZ - Māori Purpose Zone, unless a cultural impact assessment endorsed by the relevant rūnanga demonstrates that the effects on the cultural values are acceptable or can be mitigated.

MPZ – P5

Provide for the use of Papatipu Rūnanga mandated Iwi/Papatipu Rūnanga management plans to provide for development in different areas within the MPZ - Māori Purpose Zone; ensuring that these plans contain the level of detail necessary to ensure that comprehensive, coordinated and efficient development occurs, including:

a. A description of activities, buildings and structures existing, or proposed to be established within the development area;
b. The bulk and location of any buildings and structures;
c. How adverse effects resulting from proposed activities, in particular at zone boundaries, will be avoided, remedied or mitigated;
d. The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and
e. The protection of the mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

MPZ – P6

Support the future application of the MPZ - Māori Purpose Zone to locations where it will enable the use and development of land in accordance with tikanga Māori and to meet **the needs of** Poutini Ngāi Tahu ~~needs~~ **and enable the use of Māori land**.

Māori Purpose Zone Rules

Permitted Activities

MPZ - R1 Māori Purpose

Activities Activity Status
Permitted
Where:

1. The maximum gross ground floor area of a single building is 500m^2;
2. Maximum building height above ground level is 10m;
3. Maximum site coverage is ~~4~~**5**0%;
4. Buildings are setback a minimum of ~~10~~**4.5**m from the road boundary, 20m from the State Highway Boundary, and ~~5~~**1**m from internal boundaries, except that~~:~~
   ~~a. I~~**i**n the Arahura Pā settlement buildings are setback 5m from the road and any GRUZ - General Rural Zone or INZ - Industrial Zone boundary and 1m from internal boundaries;
5. The average residential density is no more than **one**~~1~~ unit per ~~5~~**3**00m^2 net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~**and**~~
6. In areas not serviced by network utility operated wastewater, stormwater and water supply the average dwelling/papakāinga building density is no more than one unit and one minor residential unit per 1000m^2 net site area~~.~~**; and**

7. **Where reticulated systems are available, buildings are connected to the reticulated wastewater, stormwater and water supply systems, and where these are not available wastewater, stormwater and water supply systems are designed to meet the relevant standards of NZS4404:2010**.

Advice Note:
Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or
iii. 40m of a Railway Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports**, Haast Airfield** or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.
Activity status where compliance not achieved: Restricted Discretionary

MPZ - R2 Agricultural, Pastoral or Horticultural Activities or Buildings

Activity Status Permitted
Where:

1. The activity does not include intensive indoor primary production;
2. All performance standards for Rule MPZ-R1 are complied with;
3. The minimum separation distance between buildings housing more than **five**~~5~~ animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 100m and from any dwelling 30m, and from any other boundary 20m; ~~and~~
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any dwelling on another site 50m, and from any other boundary 20m; **and**
5. Performance standards for beekeeping in the Westland District apply as follows:
   i. No bees may be kept on a property less than 600m^2 net site area; and
   ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary.

Advice Note:
If land is used for disposal of effluent or solid waste then there may be rules that apply in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.

Activity status where compliance not achieved: Discretionary

MPZ - R3 Conservation and Recreation Activities

Activity Status Permitted
Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Discretionary

MPZ - R4 Residential Activities

Activity Status Permitted
Where:

1. All performance standards for Rule MPZ-R1 are complied with.

Advice Note:

i. Where a residential building or noise-sensitive activity is located within:
ii. 80m of a State Highway with a speed limit of 70kph or greater; or
iii. 40m of a State Highway with a speed limit of less than 70kph; or 40 m of a Railway Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports**, Haast Airfield** or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

MPZ - R5 Minor Structures

Activity Status Permitted Where:

1. All performance standards for Rule MPZ - R1 are complied with; and
2. The minor structures are identified in an Iwi/Papatipu Rūnanga Management Plan; or
3. If there is no Iwi/Papatipu Rūnanga Management Plan:
   i. Masts, poles and aerials must not exceed 7m in height;
   ii. Any antenna dish must be less than 1m in diameter;
   iii. Any ornamental or garden structure must not exceed 2.4 m in height; **and**
   iv. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R6 Fences, Walls and Retaining Walls

Activity Status Permitted
Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level~~; and~~
2. ~~The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.~~

Activity status where compliance not achieved: Discretionary

MPZ - R7 Relocated Buildings

Activity Status Permitted
Where:

1. All performance standards for Rule MPZ - R1 are complied with; ~~and~~
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~, and~~ built ~~to be~~ **and** used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed on the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12 months **of the building being delivered to the site; and**
4. The building shall be located on permanent foundations approved by building consent no later than **two**~~2~~ months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12~~

~~months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R8 Visitor Accommodation that is not in a Marae Complex

Activity Status Permitted
Where:

1. This is ancillary to a Residential Activity, Agricultural, Horticultural or Pastoral Activity, Conservation Activity or Māori Purpose Activity;
2. All performance standards for Rule MPZ - R1 are complied with;
3. There is a maximum of **six**~~6~~ paying guests at any one time;
4. Notification to the District Council is required prior to the activity commencing; and
6. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually.**

Advice Note:

Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or
iii. 40m of a Railway Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports**, Haast Airfield** or Greymouth or Karamea Aerodrome;
vi. 100m of a Rifle Range Protection Area identified in the Rifle Range Protection Area overlay. Then acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R9 Community Facilities, Park Furniture and Emergency Services Facilities

Activity Status Permitted
Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R10 Buildings and Other Activities in a~~A~~ccordance with an Iwi/Papatipu Rūnanga Management Plan not p~~P~~rovided for in another Permitted Activity Rule

Activity Status Permitted
Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

MPZ - R11 Māori Purpose Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. The extent to which the proposal complies with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site;
b. Size, height, design and location of any buildings and structures;
c. ~~Landscape measures~~**Measures to mitigate landscape effects;**
d. Density of any residential buildings; ~~and~~
e. Methods of water supply, wastewater and stormwater treatment and disposal; **and**
f. **Design and location of vehicle access.**

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.

MPZ -R12 Minor structures not meeting Permitted Activity Standards Activity

Status Restricted Discretionary
Where:
1. The minor structure does not exceed 10m in height; and
2. All other performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:
a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**
b. **If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site**:
   i. Design and location of structures; and
   ii. ~~Landscape measures~~**Measures to mitigate landscape effects.**

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R13 Relocated buildings not meeting Permitted Activity Standards Activity

Status Restricted Discretionary
Where:
1. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**

b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site
   i. Design and location of structures;
   ii. Appearance of buildings; and
   iii. ~~Landscape measures~~**Measures to mitigate landscape effects;**.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R14 Intensive indoor primary production

Activity Status Restricted Discretionary
Where:
1. This is not within the Arahura Pā settlement area; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site;
b. Bulk and location of buildings;
c. Management of traffic and parking;
d. Management of odour;
e. ~~Landscape measures~~**Measures to mitigate landscape effects;**
f. Any impacts on the production values of the surrounding land;
g. Effects on visual amenity and rural character; and
h. Methods of water supply and effluent and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary
Where:
1. This is ancillary to a farming, conservation, residential or Māori purpose activity; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:
a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**
b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:
i. Number of visitors/workers staying on site;
ii. Number of days of use for the accommodation;
iii. Management of traffic and parking;
iv. ~~Landscape measures~~**Measures to mitigate landscape effects;**
v. Any impacts on the production values of the surrounding land;
vi. Effects on visual amenity and rural character; and
vii. Methods of water supply and wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R16 Community Facilities not meeting Rule MPZ - R9

Activity Status Restricted Discretionary
Discretion is restricted to:
a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site; **or**
b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:
i. Management of access, parking and traffic generation;
ii. Hours of operation;
iii. Noise management and lighting; **and**
iv. ~~Landscape measures~~**Measures to mitigate landscape effects.**

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.

~~**MPZ - R17 Non - rural Activities not meeting Permitted Activity Standards**~~
~~**Activity StatusRestricted Discretionary**~~
~~Where:~~
~~1. The maximum floor and yard area for any non-rural activity shall be 100m2; and~~

~~2. All performance standards for Rule MPZ - R1 are complied with.~~

~~**Discretion is restricted to:**~~

~~a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;~~
~~b. The extent to which the activity could be undertaken more appropriately in another zone;~~
~~c. Bulk and location of buildings;~~
~~d. Management of traffic and parking;~~
~~e. Management of odour;~~
~~f. Landscape measures;~~
~~g. Any impacts on the production values of the surrounding land;~~
~~h. Effects on visual amenity and rural character; and~~
~~i. Methods of water supply, wastewater and stormwater treatment and disposal.~~

~~**Activity status where compliance not achieved:** Discretionary~~

MPZ - R1~~8~~7 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga **M**~~m~~anagement **P**~~p~~lan in place for the site;
b. The extent to which the activity could be undertaken more appropriately in another zone;
c. Bulk and location of buildings;
d. Management of traffic and parking;
e. Management of odour;
f. ~~Landscape measures.~~**Measures to mitigate landscape effects;**
g. Any impacts on the production values of the surrounding land;
h. Effects on visual amenity and rural character; and
i. Methods of water supply, wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.

Discretionary Activities

MPZ - R1~~9~~8 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted~~, Controlled~~ or Restricted Discretionary Activity Rules

Activity Status Discretionary
Notification:
~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**.

Activity status where compliance not achieved: N/A

MPZ - R~~20~~19 Rural Industry or Intensive Indoor Primary Production not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary
Notification:

~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**.

Activity status where compliance not achieved: N/A

MPZ - R2~~1~~0 ~~Non-rural~~ Conservation and Recreation activities not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary
Notification:
~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**.

Activity status where compliance not achieved: N/A

MPZ - R2~~2~~1 Minor structures, Fences, Walls and Retaining Walls, and Relocated buildings not meeting Permitted or Restricted Discretionary Rules

Activity Status Discretionary
Notification:
~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**.

Activity status where compliance not achieved: N/A

MPZ – R22 Mineral Extraction not meeting Permitted or Restricted Discretionary Rules.

Activity Status: Discretionary
Notification:

When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

Activity status where compliance not achieved: N/A

Non-complying Activities

MPZ - R23 Residential activities and visitor accommodation activities not meeting Permitted or Restricted Discretionary Rules

Activity Status Non-complying

Notification:

~~Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio)~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu**.

Activity status where compliance not achieved: N/A

MPZ - R24 Any Activity not provided for in another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Port Zone Chapter

PORT ZONE - Te Takiwā Wāpu

Overview

Westport and Greymouth Ports are the major ports on the West Coast/Te Tai o Poutini **and are regionally significant infrastructure.** They are significant connections to the rest of New Zealand/Aotearoa me Te Waipounamu as well as providing the bases for the West Coast/Te Tai o Poutini fishing fleet.

The PORTZ - Port Zone applies to the two ports and their surrounds and the zone's purpose is to enable the efficient operation and development of the ports and associated land and activities. Flexibility for the ports to develop and adapt is important. The ports have special operational needs and environmental effects**,** and the special purpose zoning is tailored to address those needs and effects. This includes providing for a degree of operational flexibility subject to environmental considerations.

Essentially the PORTZ - Port Zone has been developed as a type of heavy industrial zone, which recognises Port Activities as the major use for the area. It does, however, provide for other types of activities, but recognises that amenity levels within the zone are likely to be unsuitable for some types of development to occur.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for port activities, including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Port Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Port Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Port Zone.**
- **Noise** - The Noise Chapter contains noise provisions for activities in the PORTZ - Port Zone.
- **Signs** - The Signs Chapter contains the provisions for signs for activities in the PORTZ - Port Zone
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the PORTZ -Port Zone.
- **Subdivision** - The Subdivisions chapter sets out the requirements for subdivision.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on local network utility infrastructure.

Port Zone Objectives

PORTZ - O1

~~Manage t~~**The safe and efficient maintenance, operation and upgrading of** West Coast/Te Tai o Poutini ports **is enabled and** ~~to sustain~~ their current and future potential use and development **is sustained**.

PORTZ - O2

~~Minimise~~ **Manage** effects of port activities on areas beyond those used for port activities, including adverse effects ion the adjacent coastal marine area.

PORTZ – O3

The West Coast/Te Tai o Poutini ports of Westport and Greymouth are recognised and provided for as regionally significant infrastructure that contribute to the economic and social wellbeing of the region.

PORTZ – O4

The West Coast/Te Tai o Poutini ports of Westport and Greymouth are protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects.

Port Zone Policies

PORTZ - P1

Enable the efficient operation, use and development **and recognise the functional need and operational need** of West Coast/Te Tai o Poutini ports ~~by ensuring incompatible activities or developments do not compromise port operations or development of port and maritime facilities~~**.**

PORTZ - P2

Provide for public use and access to areas adjoining West Coast/Te Tai o Poutini ports, for recreational and tourism purposes, provided this does not adversely affect the efficient and safe operation of marine and port activities.

PORTZ - P3

Provide for maintenance and development activities that increase West Coast/Te Tai o Poutini ports' resilience to natural hazards.

PORTZ - P4

Recognise the historic and cultural significance of the West Coast/Te Tai o Poutini ports and make use of opportunities to identify and enhance historic and cultural sites, values and taonga of cultural significance to Poutini Ngāi Tahu.

PORTZ - P5

Work co-operatively with the West Coast Regional Council and the Port Operators to address cross-boundary resource management issues deriving from activities undertaken within port areas.

PORTZ - P6

Impose performance standards on development and land use in the PORTZ - Port Zone that protects the amenity values of the adjacent commercial, residential and rural areas.

PORTZ – P7

Avoid incompatible activities or developments locating in the Port Zone where these could adversely affect the efficient operation or development of the port or result in reverse sensitivity effects arising.

Port Zone Rules

Permitted Activities

PORTZ - R1
Port and Industrial Activities and Buildings

Activity Status Permitted
Where:

1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
   a. 5m from road boundaries, the rail corridor and any RESZ - Residential Zone or MUZ - Mixed Use Zone boundary; and
   b. 10m from State Highways;
4. All external storage and car parking areas shall be screened by a **minimum** 1.8m **high solid** fence or landscaping so that it is not visible from any adjoining RESZ - Residential Zone boundary or adjoining public place outside of the PORTZ - Port Zone **except that landscaping shall not restrict the visibility of vehicle access**;
5. ~~Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any noise sensitive activity;~~

~~6. Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any noise sensitive activity;~~

~~7.~~**5.** There shall be no offensive or objectionable dust nuisance at or beyond the PORTZ Port Zone boundary as a result of the activity;

~~8. No noxious or offensive odour shall be detected beyond the PORTZ - Port Zone boundary that the activity occurs in;~~

~~9.~~**6.** The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, OSRZ - Open Space and Recreation Zone or MUZ - Mixed Use Zone, shall contain landscaping with a minimum width of 2 metres which includes planting that will, within two years of being planted, reach a height of 1m, except that this does not apply to any emergency services facility or vehicle access to the site;

~~10.~~ **7.** Stormwater run-off associated with any Port, industrial or commercial activity or building, including earthworks, shall be collected and treated prior to discharge ~~to~~

~~ensure there are no significant adverse effects on water quality~~ **in accordance with the relevant standards of NZS4404:2010;**

~~11.~~**8.** No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any ~~site~~ **RESZ – Residential Zone** boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~**.** This standard does not apply to

i. Road boundaries;
ii. Buildings on adjoining sites that have a common wall along the boundary;
iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

9. All buildings are connected to network utility services where they are available for water supply, wastewater and stormwater disposal. Where water supply, wastewater or stormwater services are not available then these systems shall be designed and constructed in accordance with the relevant standards of NZS4404:2010.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple functions such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.
3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**

Activity status where compliance not achieved: Discretionary for standards 1 – ~~10~~**7 and 9**, Restricted Discretionary for standard ~~11~~**8**

PORTZ - R2 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule PORTZ - R1 are complied with except that compliance with standard 3 (setbacks) is not required;~~
2. Masts, poles, aerials and pou whenua must not exceed 7m in height; **and**
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to**.**
4. ~~Any ornamental structure must not exceed 2.4 m in height; and~~
5. ~~Any other structure must not exceed 10m and 2m in height.~~

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted
Where:
1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R4 Commercial Activities

Activity Status Permitted
Where:
1. All performance standards for Rule PORTZ - R1 are complied with; and
2. Any retail activity shall occupy no more than 250m^2 or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved: Controlled

PORTZ - R5 Extension of the Coastal Cycleway

Activity Status Permitted
Where:
1. This is undertaken in accordance with a cycleway extension plan ~~approved~~ **certified** by the relevant District Council as not impeding the function of the Port.

Activity status where compliance not achieved: N/A

Controlled Activities

PORTZ - R6 Ancillary Residential Activities

Activity Status Controlled
Where:
1. One ~~single~~ residential unit per site is provided;
2. The residential activity is ancillary to the port, commercial or industrial activity on the site;
3. ~~The residential activity is located at the rear of the site or above ground level;~~
4. All performance standards for Rule PORTZ-R1 are complied with.

Matters of control are:
a. Residential unit design;
b. Residential unit location; **and**
c. Noise insulation requirements~~.; and~~
~~d. Internal air quality requirements.~~

Advice Note:

~~1.~~ The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 apply as a minimum in this location.

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

PORTZ - R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1

Activity Status Restricted Discretionary
Where:

1. The building **does not comply with a recession plane as defined in Appendix Two to commence 2.5m above any boundary with a RESZ - Residential Zone** ~~projects into the 35 degree recession plane~~**; and**
2. All other performance standards for Rule PORTZ-R1 are complied with; and
3. Rules NOISE - R~~8~~**6** and LIGHT - R2 are complied with.

Discretion is restricted to:

a. Design, height, bulk and location of buildings;
b. ~~Design and location of parking and access;~~ **Whether the activity has a functional or operational need to be located within the recession plane;**
c. ~~Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~
d. ~~Landscape measures~~**Measures to mitigate landscape effects; and**
e. **Effects on Poutini Ngāi Tahu values.**

Activity status where compliance not achieved: Discretionary

PORTZ - R8 Minor Structures not meeting Rule PORTZ - R2

Activity Status Restricted Discretionary
~~**Where:**~~

~~1. Performance standards 1-10 for Rule PORTZ - R1 are complied with.~~

Discretion is restricted to:

a. Design and location of structures; ~~and~~
b. ~~Landscape measures~~**Measures to mitigate landscape effects; and**
c. Effects on Poutini Ngāi Tahu Values.

Activity status where compliance not achieved~~**:** Discretionary~~ **N/A**

PORTZ - R9 Fences, Walls and Retaining Walls not meeting Rule PORTZ - R3

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; ~~and~~
b. ~~Landscape measures~~**Measures to mitigate landscape effects; and**
c. **Effects on Poutini Ngāi Tahu Values.**

Activity status where compliance not achieved: N/A

Discretionary Activity

~~**PORTZ - R10 Minor Structures, Fences and Walls not meeting Permitted, Controlled or Restricted Discretionary Activity Standards**~~

~~**Activity Status Discretionary**~~
~~**Activity status where compliance not achieved:** N/A~~

PORTZ - R1~~1~~0 Port and Industrial Activities and Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

Non-complying Activities

PORTZ - R1~~2~~1 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Stadium Zone Chapter

Stadium Zone - Te Takiwā Hākinakina

Overview

The STADZ - Stadium Zone applies to the two major stadium facilities on the West Coast/Te Tai o Poutini - the Pulse Energy Events Centre in Westport and the Westland Recreation Centre in Greymouth. These two large facilities have multiple uses with a range of activities. Therefore, the flexibility to develop and adapt these facilities is important.

The intention of the STADZ - Stadium Zone is that the stadia will continue to be used for this purpose, together with other complementary activities. It is not anticipated that land use at the sites will change fundamentally.

The stadia and their associated activities have the potential for visual, noise, lighting/glare and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are minimal adverse impacts on the rest of the community. Activities permitted within the STADZ - Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for stadium activities, including:

- **Noise -** The Noise Chapter contains noise provisions for activities in the STADZ - Stadium Zone.
- **Signs** - The Signs Chapter contains the provisions for signs for activities in the STADZ - Stadium Zone.
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the STADZ - Stadium Zone.
- **Natural Hazards** - The Natural Hazards Chapter contains provisions in relation to flood susceptibility which may be relevant in particular to the Pulse Energy Events Centre.

- **Ecosystems and Indigenous Biodiversity - The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Stadium Zone.**

Stadium Zone Objectives

STADZ- O1

To enable efficient and effective operation of the ~~stadia~~ **stadiums** in the STADZ - Stadium Zone

STADZ- O2

Land use development and activities are designed and operated to:

a. Provide a good standard of on-site amenity for visitors; and

b. Maintain and enhance the amenity of surrounding areas as far as is practicable.

Stadium Zone Policies

STADZ – P1

Provide for activities ancillary to the stadium function:

a. Which support the efficient and effective operation of the stadium; and
b. Are not more appropriately located in another zone.

STADZ - P2

Provide for flexibility of use of the ~~stadia~~ **stadiums**, recognising a range of uses are likely to be needed to support financial viability but avoiding residential and industrial activities.

STADZ - P3

Require land use activities and development to be designed and operated to ensure that adverse effects of noise **and light** on the amenity of adjacent residential areas are minimised.

Stadium Zone Rules

Permitted Activities

STADZ - R1 Stadium Activity

Activity Status Permitted

Where:

1. The maximum height above ground level is 15 metres. This height limit does not include: a. Solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter), hydro slides and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m;
2. The maximum building length is 20m where this abuts a RESZ - Residential Zone;
3. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level so that it is not visible from any adjoining residential zone boundary;

4. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be set back:
    a. 3m from any RESZ - Residential Zone or OSZ - Open Space Zone; and
    b. 3m from the road boundary;
5. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary. ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
    i. Road boundaries;
    ii. Buildings on adjoining sites that have a common wall along the boundary;
    iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
    iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically;
    v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R2 Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed $10m^2$ and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R3 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site**; **and**
3. The building shall be located on permanent foundations approved by building consent no later than **two**~~2~~ months of the building being moved to the site.~~; and~~
4. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated building shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Advice Note:

The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary

STADZ - R5 Stadium Activities, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

1. Design, size, height and location of buildings, structures and facilities;
2. Screening, planting and landscape measures;
3. Shading and privacy impacts on neighbouring properties;
4. Any adverse effects on the streetscape;
5. Any adverse effects on the amenity of neighbouring properties;
6. Geotechnical and drainage requirements; and
7. The extent to which the infringement is necessary due to the shape, natural or physical features of the site.

Activity status where compliance not achieved: N/A

Non-complying Activities

STADZ - R6 Residential buildings and activities

Activity Status Non-complying
Activity status where compliance not achieved: N/A

STADZ - R7 Industrial activities

Activity Status Non-complying
Activity status where compliance not achieved: N/A

STADZ - R8 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Scenic Visitor Zone

Scenic Visitor Zone **Overview**
This zone recognises the unique tourism and scenic qualities of the commercial areas of Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships. These three areas sit adjacent to the Tai Poutini/Westland National Park, and Paparoa National Park respectively. They are located in areas of spectacular natural and cultural value, and development needs to respect the qualities of the environment in which they are located. Because of their spectacular locations, these townships are among the most visited in the country, and form key tourism and visitor infrastructure for the West Coast/Te Tai o Poutini. In the case of the glacier towns of Franz Josef/Waiau and Fox Glacier/Weheka, tourism numbers have reached as high as 750,000 per annum (6000 people per day), with 450,000 people per annum visiting Punakaiki. The communities themselves, however, are home to a few hundred people, so the main focus of the commercial areas is supporting visitor activity. Alongside their scenic locations, these three townships are all threatened by significant natural hazards - coastal erosion and rockfall at Punakaiki, **and** flooding and the Alpine Fault at Fox Glacier/Weheka and Franz Josef/Waiau. Climate change may also threaten these natural features~~/~~. As part of the development of these areas over time, Te Tai o Poutini Plan seeks to increase the respective townships resilience to natural hazards. At Franz Josef/Waiau, where the Alpine Fault crosses through the centre of the township, and the Waiho River also poses a significant threat, development away from the faultline and river is supported by the Plan. This includes through changes in zoning provisions, as well as the natural hazards provisions in the Natural Hazards **C**~~c~~hapter. **Other relevant Te Tai o Poutini Plan provisions** It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-**W**~~w~~ide Matters chapters also contain provisions that may be relevant for activities in the SVZ - **Scenic**~~pecial~~ Visitor Zone, including: a. ~~Overlay Chapters - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~ • **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Scenic Visitor Zone.**

Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Scenic Visitor Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**

- **Natural Character and Margins of Waterbodies - in some locations areas of Scenic Visitor Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**

- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Scenic Visitor Zone. These are in addition to the specific provisions in Rules SVZ – R1 and SVZ – R5 in relation to vegetation clearance in the Punakaiki Scenic Visitor Zone.**

- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.**

- **Subdivision** - The Subdivision chapter sets out the requirements for subdivision activities in the SVZ - Scenic Visitor Zone.

- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Scenic Visitor Zone Objectives

SVZ - O1

To provide for community and visitor needs in the Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships in a way that delivers protection of the unique values **(including Poutini Ngāi Tahu values)** that attracts visitors and benefits the local and regional economies and communities.

SVZ - O2

To support the expansion of the Fox Glacier/Weheka and Franz Josef/Waiau townships into areas of lower risk from natural hazards and to reduce the risk where existing development is located in high-risk natural hazard locations.

Scenic Visitor Zone Policies

SVZ - P1

Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships that:

a. Supports the long-term viability of the commercial areas and the communities that support them;

b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located; and

c. Avoids locating further development in areas at greatest risk from significant natural hazards.

SVZ - P2

Provide for new commercial development areas beyond the current Fox Glacier/Weheka and Franz Josef/Waiau centres where these are at lower risk from natural hazards and avoid areas of high hazard risk.

SVZ - P3

Recognise the significance of the three townships to the wider visitor economy of the West Coast/Te Tai o Poutini and enable the further development of these areas as world class visitor destinations.

SVZ - P4

Support the development of appropriate tourism and visitor businesses such as **visitor** accommodation, visitor attractions, **worker accommodation** and tourism support facilities that relate to the scenic **and built** environment in which they are located.

SVZ – P5

Within the SVZ - Scenic Visitor Zone ensure:

a. Sufficient sewerage, stormwater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure is provided as part of new development;
b. Where new wastewater disposal infrastructure is developed, this takes a land-based disposal approach, recognising the importance of natural environment and Poutini Ngāi Tahu values in these locations; and
c. Industrial activities are avoided.

SVZ - P6

Require high quality design outcomes within the SVZ - Scenic Visitor Zone that:

a. Recognise and respond to the natural character and scenic landscape values of the area;
b. Have appropriate controls on design and height to protect the landscape, **existing built environment** and natural character values;
c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiau;
d. Recognise and provide for Poutini Ngāi Tahu ~~cultural~~ values; and
e. Avoid the significant risks of natural hazards.

Scenic Visitor Zone Rules

Permitted Activities

SVZ - R1 Commercial, Visitor and Worker Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted
Where:

1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary;
2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space;
3. Any residential activity must provide a minimum of 50m2 outdoor living space for each residential unit which is separate from any parking and manoeuvring areas;
4. In the Punakaiki SVZ - Scenic Visitor Zone:
   a. A maximum of 50m^2 indigenous vegetation clearance occurs as part of the activity;
   b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
   c. Maximum site coverage is 60%;
   d. Residential activities are ancillary to a Commercial or Community activity;
5. Maximum building height is:
   a. 7m in the Punakaiki SVZ - Scenic Visitor Zone; and
   b. 10m in the Franz Josef/Waiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone except that hose drying towers associated with Emergency Service Facilities are exempt from this standard;
6. In the Franz Josef/Waiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone:
   a. Building roof pitch is between 8-35 degrees;
   b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
   c. Buildings are clad in wood, plaster stone and/or profile metal sidings;
   d. Accessory buildings are in the style, appearance and materials of the principal building;
   e. Residential unit density is a minimum of 1 unit per 200m2 net site area;
   f. Maximum building coverage is:
      i. 80%; except
      ii. 100% for sites in the Franz Josef/Waiau Main Street Frontage area;
   g. Except in the Franz Josef/Waiau Main Street Frontage area, a minimum 10% of the indigenous vegetation is retained on any site;
7. All buildings in the Franz Josef/Waiau Main Street Frontage area:
   a. Are located on the front boundary of the site with no setback from the street boundary except that a recess of up to 0.5m within the facade of the building is permitted;
   b. Have a cantilevered continuous verandah to cover the full width of the footpath;
   c. Have 50% of the ground floor facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage; and
   d. Have one public entrance with glazing comprising at least 40% of the doors; **and**
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:
   a. Road boundaries;
   b. Buildings on adjoining sites that have a common wall along the boundary;
   c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

1. Much of Franz Josef/Waiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**
3. Where a residential building, visitor accommodation or a noise sensitive activity is located within:
   a. 80m of a State Highway with a speed limit of 70kph or greater; or
   b. 40m of a State Highway with a speed limit of less than 70kph; or
   c. The 50 dBA Noise Contour boundary of Franz Josef Heliport.

   Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.
4. **The provisions of this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.**

Activity status where compliance not achieved:
Restricted Discretionary where standard **2,** 3, ~~or~~ 4 **or 8** is not complied with
Discretionary where standards 1 ~~–2~~ and 5 - ~~9~~**7** are not complied with

SVZ - R2 Minor Structures

Activity Status Permitted
Where:

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1m in diameter;
3. Any ornamental structure must not exceed 2.4m in height; and
4. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Discretionary

SVZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted
Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.

Activity status where compliance not achieved: Discretionary

SVZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SVZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built **and**~~to be~~ used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**
4. The building shall be located on permanent foundations approved by building consent no later than **two**~~2~~ months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations~~.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

SVZ - R5 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary
Where:

1. This is in the Punakaiki SVZ - Scenic Visitor Zone; and
2. Indigenous vegetation clearance is proposed as part of the activity; and
3. All other performance standards for Rule SVZ - R1 are complied with.

Discretion is restricted to:

a. Design, height, bulk and location of buildings and structures;
b. Carparking, vehicle and pedestrian access;
c. Extent of indigenous vegetation clearance;
d. Effects on Poutini Ngāi Tahu ~~Cultural~~ values;
e. Effects on natural character and landscape values; and
f. Effects on biodiversity and wildlife values.

Activity status where compliance not achieved: Discretionary

Advice Note: The provisions in this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.

Discretionary Activities

SVZ - R6 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SVZ - R7 Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

SVZ - R8 Industrial Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

SVZ - R9 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Natural Open Space Zone Chapter

NOSZ – PREC1 - Franz Josef Amenities Area Precinct Policy

Within the Franz Josef Amenities Area Precinct, provide for the development and operation of an aerial cableway/gondola facility provided that:

a. The adverse effects on the natural environment and Poutini Ngāi Tahu values are avoided, remedied or mitigated;

b. The facilities are designed and constructed to minimise the risk of exacerbating natural hazard risk;

c. Any restrictions on public access to the Franz Josef Valley are of a limited or temporary nature during the construction period;

d. Operation of the facility is undertaken in accordance with a management plan which addresses how visitors will be managed to minimise adverse effects on the significant and outstanding values of the Franz Josef Valley including any adverse effects on the alpine environment.

NOSZ – R14 Construction, Operation, Removal and Post Closure Remediation of an Aerial Cableway and associated ancillary buildings and ancillary activities within the Franz Josef Amenities Area Precinct.

Activity Status: Discretionary

Advice Note: When assessing any resource consent within the Franz Josef Amenities Area Precinct, assessment should be undertaken against all relevant OSRZ Policies including OSRZ – P1 – OSRZ – P10.

Subdivision Chapter

SUB - R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with; **except that**
2. **Compliance with SUB -S1 is not required when the subdivision is in accordance with any structure plan that has been adopted by the relevant district council for the Future Urban Zone area.**

Discretion is restricted to:

a. The size, design, shape, location and layout of allotments;
b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5
c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;
d. The provision of infrastructure and services for **transport** drinking water, wastewater and stormwater, telecommunications and energy;
e. The adequacy of water supply for firefighting;
f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
g. Effects on Poutini Ngāi Tahu values, **indigenous biodiversity, historic heritage identified in Schedule One, natural character of waterbodies** or notable trees **identified in Schedule Two** within or adjacent to the site;
h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; ~~and~~
j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities, **regionally significant infrastructure** or significant hazardous facilities;
k. **Management of adverse effects on existing infrastructure;**
l. **Management of natural hazards and any geotechnical constraints; and**
m. **The extent to which area - wide land stability measures are undertaken on potentially unstable slopes prior to development.**

Appendices

Appendix Nine: Airport Approach Path Overlay

Westport Airport**, Haast Airfield** and Karamea Aerodrome

Height Restrictions – 1.2m height for any building, structure or tree that extends into the Westport Airport**, Haast Airfield,** or Karamea Aerodrome Flight Path as shown on the planning maps.

Appendix Twelve Structure Plan Requirements

In order to meet the requirements of Rule FUZ – R10, the Structure Plan must be prepared using the following process:

Process

1. SCOPING AND PROJECT PLANNING

The scoping and project planning phase of structure planning shall include the following considerations:

q. **Defining the area of the structure plan**
r. **An initial review of existing information on the area**
s. **Constraints identification and analysis**
t. **The overall outcomes desired of the structure plan:**
u. **Development and implementation timeframes including infrastructure sequencing**
v. **Identification of key stakeholders**
w. **The resources required for the structure planning process and implementation:**
x. **Risk assessment**

2. COMMUNITY AND STAKEHOLDER CONSULTATION

Consultation will be undertaken with the following stakeholders as a minimum

a. stormwater, wastewater and roading engineer at the relevant district council
b. parks, and community facilities staff at the relevant district council
c. those who will be responsible for budgeting and finance in the planning and implementation phases of the structure plan
d. landowners and occupiers of the area affected by the structure plan;
e. landowners adjoining the area being structure planned
f. the New Zealand Transport Agency
g. public agencies responsible for social/community infrastructure (Ministry of Education, Ministry of Health and other health service providers etc.)
h. Network utility providers

A well-defined consultation process similar to Schedule 1 of the RMA and section 82 of the LGA should be followed for the structure plan, so that the plan can be given some weight in any subsequent RMA consent processes. A structured submission and hearing processes is required for the draft structure plan, prior to its adoption.

3. ENGAGEMENT WITH POUTINI NGĀI TAHU

Poutini Ngāi Tahu should be engaged with at the commencement of the structure planning process to gauge their level of interest and role that they wish to play in the process. Depending on the nature of the structure plan, Poutini Ngāī Tahu involvement could include:

a. representation on a steering group that will guide the structure plan process
b. preparation of a cultural impact assessment or other reports and analysis documents
c. examining ways to facilitate Māori development opportunities, including development of Māori land
d. projects involving the identification of places and areas of significance
e. being consulted, receiving regular updates or being kept informed.

4. RESEARCH AND INFORMATION ANALYSIS

The research and analysis phase is a core component of the structure plan process. This research and analysis should build on the work carried out in the scoping phase and may run

parallel to consultation, with each helping inform the other. Research and analysis should therefore be ongoing and detailed information obtained during this phase can be used to refine the final design.

Research and analysis should include a review of all available relevant existing information on the area being structure planned. Further research and investigation may need to be undertaken where critical information gaps are identified. Depending on the issues identified, the outcomes desired and the information already available, research and investigation may need to be carried out into:

a. **Existing and desired urban form:**
b. **Natural resources and environmental constraints:**
c. **Open space and recreational opportunities:**
d. **Landscape and visual amenity:**
e. **Natural hazards and land suitability:**
f. **Māori culture and heritage:**
g. **Infrastructure (roading and transport, stormwater management, energy supply, telecommunications, roading and transport):**

5. URBAN DESIGN REQUIREMENTS

Structure plans can play an important part in achieving good urban design and promoting quality outcomes. As a starting point for promoting good urban design the New Zealand Urban Design Protocol identifies seven essential design qualities that should also act as guiding considerations in the structure planning process. These are referred to as the seven Cs: Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.

6. GENERATION AND EVALUATION OF ALTERNATIVES

The alternatives need not be developed to a highly detailed level, and could take the form of concept drawings or sketches (and an accompanying statement or explanation) until such time as they are either discarded or selected for further work or refinement.

7. FINALISING THE STRUCTURE PLAN

A formal consultation and adoption process is required with the opportunity for written submissions and a hearing of these by decision makers. This could be integrated with consultation processes under the LGA for the LTP or annual plan which may be beneficial to provide efficiencies and alignment given the direct relationship between these plans, especially in relation to infrastructure provision.

Planning Maps

Amendment to the Planning Maps – Westport Flight Path Overlay



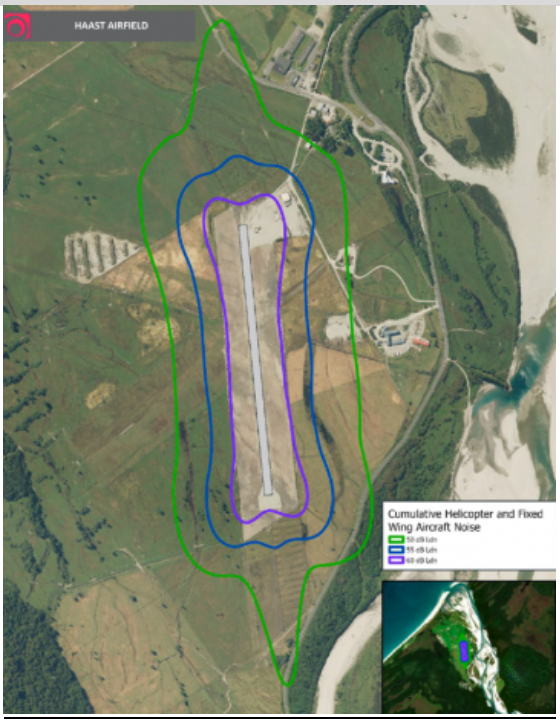
Amendment to the Planning Maps – Haast Airfield Flight Path Overlay

- **Include Airport Flight Path Overlay for Haast Airfield into the Planning Maps**

Rezone Haast Airfield to Airport Zone



Haast Airfield – Insert 55dB Ldn Noise Contour Boundary



Hospital Zone Planning Map

The Ngākawau Medical Centre property at 1B Main Road, Hector is changed from Settlement Zone to Hospital Zone as shown in the map below:



MĀORI PURPOSE ZONE

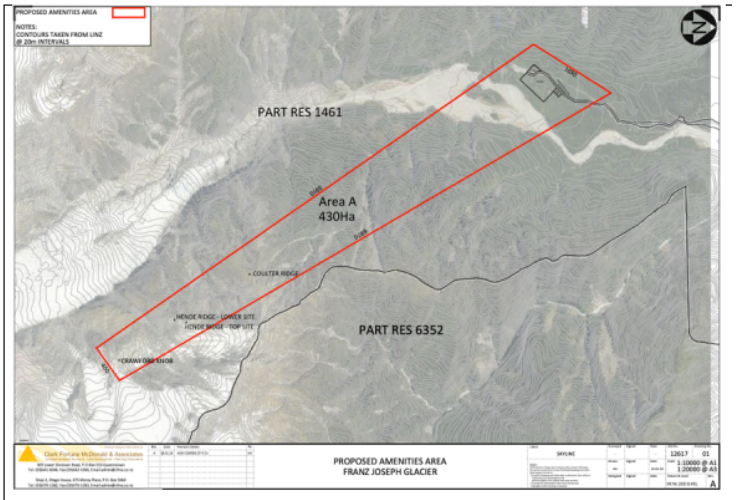
Rezoning

The land known as **Lake Moeraki Reserve (Lot 1 Deposited Plan 3772), SASM 185 within this plan, is to be rezoned from General Rural Zone to Māori Purpose Zone**. This land is shown on the map below:



Rezoning Franz Josef Amenities Area

Rezone part of the Franz Josef Glacier Valley as Natural Open Space Zone: Franz Josef Amenities Area Precinct as shown on the map below:



Area in Red to be Rezoned Natural Open Space Zone : Franz Josef Amenities Area Precinct

Rezone 29-31 Cron Street Scenic Visitor Zone

29-31 Cron Street – West Coast Wildlife Centre Aerial Photo



29-31 Cron Street – West Coast Wildlife Centre Current Zoning



Rezone 2902 Franz Josef Highway Scenic Visitor Zone

2902 Franz Josef Highway



TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Subdivision - Te Wawaetanga

Financial Contributions - Ngā Rourou Pūtea

Public Access - Te Āheinga Tūmatanui

Hearing Dates: 16 and 17 April 2024

HEARING PANEL

Dean Chrystal (Chair)

Sharon McGarry

Anton Becker

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in General Matters and Introduction Recommendation Report.

2. This Recommendation Report relates to three chapters from two separate sections of the pTTPP. The first two are the Subdivisions (**S**UB) - Te Wawaetanga and Financial Contributions (**FC**) - Ngā Rourou Pūtea Chapters which are contained in the Subdivision Section. The second is the Public Access (**PA**)- Te Āheinga Tūmatanui Chapter which is contained in the Natural Environment Values – Ngā Uara Taiao Aotūroa section. The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections of Part 2 of the Plan.

3. The Subdivision and Financial Contributions Section 32 Report[1] provides separate evaluation of the options for the management of both Subdivision and Financial Contributions through the Plan, including the regulatory framework key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options.

4. The Section 32 Report[2] on Public Access provided an evaluation of the options for the management of access to, and alongside waterbodies and the coastal marine area through the Plan, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The Report notes that the role that the pTTPP has under s31 of the RMA in terms of public access is relatively restricted. The adopted option is for a sole objective that provides the policy direction for other chapters of the pTTPP to maintain and enhance public access. There are no policies or rules in the proposed Public Access Chapter.

5. The Section 42A Officer's Report[3] ('s42A Report'), authored by Ms Briar Belgrave and Ms Ruth Evans, planners with Barker & Associates acting as the Reporting Officers, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2). The s42A Report included a Memorandum from Mr Mat Collins, Associate Transportation Engineer at Abley's (dated 7 February 2024), which addressed submissions received on Rule FC-R4 Full Cost Financial Contribution for Roads.

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Six Subdivision - Te Wawaetanga Financial Contributions - Ngā Rourou Pūtea
[2] Te Tai o Poutini Plan – Section 32 Evaluation Report Ten Open Space and Recreation Zones Ngā Mokowā Pōaha me ngā Takiwā Hākinakina and Public Access Te Āheinga Tūmatanui
[3] Subdivision, Financial Contributions and Public Access

6. Ms Evans subsequently provided an Addendum s42A Report[4] which responded to key matters raised by submitters in evidence filed before the hearing. She also included a revised Appendix 1 and Appendix 2.

7. The s42A Report assessed a total of 933 submissions points and 17 further submissions points across the three chapters (SUB, FC and PA). It was divided into three parts based on the three chapters and provided summaries of the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the Plan provisions (see Appendix 1 of s42A Report).

8. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the three chapters:

   a) General;

   b) Overview;

   c) Objectives;

   d) Policies; (excluding PA);

   e) Rules (excluding PA); and

   f) Standards (Sub only).

9. A s32AA Evaluation for the changes in each chapter was provided at the end of the s42A Report.

10. This Recommendation Report follows this same structure of the s42A Report for each chapter and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report and addendum analysis and recommendations, submitter evidence and statements and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

11. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.

12. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence or a specific reasoning by the Panel.

13. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

[4] Addendum to Section 42A Report on Subdivision, Financial Contributions and Public Access

(a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum to retain the provision as notified; or

(b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or

(c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.

14. Where there is a recommended change to a notified provision of the TTPP, it is because:

(a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

(b) The Panel adopted the reasoning and recommendation of the s42A Report or Addendum to change the provision to that recommended in the original s42A Report; or

(c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

15. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

16. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

17. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation, if required, pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

18. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

19. Throughout this Report, the following abbreviations will be used:

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
Fish & Game	West Coast Fish and Game Council
GDC	Grey District Council
Hort NZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone
MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
NOSZ	Natural Open Space Zone
NPSHPL	National Policy Statement for Highly Productive Land
NPSIB	National Policy Statement for Indigenous Biodiversity
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
WCRPS	West Coast Regional Policy Statement
RLZ	Rural Lifestyle Zone
SASM	Sites and Areas of Significance to Māori
SNA	Significant Natural Area
Te Mana Ora	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora
Transpower	Transpower New Zealand Limited
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi

1.3. Hearing Arrangements

20. The hearing was held at the West Coast Regional Council Building on the 16 and 17 of April 2024. Some submitters appeared remotely by internet connection.

21. At the hearing, Ms Evans tabled a Planning Summary Statement to her s42A Report and Addendum Report.

1.4. Appearances

22. The following submitters appeared at the hearing:

Ms Frida Inta for herself and on behalf of the Buller Conservation Group

West Coast Fish & Game Council
- Mr Dean van Mierlo, Counsel
- Mr Dean Kelly, Manager

Spark Trading NZ Ltd, Chorus NZ Ltd, One NZ Group Ltd & Forty South
- Mr Graeme McCarrison, Engagement & Planning Manager
- Mr Colin Clune, Resource Management Planning Advisor and
- Mr Andrew Kantor, Environmental Planning and Engagement Manager

Westpower Limited
- Mr Roger Griffiths, General Manager, Generation and Technology with Westpower
- Mr Martin Kennedy, Planner

Davis Ogilvie & Partners, Ball Developments and Chris J Coll Surveying
- Mr Geoff Ball
- Ms Pauline Hadfield, Planner

Mr Martin Kennedy for himself

Herenga ā Nuku Aotearoa, the Outdoor Access Commission - Ms Inger Perkins

Mr Frank O'Toole - (Jennian Homes franchise owner) and Ms Anna Bensemann, Planner

Federated Farmers West Coast
- Mr James Sutherland
- Mr Bede O'Connor

Director General of Conservation – Ms Amy Young, Planner

Manawa Energy Limited – Ms Stephanie Styles, Planner

1.5. Overview of submitter evidence received

23. For those appearing at the hearing legal submissions were received from Mr Dean van Mierlo for Fish & Game (dated 2 April 2024).

24. For those appearing at the hearing the following evidence and/or statements were received:

(a) Ms Anna Bensemann, planner for Mr O'Toole a franchise owner for the West Coast Jeninan Homes (dated 15 March 2024);

(b) Mr Martin Kennedy, planner for Westpower Limited (dated 16 April 2024);

(c) Mr Dean Kelly, Manager on behalf of Fish & Game (dated 14 March 2024);

(d) Ms Amy Young on behalf of the Director General of Conservation (dated 15 March 2024);

(e) Mr Graeme McCarrison, Engagement & Planning Manager, Mr Colin Clune, Resource Management Planning Advisor and Mr Andrew Kantor, Environmental Planning and Engagement Manager on behalf of Spark Trading NZ Ltd, Chorus NZ Ltd, One NZ Group Ltd & Forty South (dated 15 March 2024);

(f) Ms Frida Inta on behalf of Buller Conservation Group and herself (dated 14 April 2024);

(g) Ms Inger Perkins Regional Field Advisor, on behalf of Herenga ā Nuku Aotearoa, the Outdoor Access Commission (dated 17 April 2024);

(h) Mr James Sutherland and Mr Bede O'Connor, on behalf of Federated Farmers for the West Coast (dated 15 March 2024); and

(i) Ms Pauline Hadfield on behalf of Davis Ogilvie & Partners, Ball Developments and Chris J Coll Surveying (dated 15 March 2024).

25. The following evidence/statements were tabled without hearing appearances:

(a) Statement of evidence by Ms Pauline Whitney, planner for Transpower New Zealand Limited (date 14 March 2024), followed by an Addendum (dated 12 April 2024);

(b) Manawa Energy filed a statement of planning evidence by Ms Stephanie Styles (date 13 March 2024);

(c) Silver Fern Farms Limited advised[5] that it accepted the s42A recommendations of the Reporting Planner on its submissions and that it would not be filing evidence or appearing at the hearing in relation to this hearing topic;

(d) Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Ngāi Tahu') - Ms Philippa Lynch, General Manager for Poutini Environmental;

(e) KiwiRail letter from Ms Michelle Grinlinton-Hancock (dated 15 March 2024); and

(f) Ministry of Education letter from Mr Daly Williams, planning consultant (dated 28 March 2024).

1.6. Overview of information exchanged following the hearing

26. Following the hearing the Panel issued Minute 23 seeking:

[5] Letter from Steve Tuck, Consultant Planner dated 6 March 2024

(a) Clarification from Ms Young regarding her position in terms of the activity status sought by the Director General for Rule SUB-R11 and Public Access chapter and the relief being sought; and

(b) Clarification from Ms Aitken representing Poutini Ngāi Tahu as to the wording amendments requested to meet the relief sought to exclude seven listed SASM sites. We indicated it would be helpful if this could be provided within the context of the recommended wording of the rule.

27. The subsequent information was received as follows:

(a) A response from Mr Matt Pemberton on behalf of the Director General indicating that the amended restricted discretionary SUB-R11 rule as recommended by the s42A Report writer was preferred and confirming that the Director General's submission (S602.099) on the Public Access Chapter had been withdrawn.

(b) A response from Ms Aitken on behalf of Poutini Ngāi Tahu providing wording in relation to SUB-R5 and noting that SASM 59 and SASM 62 are partially within the Rural Zone and therefore subject to SUB-R6 meaning that there may be situations where engagement with Poutini Ngāi Tahu experts will be required for subdivision on those sites.

28. Reference to Health and Safety advice for farmers was provided by Ms Perkins post the hearing on the 17 April 2024.

29. Ms Evans provided a written Right of Reply (dated 26 July 2024) that included an updated Appendix 1 showing tracked changes to the notified provisions.

1.7. Procedural Steps and Issues

30. No procedural matters were raised at the hearing.

1.8. Site Visits

31. No specific site visits relating to these chapters were undertaken.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

32. Subdivisions (**SUB**) and Financial Contributions (**FC**) Chapters are contained in the Subdivision Section of Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. The Public Access Chapter is also located in the District-Wide Matters Section under Natural Environment Values Section.

33. The Section 32 Report outlined the relevant statutory considerations applicable to Subdivision, Financial Contributions and Public Access and the relationships between the sections of the RMA and higher order documents. These are summarised below.

34. The section 42A Report highlighted the relevant section 6, 7 and 8 matters of the RMA at paragraphs 36-39. The matters under sections 6 and 7 are particularly relevant when considering the subdivision of land to facilitate use and development, which create environmental effects under the SUB chapter, the provision of financial contributions to offset

or compensate environmental effects, and the provision of public access to and along the coast, lakes and rivers.

35. RMA section 8 requires the Councils to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). As noted in the section 42A Report, the section 8 principle of most relevance to these topics is the duty to make informed decisions through consultation. The Panel understands that Poutini Ngāi Tahu though the Rūnanga kaiwhakahaere have been involved in the governance and development of pTTPP and their planners have collaborated in the development of provisions. Alongside this, Poutini Ngāi Tahu been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

36. The NZCPS seeks to protect and enhance the coastal environment, including safeguarding the integrity, form, functioning and resilience of the coastal environment, preserving the natural character and protecting natural features and landscapes values of the coastal environment, to maintain and enhance public open space qualities and recreation opportunities of the coastal environment, and managing coastal hazard risks. Objectives 3 and 6 and Policies 4, 7, 13, 15, 17, 19, 22 and 25 are of particular relevance to subdivision, addressing the coastal hazard risk, and areas where subdivision would be inappropriate while enable subdivision in appropriate locations. Policies 18 and 19 are relevant to the public access and seeks to recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation.

37. The NPS-HPL seeks to protect and ensure the availability of New Zealand's high-class soils for primary production now and for future generations. The NPS-HPL provides a stringent protection regime and seeks to direct new housing development away from highly productive land where possible and prevent inappropriate subdivision, use and development occur on our highest-class soils. The NPS-HPL is of particular relevance to subdivision within the Rural Zones.

38. The NPS-IB provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPS-IB sets out the effects management hierarchy and is of relevance to the consideration of offset and compensation of adverse residual effects on indigenous biodiversity, which is provided for under the SUB and FC chapters.

39. The WCRPS contains various provisions both to enable, and address the effects of, subdivision throughout its chapters for which the pTTPP must give effect to. The WCRPS also contains a specific provision on public access within the Resilient and Sustainable Communities Chapter (Policy 4) which is aimed at maintaining and enhancing public access to and along the coastal marine area.

40. The Panel acknowledges that there are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan, which must be taken into account when considering the pTTPP provisions, along with the Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol Mana Whakahono ā Rohe 2020 agreement between Poutini Ngāi Tahu and Westland Regional Council (Schedule 1, section 1A of the RMA). We note that Section 8 of the Mana Whakahono ā Rohe specifies the process to be followed when developing planning instruments and understand this has been implemented in preparing the pTTPP.

41. The National Planning Standards require (Clause 22) that if provisions to maintain and enhance public access to and along the coastal marine area, lakes, and rivers are addressed they must be located in a Public Access Chapter under the Natural Environment Values heading. Clause 24 requires that subdivision provisions must be located in one or more chapters under the subdivision heading, and the chapter must include cross references to any relevant provisions under the Energy, Infrastructure and Transport heading. The Panel is satisfied the Plan structure is consistent with these national directions.

42. Clause 10 of the First Schedule of the RMA states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

43. Section 32AA of the RMA requires a further evaluation to be undertaken if any amendment have been made to the Plan since the original s32 evaluation report was completed. It requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. The s42A Report has not evaluated minor changes to correct errors or improve the readability of Plan. The Panel agrees that such minor amendments are efficient and effective in improving the administration of pTTPP provisions, being primarily matters of clarification rather than substance. The s42A Report did undertook a section 32AA evaluation of the specific amendments to some of the SUB and FC provisions where the amendments were more substantial.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. SUBDIVISION

2.1. SUB General/Whole Chapter

Submissions and Further Submissions

44. Thirteen submissions points and two further submission points relating to general matters or the whole SUB Chapter were summarised in a Table on pages 16-17 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

45. In addition to these specific submission and further submission points, the Panel has considered the implications of making Plan-wide changes for consistency to replace the use of '*critical infrastructure*' with '*regionally significant infrastructure*' within the context of the SUB Chapter.

Section 42A Report

46. Ms Belgrave and Ms Evans (the Reporting Officers) acknowledged the general support from several submitters to either retain the SUB Chapter as notified or not to seek any specific relief. The acknowledgement was subject to recommended amendments that arose from other submissions in subsequent sections.

47. Four submission points sought to amend the definition of '*boundary adjustment*'. The Reporting Officers did not support the change given the definition was taken from the Planning Standards.

48. One submitter sought to enable the development of tiny houses. The Reporting Officers did not consider any specific relief was necessary as the land use activity is regulated by the underlying zone provisions.

49. Forest and Bird sought amendments to ensure that waterbodies and their margins were protected during the subdivision process and that NC-O1 and NC-P1 were met. The Reporting Officers recommend amendments to address this.

50. The relief sought by Transpower for the inclusion of a new rule where subdivision within the National Grid Subdivision Corridor would be a non-complying activity was not initially supported by the Reporting Officers because they considered that the relief was provide by SUB-R8. However, this position was revised in the s42A Addendum report prepared by Ms Evans.

Hearing and Submitter Evidence/Statements

51. Ms Hadfield for Davis Ogilvie & Partners *et. al.*[6]agreed with the Reporting Officers that the definition of boundary adjustment must be consistent with the Planning Standards.

52. Ms Whitney's evidence for Transpower reiterated the relief sought in the submission to amend terminology to the '*National Grid Subdivision Corridor'* rather than the undefined term in the Plan '*Electricity Transmission and Distribution Yard*'.

Reporting Officer Reply Evidence

53. Ms Evans supported amending '*critical infrastructure*' to '*regionally significant infrastructure*' on the basis the new term is consistent with the WCRPS. She acknowledged this matter related to other topic hearings and that any decision in terms of the General District Wide Matters provisions would need to align with the decisions made on other topics.

Hearing Panel's Evaluation

54. The Hearing Panel accepts that no amendments to the Plan are necessary in relation to the submissions on the general matters or the whole Chapter, noting that Transpower's on SUB-R8 is dealt with later in the recommendations.

Hearing Panel's Recommendation

55. No changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or the whole SUB Chapter.

56. The Panel notes, however, that as set out in the Energy, Infrastructure and Transport Recommendation Report the definition of '*critical infrastructure*' has been recommended to be replaced with '*Regionally Significant Instructure*', which effectively mirrors the WCRPS with minor changes. All recommendations in this Report adopt the recommendations on this issue set out in the Energy, Infrastructure and Transport Recommendation Report.

2.2. Subdivision Overview

[6] Davis Ogilvie & Partners Limited, Ball Developments Limited, and Chris J Coll Surveying Limited

Submissions and Further Submissions

57. Four submissions points relating to the Overview were summarised in a Table on page 18 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered the relevant submissions.

58. All submission points sought amendments to include additional wording and cross-referencing in the Overview.

Section 42A Report

59. The Reporting Officers considered the requested additional wording and cross-referencing in the text of the SUB Chapter Overview and did not consider the changes were necessary. Their recommendation was to retain the text as notified, provided that the recommended amendments to SUB-S2 were made to include an appropriate link to the NC Chapter rules.

Hearing and Submitter Evidence/Statements

60. Mr Kennedy's evidence for Westpower Limited reiterated the submission point to seek the following inclusion of additional wording into the first paragraph of the Overview:

    - *Subdivision is the process of ... but it also impacts on adjacent sites and the future use of land, **including energy activities and infrastructure and the provision of services.** Subdivision affects the natural ...*

61. Forest & Bird sought the inclusion of cross-references to the relevant Overlay Chapters of the Plan. They also sought amendments to avoid effects on waterbodies and their margins.

Reporting Officer Reply Evidence

62. Ms Evans recommended a minor amendment to the text of the Overview to include a reference to the provision of infrastructure services.

63. Minor amendments were also recommended to how the various overlays were referred to align with RMA terminology. Furthermore, additional wording was recommended to recognise that some features, sites and areas may not be identified by the pTTPP, but rather through a resource consent process.

64. Ms Evans recommended that the word '*significant*' be removed from the third paragraph of the Overview in relation to natural hazards. Additional text was also recommended to reiterate that the subdivision provisions were to be read in conjunction with other district-wide provisions.

Hearing Panel's Evaluation

65. The Panel agrees that the additional wording to the Overview proposed by Westpower is unnecessary and see no reason to specifically single out energy activities and infrastructure. However, we accept that including reference to the provision of infrastructure services is appropriate given that this is provided for in the chapter provisions. We consider this will go some way towards addressing Westpower's concerns.

66. The Panel also agrees with the various minor amendments recommended by Ms Evans to provide for cross-referencing and better alignment with RMA terminology and the wording of objectives, policies and rules in the Subdivision Chapter, along with the removal of the word '*significant*' in relation to natural hazards. We consider these amendments address the submission points raised by Forest and Bird.

Hearing Panel's Recommendation

67. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that relevant submissions identified in the footnotes below are accepted or accepted in part, and that changes are made to the **Subdivision Overview** as follows:

Overview

Subdivision is the process of dividing an allotment of land or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but it also impacts on adjacent sites and the future use of land. Subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed. **Subdivision should include the provision of infrastructure services**.[7] Subdivision should also provide for good connectivity and integration which incorporates multi-modal transport opportunities.

Subdivision will be assessed against Te Tai o Poutini Plan objectives, policies, rules and standards and any relevant development plans.

Additional provisions apply for ~~S~~**s**ubdivision of land that contains an ~~identified~~ **outstanding natural** feature, **an outstanding natural landscape, an area of significant indigenous biodiversity, a** site or area of **historic heritage, an area of high** natural **character, a site or area of significance to Māori**, ~~cultural, historical or ecological significance~~, or where there are ~~significant~~ natural hazards will be subject to additional provisions - and assessment against the objectives and policies in the relevant Overlay chapter concerning the feature, site or area. Subdivision applications involving **these** ~~identified~~ features, sites or areas may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature, site or area. **These sites, areas and features include those identified in schedules and overlays, and may also include those identified through other methods, for example the resource consent process.**[8]

The provisions in this chapter should be read in conjunction with district-wide provisions, including hazards and risks and natural environment values.[9]

Māori land is exempt from the subdivision provisions of the Act. It is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.

2.3. Subdivision Objectives

Submissions and Further Submissions

[7] Westpower Limited S547.342
[8] Royal Forest and Bird Protection Society of New Zealand Inc S560.264
[9] Royal Forest and Bird Protection Society of New Zealand Inc S560.521

68. Four submissions points and one further submission point relating to the Subdivision objectives (as a whole) were summarised in a Table on page 19 of the s42A Report. Three submission points sought to retain the six objectives as notified.[10] The fourth submission by Forest & Bird sought amendments to ensure the protection of wetlands. The further submission was received on this point, and it sought to disallow the amendments sought.

69. Eight submission points relating to **SUB-O1** were summarised in a Table on page 20 of the s42A Report. Six submissions supported the retention of the objective as notified and two sought amendments.

70. Seventeen submission points and four further submission points relating to **SUB-O2** were summarised in a Table on pages 21-23 of the s42A Report. Eight submissions supported the retention of the objective as notified and nine sought amendments. The Panel notes that submissions by Frank and Jo Dooley (S478.028), Frank O'Toole (S595.016) and Toka Tū Ake (EQC) (S612.086) on clause (f) have primarily been addressed in the Natural Hazards Chapter Recommendation Report.

71. Thirteen submission points and one further submission point relating to **SUB-O3** were summarised in a Table on pages 24-25 of the s42A Report. Seven submissions supported the retention of the objective as notified and six sought amendments.

72. One submission point supporting **SUB-O4** was received, and it was summarised in a Table on page 27 of the s42A Report. The Panel also notes that Frida Inta and the Buller Conservation Group sought to add '*protects valuable horticulture land from urban sprawl*' into SUB-O4.

73. Nine submission points relating to **SUB-O5** were summarised in a Table on pages 27-28 of the s42A Report. Three submissions supported the retention of the objective as notified and six sought amendments.

74. Seven submission points were received relating to **SUB-O6** and they were summarised in a Table on pages 28-29 of the s42A Report. Five submissions supported the retention of the objective as notified and two sought amendments.

75. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Objectives (General)

76. In relation to the objectives (as a group), the Reporting Officers acknowledged the support from the submitters that sought to retain the objectives as notified. The acknowledgement was subject to recommended amendments that arose from other submissions on specific objectives.

77. With respect to the Forest & Bird submission, the s42A report recommended amendment to SUB-S2 to refer to 'District-wide' to address the concerns. Subject to these amendments, the

[10] The Hearing Panel notes that the submission S442.068 by KiwiRail refers to SUB-O7(c). However, this appears to be an error as there is no SUB-O7. We assume the submission seeks to support SUB-P7(c).

Reporting Officers made no recommended changes to the objectives based on these submissions.

SUB - O1

78. The Reporting Officers acknowledged the support from the six submitters that seek to retain the objective as notified.

79. The Reporting Officers did not support the additional wording to SUB-O1 requested by Silver Fern Farms because they considered that the reverse sensitivity concerns were more appropriately addressed through zoning and zone provisions. Similarly, they did not support the amendment requested by David Ellerm because they considered the reference to the *'zone'* was more specific than the '*environment*'.

80. The Reporting Officers did not recommend any changes to this objective.

SUB – O2

81. The Reporting Officers acknowledged the support from the eight submitters that sought to retain the objective as notified, noting that amendments were recommended in response to other submissions.

82. In response to the submission made by Silver Fern Farms, the Reporting Officers supported the addition of '*industry*' to clause (e) of SUB-O2. They also supported the addition of the words '*safe and efficient*' to clause (b) in relation to the operation of critical infrastructure, as sought by KiwiRail.

83. In response to the submission made by the Ministry of Education (**MOE**), the Reporting Officers did not support the addition of a new clause to SUB-O2 to '*enable growth and development to be supported by educational facilities*' because subdivision did not generate the need for schools. They noted that additionally, the designation process was available to MOE.

84. The Reporting Officers supported the submission made by Hort NZ to the extent that reference should be given to highly productive land to give effect to the NPS-HPL. Therefore, they recommended adding new clause (g).

85. In response to the submission points made by Westpower, the Reporting Officers did not support the addition of '*energy activities'* to clauses (a) and (b), principally because the definitions of '*infrastructure*', '*critical infrastructure'* and '*regionally significant infrastructure'* capture '*energy activities'*.

86. In response to the submission points made by Buller Conservation Group and Frida Inta, the Reporting Officers did not support an additional clause relating to amenity values. They considered that SUB-O1 broadly covered amenity values and that such values would be different for each zone.

87. The Reporting Officers did not support the submission made by David Ellerm to add a further clause to the objective. They considered that the proposed wording had a narrow focus and that SUB-O1 broadly covered the qualities of each zone.

88. The s42A Report recommended amending SUB-O2 as follows:

> ***SUB-O2***
>
> *Subdivision occurs in locations and at a rate that*
>
> *a. Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan;*
>
> *b. Facilitates the **safe and efficient** operation of critical infrastructure;*
>
> *c. Enables access and connectivity;*
>
> *d. Provide for the health, wellbeing and safety of the West Coast/Te Tai o Poutini community;*
>
> *e. Provides for growth and expansion of West Coast/Te Tai o Poutini settlements, ~~and~~ businesses, **and industry**; ~~and~~*
>
> *f. Avoids significant natural hazards and are built to be resilient to natural hazards**; and***
>
> *g. **Protects highly productive land.***

SUB - O3

89. The Reporting Officers acknowledged the support from the seven submitters that sought to retain the objective as notified, noting that amendments were recommended in response to other submissions.

90. The Reporting Officers did not support the submission made by Hort NZ, to make an addition referencing highly productive land because of their recommendation to protect highly productive land in SUB-O2.

91. In response to the submission points made by Buller Conservation Group and Frida Inta, the Reporting Officers did not support the deletion of the word '*significant*'. Nor did they support additional wording to align with s6(a) and s7 of the RMA because this was only one of the many matters in these sections of the Act and they did not recommend that particular matters were 'cherry picked'.

92. In response to similar submissions made by David Ellerm and Poutini Ngāi Tahu that requested the inclusion of '*cultural values*' in the objective, the Reporting Officers recommended replacing '*features and resources*' with '*values*'. They noted that this was consistent with other wording throughout the pTTPP.

93. In response to the submission point made by the Director General, Ms Belgrave and Ms Evans supported it in part. They agreed that the addition of '*landscape*' should be part of the list of matters to be protected by the objective, on the basis of s6(b) of the Act. They did not agree that '*responds*' should be replaced with more specific language.

94. The s42A Report recommended amending SUB-O3 as follows:

> *Subdivision design and development protects significant coastal, natural, ecological, **landscape**, historical and Poutini Ngāi Tahu **values**, ~~features and resources~~ and responds to the physical characteristics and constraints of the site and surrounding environment.*

SUB-O4

95. The submission received on this objective by Chorus, Spark and Vodafone sought to retain the objective as notified. Ms Belgrave and Ms Evans acknowledged this support and made no other comment.

SUB-O5

96. Ms Belgrave and Ms Evans acknowledged the support from the three submitters that sought to retain the objective as notified.

97. In response to the submission points made by Buller Conservation Group and Frida Inta, the s42A Report did not support the deletion of the words '*identified significant*'. This was because the objective was broader than this single point and there were other provisions in the pTTPP that set out the regime for identifying and protecting Significant Natural Areas (**SNA**).

98. In response to the final four submission points that all have requested that the objective be limited in scope to those matters set out in s229 of the RMA, (with the only additional inclusion being Poutini Ngāi Tahu values), the s42A Report did not support the suggested change. It noted that the objective was already consistent with the purpose of s229.

99. Ms Belgrave and Ms Evans did not recommend any changes to this objective.

SUB - O6

100. Ms Belgrave and Ms Evans acknowledged the support from the five submitters that sought to retain the objective as notified, noting that amendments were recommended in response to other submissions.

101. In response to the submission point made by Westpower, the s42A Report recommended that it be accepted in part. The submission requested the addition of '*created by the subdivision*' at the end of the objective to not limit the provision of open space on an *ad hoc* basis. Ms Belgrave and Ms Evans recommended that the words '*and appropriate*' were added.

102. In response to the submission point made by David Ellerm, Ms Belgrave and Ms Evans did not support the requested addition of the words '*in all zones'*. This was because the provision of open space may not always be necessary or appropriate in some zones, i.e. Airport Zone.

103. The s42A Report recommended amending SUB-O6 as follows:

> *Where subdivision occurs, sufficient **and appropriate** provision is made for the additional community need for open space.*

Hearing and Submitter Evidence/Statements

104. No evidence was presented at the hearing in relation to the submission points on the objectives generally, SUB-O1 or SUB-O4.

105. Mr Kennedy's evidence for Westpower accepted the amendments to SUB-O2, provided '*critical infrastructure*' was amended to '*regionally significant infrastructure'*, and the words '*safe and efficient'* were added to clause (b).

106. Ms Frida Inta presented a statement at the hearing on behalf of herself and the Buller Conservation Group. She reiterated the request for the inclusion of an additional clause to protect and enhance amenity values in SUB-O2; and to for additional wording in SUB-O3 and the removal of the word '*significant*' on the basis that all areas require protection not only those identified as being significant. She also sought the removal of the words '*identified significant*' from SUB-O5, for similar reasons as set out in relation to SUB-O3. She highlighted the NPSIB required the management of significant adverse effects on indigenous biodiversity by applying the effects management hierarchy.

107. Ms Young's evidence for the Director General accepted the s42A Report recommendation to amend SUB-O3 to add '*landscape*' as a matter for protection. She also agreed with the reasoning for the phrase '*is of a scale, density and design that is compatible with'* not being incorporated in the objective as requested because it was more appropriate for a policy.

108. The letter from the MOE reiterated the need to ensure the district had well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural well-being. While recognising clause (d) could implicitly provide for the consideration of the need for educational facilities through 'well-being', the Ministry remained of the view that a new clause '*Considers the need for growth and development to be supported by educational facilities'* was needed.

109. Mr Kennedy's evidence for Westpower noted that the submission on SUB-O6 was only in relation to subdivisions for infrastructure/network utility purposes, while the objective related to all subdivision. He had reservations about the word '*appropriate*' and therefore set out two alternatives for the wording of the objective.

Reporting Officer Reply Evidence

110. No specific points were made in the Right of Reply regarding the objectives generally, SUB-O1 or SUB-O4.

111. In relation to SUB-O2, Ms Evans recommended a minor amendment to the new clause (g) linking it to the NPS-HPL.

112. In the 'Recommended Provisions' attached to the Right of Reply, Ms Evans included an additional clause to SUB-O2 – *'maintains and enhances amenity values'.* This reflected (but not entirely as requested) the submission points made by Frida Inta and Buller Conservation Group.[11] Amendments were also proposed to clause (f) of SUB-O2 for clarity, and it was noted that this would also be considered as part of the Natural Hazard Chapter hearing.

113. In relation to SUB-O3, Ms Evans acknowledged the Panel's concern regarding the choice of language and the references to the overlays. To improve clarity, she recommended splitting the objective into two sub-parts.

114. Ms Evans also acknowledged the discussion during the hearing as to whether SUB-O3 was giving effect to higher order policy. She did not consider there were submission points made on the subdivision provisions to provide scope to amend the objective to enable a more nuanced direction. Nevertheless, she said that if the Panel were to find scope to make amendments via a broad submission allocated to another topic, she would recommend the

[11] Frida Inta (S553.105), Buller Conservation Group (S552.105)

addition of another clause in SUB-O3 – *'avoids, remedies or mitigates adverse effects on other values'*.

115. In relation to SUB-O5, Ms Evans recommended minor amendments to improve clarity of language and to align with s229 of the RMA.

116. In relation to SUB-O6, Ms Evans considered the discussion at the hearing and the evidence of Mr Kennedy regarding the word '*appropriate*'. She recommended amended wording of the objective to acknowledge that not every subdivision may in itself generate a need for open space.

Hearing Panel's Evaluation

SUB – O1

117. The Panel agrees with the Reporting officers reasoning in relation to reserve sensitivity and the term '*zone*' and accept that no amendments to SUB-O1 are necessary. We recommend the objective is retained as notified.

SUB – O2

118. The Panel notes the s42A Report summary did not pick up all of the requested wording from Westpower submission point S547.344 relating to clause (b) and did not address the addition of the words '*maintains and provides for, and did not adversely impact'*. However, we note Mr Kennedy accepted that provided the reference in clause (b) is amended to refer to '*regionally significant infrastructure*' rather than '*critical infrastructure*' he would accept the recommendation. As referred to earlier in this Report, this change has been recommended. The Panel also agrees with the inclusion of the words '*safe and efficient*' to clause (b); and as a consequential amendment stemming from the Te Mana Ora submission on SUB – P1, the addition of '*effective*'.

119. The Panel has considered whether the additional of the word '*industry*' as sought by Silver Fern Farms and supported by the Reporting Officers in subclause (e) is necessary. We note that the Plan appears to interchange the words '*business'* and '*industry'* and we have therefore concluded that introducing '*industry*' is appropriate.

120. The Panel notes that Ms Evans has recommended changes to clause (f) to introduce the terms *'risk'* and has reworded the end of the clause. The introduction of *'risk*' has been sought by a Toka Tū Ake (EQC) submission which was addressed in the Natural Hazards Chapter hearing. Nevertheless, we consider it is open to us to also give consideration the submission given it is on subdivision, and we agree that it is the avoidance of the significant risk from natural hazards that the clause should address rather that the avoiding significant natural hazards which is simply not obtainable. We also agree with Ms Evans consequential rewording of the end of the clause, which as notified makes little sense, as it seems to be missing some words.

121. The Panel agrees that the reference to highly productive land as sought by Hort NZ is appropriate within the context on this objective and gives effect to the NPS-HPL. We therefore accept a new clause (g) should be added. We note that Federated Farmers, who had sought a similar outcome for SUB-P1, support this amendment.

122. The Panel also agrees with the revised position of Ms Evans to include a new clause (h) addressing the maintenance and enhancement of amenity values, which partially addresses the submission of Ms Inta and Buller Conservation Group.

123. The Panel agrees with the Reporting Officers conclusions with regards to rejecting the MOE submission and that of David Ellerm.

SUB – O3

124. The Panel questioned Ms Evans with regards the language in SUB-O3, which did not reflect the relevant wording in the RMA. Ms Evans acknowledged this in her Right of Reply and recommended improvements to address the situation. She also recommended splitting the objective into two subclauses to improve clarity. The Panel agrees with this approach and notes that clause (a) focusses on protecting the RMA s6 matters, while clause (b) focusses on the physical characteristics of the site and surrounding environment. We note that these changes go some way to addressing the submission points raised by the Director General, Poutini Ngāi Tahu and David Ellerm.

125. The Panel agrees with the conclusions of the Reporting Officers in relation to the submissions by Frida Inta, Buller Conservation Group, and Hort NZ.

126. In her Right of Reply, Ms Evans responded to the Panel's questions relating to whether this objective (and others) was giving effect to higher order direction including the RMA and NZCPS. She considered SUB-O3 (and the policies in the Subdivision Chapter) did not provide specific direction in relation to Policies 11 and 13 of the NZCPS. She said the focus was on protection and what the overlays seek to achieve, rather than setting different thresholds depending on whether what is being protected is significant, the adverse effect is significant, or the adverse effect is not significant but still must be avoided, remedied or mitigated. Notwithstanding this, Ms Evans advised she had not found any specific submission points on the subdivision provisions that gave scope to amend the provisions to address this. The Panel accept Ms Evans conclusion on this matter and notes this may well need to be addressed in a future plan change.

SUB – O4

127. The Panel recommends retaining SUB-O4 as notified.

SUB – O5

128. Ms Evans reviewed her position on SUB-O5 in the Right of Reply and recommended some minor amendments to improve clarity of language and to better align with s229 of the RMA. The Panel agrees with these amendments and considers they address to some extent the concerns raised by submitters seeking that the objective reflect only the purpose of esplanade reserves and strips as set out in s229.

129. The Panel agrees with the conclusions of the Reporting Officers in relation to the submissions by Frida Inta and Buller Conservation Group to delete the words '*identified significant*' from the objective.

SUB – O6

130. Ms Evans reflected on discussion at the hearing and evidence of Mr Kennedy for Westpower in relation to SUB-O6. She noted Westpower's concern with what '*appropriate*' means in this context and agreed it may be difficult to determine on a case-by-case basis. She recommended additional wording linking the requirement for open space to take into account the need created by the proposed subdivision. We agree and accept that this still allows for the strategic provision of open space and opportunity to respond to any existing need, while acknowledging not every subdivision (e.g. subdivision associated with provision of infrastructure) may not in itself generate a need for open space.

131. The Panel agrees with the Reporting Officers conclusions with regards to rejecting the submission of David Ellerm.

Hearing Panel's Recommendation

132. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend changes are made to the **Subdivision Objectives** as follows:

SUB – O1	Subdivision achieves patterns of land development that are compatible with the purpose, character and qualities of each zone.
SUB – O2	Subdivision occurs in locations and at a rate that: a. Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan; b. Facilitates the **safe, efficient**[12] **and effective**[13] operation of ~~critical~~ **regionally significant**[14] infrastructure; c. Enables access and connectivity; d. Provide**s**[15] for the health, wellbeing and safety of the West Coast/Te Tai o Poutini community; e. Provides for growth and expansion of West Coast/Te Tai o Poutini settlements ~~and~~ businesses**, and industry**;[16] ~~and~~ f. Avoids significant **risk from**[17] natural hazards and **builds community resilience** ~~are built to be resilient~~[18] to natural hazards; **g. Protects highly productive land as defined by the NPS-HPL and**[19] **h. Maintains and enhances amenity values.**[20]

[12] KiwiRail S442.064
[13] Consequential amendment resulting from Te Mana Ora S190.408
[14] Consequential amendment Plan-wide
[15] Clause 16(2) of the RMA
[16] Silver Fern Farms S441.019
[17] Toka Tū Ake (EQC) S612.090
[18] RMA, Schedule 1, clause 16(2)
[19] Horticulture New Zealand S486.039
[20] Buller Conservation Group S552.105, Frida Inta 553.105

SUB – O3	Subdivision design and development: **a.** Protects significant **indigenous biodiversity, natural character, the** coastal **environment** ~~natural, ecological~~, **outstanding natural landscapes and outstanding natural features, areas of** historic~~al~~ **heritage** and Poutini Ngāi Tahu **values** ~~features and resources~~ **from adverse effects; and**[21] **b.** Responds to the physical characteristics and constraints of the site and surrounding environment.
SUB – O4	Subdivision within the FUZ - Future Urban Zone does not result in the fragmentation of sites that would compromise the potential of land within the FUZ - Future Urban Zone to accommodate integrated and serviced urban development.
SUB – O5	Esplanade reserves and strips created through subdivision contribute to the protection of **natural values** ~~identified significant natural heritage~~[22] and Poutini Ngāi Tahu values, provide natural hazard mitigation, support good water quality and provide for public access to and along **waterbodies** ~~rivers~~ and the coastal marine area.[23]
SUB – O6	Where subdivision occurs, sufficient provision is made for the additional community need for open space **taking into account demand generated by the subdivision**.[24]

2.4. Subdivision Policies

Submissions and Further Submissions

133. Seven submissions points and two further submission point relating to the Subdivision policies (as a whole) were summarised in a Table on page 29-31 of the s42A Report. One submission point sought to retain the nine policies as notified. Two submissions points sought to retain the policies as notified, except for an amendment to SUB-P6. Four submission points sought the addition of a new policy. The further submissions supported the addition of a new policy.

134. Seventeen submission points relating to **SUB-P1** were summarised in a Table on pages 31-33 of the s42A Report. Eight submission points supported the retention of the policy as notified. Two submission points opposed the policy. The remaining seven submission points sought amendments.

135. Twenty-five submission points and eight further submission points relating to **SUB-P2** were summarised in a Table on pages 35-38 of the S42A Report. Five submission points supported the retention of the policy as notified and twenty sought amendments.

[21] Director General of Conservation S602.120, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S581.042, David Ellerm S581.042
[22] Buller Conservation Group S552.108, Frida Inta 553.108
[23] Chris & Jan Coll S558.181, Chris J Coll Surveying Limited S566.181, William McLaughlin S567.255, Laura Coll McLaughlin S574.181
[24] Westpower Limited S547.345

136. Thirteen submission points relating to **SUB-P3** were summarised in a Table on page 41 of the S42A Report. Ten submission points supported the retention of the policy as notified and three sought amendments.

137. Fifteen submission points relating to **SUB-P5** were summarised in a Table on pages 42-43 of the S42A Report. Five submission points supported the retention of the policy as notified and 10 sought amendments.

138. Twenty-one submission points and 12 further submission points relating to **SUB-P6** were summarised in a Table on pages 44-46 of the S42A Report. Five submission points supported the retention of the policy as notified and 10 sought amendments. Eight submission points supported the retention of the policy as notified and 13 sought amendments.

139. Nine submission points relating to **SUB-P7** were summarised in a Table on page 49 of the s42A Report. Six submission points supported the retention of the policy as notified and three sought amendments.

140. Two submission points and two further submission points relating to **SUB-P8** were summarised in a Table on page 50 of the S42A Report. One submission point supported the retention of the policy as notified and the other sought amendments.

141. Twenty-four submission points relating to **SUB-P9** were summarised in a Table on pages 51-53 of the S42A Report. Five submission points supported the retention of the policy as notified and 19 sought amendments. The Panel notes that submissions from Buller Conservation Group (S552.118) and Frida Inta (S553.118) were incorrectly summarised (and commented on) against this policy instead of SUB-R9/ECO-R6 which was transferred to the Ecosystems and Biodiversity.

142. The Panel has considered the relevant submissions and adopts the summaries in the s42A Report.

Section 42A Report

Policies (General)

143. Ms Belgrave and Ms Evans acknowledged the support from two submitters that generally supported the policies as notified. The acknowledgement was subject to recommended amendments that arose from other submissions on specific policies.

144. Ms Belgrave and Ms Evans did not support the addition of a new policy relating to subdivision in the Rural Zones as sought by four submitters[25] (supported by two further submissions) because it was inconsistent with the NPS-HPL. Furthermore, in Ms Evans' s42A Addendum Report, she considered the new policy would not be efficient or effective in achieving SUB-O1 and RURZ-O1.

145. Ms Belgrave and Ms Evans recommended no changes to the policies based on these submissions.

SUB - P1

[25] Chris & Jan Coll (S558.195), Chris J Coll Surveying Limited (S566.195), William McLaughlin (S567.268) and Laura Coll McLaughlin (S574.195)

146. Ms Belgrave and Ms Evans acknowledged the support from the eight submitters that seek to retain the policy as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

147. In response to Federated Farmers, Ms Belgrave and Ms Evans did not support the requested amendments because they considered the notified wording already recognised the anticipated purpose, character and intensity of the underlying zone. Additionally, the noted that the Rural Zone objectives and policies recognised highly productive land.

148. In response to Westpower, Ms Belgrave and Ms Evans supported the requested amendments in part. They agreed that the protection of regionally significant infrastructure was a relevant consideration and recommended an amendment to the policy in response to this part of the submission. They did not consider the reference to appropriate servicing to be necessary because it duplicated SUB-P2.

149. Ms Belgrave and Ms Evans did not support the deletion of the word '*significant*' from SUB-P1(d) as requested by the submission points by Frida Inta and Buller Conservation Group because they considered this was consistent with the RMA and SUB-O3.

150. In response to the submission points made by David Ellerm, Ms Belgrave and Ms Evans did not support the amendment to SUB-P1(b) because they considered the policy as notified would provide greater clarity to plan users and was more efficient in achieving SUB-O1. In response to a second submission point made by David Ellerm, to add an additional clause to SUB-P1, the s42A Report recommended accepting it in part. They considered the recognition of integration and connectivity was relevant to giving effect to SUB-O1 and therefore recommended adding a new clause to SUB-P1 '*are integrated and connected to the immediately surrounding area and road network*'.

151. The Reporting Officers did not initially support the submission made by the Director General to include significant features, sites and areas identified through the resource consent process. This was because they acknowledged that there were other provisions in the pTTPP that would provide protection to areas not mapped as SNA. Nevertheless, after having reviewed Ms Young's evidence, Ms Evans revised her position in the s42A Addendum Report to ensure there was protection to areas of significant indigenous biodiversity yet to be identified and mapped in the Plan.

152. In Appendix 1 of the Addendum Report, Ms Belgrave and Ms Evans recommended amending SUB-P1 as follows:

> ***SUB-P1***
>
> *Enable subdivision that creates allotments that:*
>
> *a. Are consistent with the purpose, character, and qualities of the applicable zone;*
>
> *b. Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses;*
>
> ***c. Are integrated and connected to the immediately surrounding area and road network;***
>
> *d. Minimises natural hazard risk to people's lives and properties;*

*e. Protects **identified** significant cultural, historical, natural and ecological features sites and areas ~~identified on the planning maps and in the Schedules in the Plan; and~~*

f. Protects the safe and efficient operation and maintenance of infrastructure; and

g. Have legal, physical and safe access to each allotment created by the subdivision.

SUB - P2

153. Ms Belgrave and Ms Evans acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

154. In response to the submission made by Te Mana Ora, Ms Belgrave and Ms Evans supported it in part and agreed that pedestrian and cycle linkages should be combined with the other transport matters in clause (d). However, they did not agree to include reference to playgrounds because they considered as these were typically provided and maintained by the Council and not provided at the time of subdivision.

155. Ms Evans reconsidered the recommended wording of the changes to SUB-P2 following review of the letter from KiwiRail in her s42A Addendum Report and recommended retaining the word *'efficient*' in SUB-P2(d).

156. In response to the submission made by Margaret Montgomery, Ms Belgrave and Ms Evans did not support the amendments requested. They considered infrastructure capacity and the provision of access were key considerations for subdivision and therefore clauses (a), (c) and (d) were recommended to be retained. They agreed that the provision of open space and reserves was relevant to subdivision and therefore recommended retaining clause (e). The specific detail regarding the inclusion of a note about vesting in clause (n) was considered unnecessary.

157. In response to the submission made by Westpower, the Ms Belgrave and Ms Evans did not support the amendments requested. They reiterated their position regarding the addition of '*energy activities*' which was the same as that set out in relation to SUB-O2. Additionally, in relation to the requested addition to SUB-P2(n)(ii) they did not consider it necessary to specifically set out that electricity provision could be above ground in the industrial zones.

158. Ms Belgrave and Ms Evans did not support requests by Buller Conservation Group and Frida Inta to include a clause to consider the use of composting toilets because they considered the existing clause did not preclude composting toilets from being considered.

159. In response to the four submission points[26] that sought to delete the words '*where deemed reasonable by the Council*' from clause (k), Ms Belgrave and Ms Evans supported the amendment. They acknowledged that the wording '*appropriate to development*', gave the Councils enough discretion to determine that the chosen method for electricity and telecommunication provision was reasonable.

160. Ms Belgrave and Ms Evans did not support the request in four submission points[27] to delete subclause (m) because they noted this clause related to the maintenance of infrastructure

[26] Chris & Jan Coll (S558.185), Chris J Coll Surveying Limited (S566.185), William McLaughlin (S567.259) and Laura Coll McLaughlin (S574.185)
[27] Chris & Jan Coll (S558.187), Chris J Coll Surveying Limited (S566.187), William McLaughlin (S567.260) and Laura Coll McLaughlin (S574.187)

developed as part of a subdivision, which they considered was an important consideration to ensure the ongoing efficient operation of infrastructure.

161. In response to four submission points[28] that sought to more detail around clause (o), Ms Belgrave and Ms Evans did not support the request because the clarification sought was provided in the Financial Contributions Chapter.

162. In response to the submission point by David Ellerm that sought to rewrite clause (i), Ms Belgrave and Ms Evans did not support the amendment because it was too detailed and they considered the notified clause provided for both reticulated and land-based disposal. In relation to the additions sought to clause (n)(iii), Ms Belgrave and Ms Evans also did not support this amendment because they considered it was unlikely that all footpaths would be suitable for shared use and it should be considered on a case-by-case basis.

163. In response to a further submission point by David Ellerm that sought additions to clause (n)(iv), Ms Belgrave and Ms Evans did not support the amendment because they considered it was too detailed and the matters of control in various rules included reference to appropriate standards for streetlighting. Additionally, the noted that '*urban areas*' included zones beyond the residential zones.

164. In the Appendix 1 of the Addendum Report, Ms Belgrave and Ms Evans recommended amending SUB-P2 follows:

> ***SUB-P2***
>
> *Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and coordinated manner by ensuring:*
>
> *a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision;*
>
> *b. Infrastructure is installed at the time of subdivision, except for on-site infrastructure that cannot be determined until the allotment is developed;*
>
> *c. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision;*
>
> *d. Provision of safe**, ~~and~~ **efficient and effective transport connections and linkages, including pedestrian, cycling linkages, public transport and** vehicle access;*
>
> *e. Provision for open space and reserves, including pedestrian and cycle linkages;*
>
> *f. Drinking water compliant with New Zealand Drinking Water Standards;*
>
> *g. Adequate water supply for firefighting;*
>
> *h. Treatment and safe disposal of stormwater that did not result in increased flooding and erosion risk;*
>
> *i. Treatment and safe disposal of wastewater with a preference for land- based treatment where no reticulated network is in place;*

[28] Chris & Jan Coll (S558.188), Chris J Coll Surveying Limited (S566.188), William McLaughlin (S567.261) and Laura Coll McLaughlin (S574.188)

j. Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal;

k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite ~~where deemed reasonable by the Council~~;

l. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; and

m. Where new community infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance;

n. In all RESZ - Residential, INZ - Industrial and CMUZ - Commercial and Mixed Use Zones requiring:

i. Roads to a sealed standard;

ii. Underground reticulation of services;

iii. Sealed footpaths;

iv. Streetlights in urban areas; and

o. Financial contributions are provided where additional or upgraded network utility infrastructure is required to service development.

Advice Note: The standards for road construction can be found in Appendix One: Transport Performance Standards.

SUB - P3

165. Ms Belgrave and Ms Evans acknowledged the support from the submitters that sought to retain the policy as notified.

166. In response to the submission point made by Westpower that sought the review and possible deletion of clause (a) because it duplicated clause (b), Ms Belgrave and Ms Evans did not agree there was duplication. They considered clause (a) related to the values of the relevant overlay chapter and clause (b) related to the objectives and policies. They recommended both clauses were retained as notified.

167. In response to the submission points made by Frida Inta and Buller Conservation Group, Ms Belgrave and Ms Evans did not support the requested amendments because they considered the notified wording provided greater clarity. They noted that land could be both within, or contain the matters identified in the policy; and the values were identified in the relevant schedule and not the overlay chapters.

168. Ms Belgrave and Ms Evans recommended retaining SUB-P3 as notified.

SUB-P4

169. The consideration of SUB-P4 is in the Natural Hazard Chapter Recommendation Report.

SUB - P5

170. Ms Belgrave and Ms Evans acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

171. In response to the submission points made by Westpower that sought to amend clauses (b) and (c) of the policy, Ms Belgrave and Ms Evans did not support the requested amendments. This was principally because they considered the definition of '*infrastructure*' captured '*energy activities'* and clause (c) sufficiently provided for the protection of infrastructure.

172. In response to the three submission points[29] that sought to delete clause (b), Ms Belgrave and Ms Evans supported the these in part (the Panel notes that Laura Coll McLaughlin also sought the same relief, but this was not summarised). They acknowledged that the policy clause intended to avoid the premature upgrade to infrastructure that could compromise its efficient and integrated provision. They therefore recommended deleting '*in advance of integrated urban development*' from the clause.

173. In response to four submission points[30] that sought to amend the wording of SUB-P5 to recognise instances where a structure plan may be in place, Ms Belgrave and Ms Evans supported the requested change and suggested amended wording to reflect this.

174. The Reporting Officers did not support the submission point made by Margaret Montgomery due to a lack of specificity about what relief was sought.

175. In Appendix 1 of the Addendum Report, Ms Belgrave and Ms Evans recommended amending SUB-P5 as follows:

> ***SUB-P5***
>
> *Avoid subdivision within the FUZ - Future Urban Zone that may result in one or more of the following,* ***unless subdivision occurs in accordance with a Structure Plan adopted by the relevant District Council:***
>
> *a. A compromise in the efficient and effective operation of the local and wider transport network;*
>
> *b. The need for significant upgrades, provisions or extensions to the reticulated wastewater, reticulated water supply or stormwater networks, or other infrastructure ~~in advance of integrated urban development~~;*
>
> *c. The efficient provision of infrastructure being compromised;*
>
> *d. Reverse sensitivity effects when urban development occurs;*
>
> *e. Reverse sensitivity effects on existing rural activities or infrastructure; or*
>
> *f. Fragmentation of sites in a manner that may compromise the appropriate form or nature of future urban development.*

SUB - P6

[29] Chris & Jan Coll (S558.191), Chris J Coll Surveying Limited (S566.191), William McLaughlin (S567.264)
[30] Chris & Jan Coll (S558.192), Chris J Coll Surveying Limited (S566.192), William McLaughlin (S567.265), Laura Coll McLaughlin (S574.192)

176. Ms Belgrave and Ms Evans acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

177. In response to the submission point made by Manawa, Ms Belgrave and Ms Evans did not support the proposed amendment because they considered the deletion of 'Energy Activities' and its replacement with '*Renewable Electricity Generation Activities*' narrowed the application of the policy. Additionally, they noted the definition of '*Energy Activities'* included renewable electricity generation.

178. Ms Belgrave and Ms Evans did not initially support similar submission points made by KiwiRail and Federated Farmers that sought the addition of a new clause relating to reverse sensitivity. They considered reverse sensitivity effects arose from land use activities, not subdivision and so was more appropriately managed via the zone provisions. However, in the s42A Addendum Report, Ms Evans revised her position having read the statement of evidence from Mr Sutherland and Mr O'Conner on behalf of Federated Farmers. She recommended an amendment to SUB-P6(e) to include activities in the General Rural and Industrial zones in recognition that subdivision occurring within and adjacent to these zones had the potential to create reverse sensitivity effects due to intensification of neighbouring land uses via additional allotments. She noted the submissions had been supported in further submissions by Radio NZ in the case of the KiwiRail and Silver Fern Farms in the case of Federated Farmers.

179. In response to the submission point made by Margaret Montgomery, the s42A Report did not support the recommended changes due to a lack of specificity about what relief was sought.

180. Ms Belgrave and Ms Evans supported in part the submission point made by Hort NZ to include a new clause referring to the NPS-HPL. However, they recommended slightly different wording, and consequential renumbering of the clauses.

181. In response to the submission point made by Westpower to amend clause (d), Ms Belgrave and Ms Evans supported the requested wording because it was consistent with the wording in the WCRPS, and it broadened the consideration from only significant reverse sensitivity effects.

182. In response to the submission points made by Frida Inta and Buller Conservation Group to amend subclause (e), Ms Belgrave and Ms Evans did not support the amendment. They considered the removal of the option to mitigate adverse effects was not consistent with the NZCPS.

183. In response to the four submission points[31] and the further submissions that seek to delete subclauses (a), (c), (e) and (f), due to their prescriptive nature, and retain clause (d), Ms Belgrave and Ms Evans, acknowledge the support for clause (d), subject to the amendment sought by Westpower that is recommended to be accepted in part. The deletion of the other clauses is not supported as these address resource management issues.

184. Following the review of Ms Bensemann's evidence on behalf of Frank O'Toole, Ms Evans reconsidered these clauses in her s42A Addendum and recommended some amendments to

[31] Chris & Jan Coll (S558.193), Chris J Coll Surveying Limited (S566.193), William McLaughlin (S567.266), Laura Coll McLaughlin (S574.193)

clause (f) to improve clarity. She also recommended amendments to the proposed new clause addressing highly productive land to improve clarity.

185. In response to the submission made by Poutini Ngāi Tahu that sought amendments to clause (a), Ms Belgrave and Ms Evans supported the submission point. They recommended including additional words to the clause to provide an exception if a subdivision was to provide for papakāinga.

186. In Appendix 1 of the Addendum Report, Ms Belgrave and Ms Evans recommended amending SUB-P6 follows:

> ***SUB-P6***
>
> *Avoid subdivision:*
>
> a. *In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement,* ***unless the subdivision is to establish papakāinga by Poutini Ngāi Tahu****;*
> b. ***Of Highly Productive Land as defined under the National Policy Statement for Highly Productive Land unless the requirements of clause 3.8 of the NPS-HPL are met;***
> c. *In the Earthquake Hazard Overlay that could result in the creation of new allotments;*
> d. *Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity;*
> e. *Where this could create ~~significant~~ reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone* ***activities in the GRUZ – General Rural Zones or INZ – Industrial Zones, or regionally significant infrastructure****;*
> f. *In* ***unmodified areas of*** *the Coastal environment ~~outside of areas that are already modified~~ unless adverse effects on the natural character of the coastal environment can be avoided or mitigated; and*
> g. *In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities.*

SUB - P7

187. Ms Belgrave and Ms Evans acknowledged the support from the six submitters that sought to retain the policy as notified.

188. In response to the submission made by Waka Kotahi NZTA, Ms Belgrave and Ms Evans did not support the relief sought. They considered that SUB-P7 provided helpful clarification for when reductions to a minimum vacant lot size might be appropriate.

189. Ms Belgrave and Ms Evans did not support the addition of a clause relating to restricting subdivision in character areas because only one character area was identified in the pTTPP and that was not in a Residential Zone. Additionally, they noted clause (b) referred to residential character and amenity.

190. In response to the submission point made by GDC, Ms Belgrave and Ms Evans did not support the addition to require an assessment of capacity to accommodate increased density because they considered this was captured in SUB-P2.

191. Ms Belgrave and Ms Evans recommended retaining SUB-P7 as notified.

SUB - P8

192. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

193. The submission point by Margaret Montgomery opposed SUB-P8 on the basis that it would encourage staged development. Ms Belgrave and Ms Evans recommend rejecting the submission because no specific relief was sought in the submission.

194. Ms Belgrave and Ms Evans recommended retaining SUB-P8 as notified.

SUB - P9

195. Ms Belgrave and Ms Evans acknowledged the support from five submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

196. Ms Belgrave and Ms Evans did not support the submission points[32] that sought to amend SUB-P9 by deleting references to esplanade reserves or strips being greater than 20m wide because this was in accordance with s230 of the RMA.

197. Five submission points[33] sought amendments to reflect the wording of the operative Buller District Plan on the basis that what was notified was too extensive; and that the purpose of the policy be limited to those matters set out in the RMA, with the additional inclusion of Poutini Ngāi Tahu values. Ms Belgrave and Ms Evans supported this in part because SUB-P9 created duplication with SUB-O5. They recommended deleting the purpose from SUB-P9 to focus this policy on instances where a waiver or reduction may be appropriate.

198. In response submission point made by Federated Farmers that sought various amendments to the policy, Ms Belgrave and Ms Evans recommended accepting the submission in relation to clause (a) because this would improve clarity. They did not recommend making the amendments to add a specific reference to the RMA, or the amended wording to clause (d) regarding sale and purchase agreements because they considered was unrelated to the provision of an esplanade reserve or strip.

199. In response to the submission points made by Buller Conservation Group and Frida Inta to include wording about native fauna corridors, Ms Belgrave and Ms Evans did not support the addition because the existing policy already referred to '*natural character and biodiversity values*' which incapsulated native fauna corridors.

200. Ms Belgrave and Ms Evans recommended amending SUB-P9 as follows:

> ***SUB-P9***
>
> *To require esplanade reserves or esplanade strips for allotments of less than 4 ha ~~to enable public access, reduce natural hazard risk, and contribute to the protection of~~*

[32] S360.017; S507.045; S508.045; S509.045; S510.045; S511.045; S512.045; S513.045; S535.022; S558.196; S566.196; S567.269; S574.196; S609.043

[33] John Brazil (S360.017), Chris & Jan Coll (S558.196), Chris J Coll Surveying Limited (S566.196), William McLaughlin (S567.269), and Laura Coll McLaughlin (S574.196)

> ~~*natural character and biodiversity values,*~~ *except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:*
>
> *a.* ~~*The natural values*~~ ***The protection of conservation values, or the enabling of public access, or the enabling of public recreational use that is compatible with conservation values, or reduction of natural hazard risk*** *warrant a wider or narrower esplanade strip or esplanade reserve; or*
>
> *b. Topography, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or*
>
> *c. The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or*
>
> *d. The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or*
>
> *e. The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).*

Hearing and Submitter Evidence/Statements

201. Ms Inta highlighted the s42A Report incorrectly considered that submission points S552.103 and S553.103 related to SUB-P1, instead of FC-P1. She reiterated her request to delete '*significant'* in SUB-P1 because it did not address adverse effect on other natural values such as indigenous biodiversity outside SNA. She considered subdivision should not occur '*within*' a riparian margin and requested to be deleted from SUB-P3. She also suggested that the words *'riparian margin*' could be replaced with '*natural character'*.

202. Ms Inta's drew attention to the disconnect between SUB-S9, that only relates to creating esplanade reserves and strips when an allotment of less than 4 ha was created, and SUB-P9 that considered esplanade provisions when lots greater than 4 ha were created.[34] She noted that s237F of the RMA allowed a subdivider to seek compensation from the territorial authority if the allotment was greater than 4 ha. To address this, she suggested that the existing provisions of the Buller District Plan (that provides for esplanade reserves and strips when allotments of more than 4 ha were created) should be transferred to the pTTPP.

203. Ms Young, for the Director General, reiterated that SUB-P1 should capture all areas of significant indigenous biodiversity and not only those identified in the schedule as SNA.

204. Mr Sutherland and Mr O'Connor, for Federated Farmers, supported the s42A Report recommendation in relation to SUB-P1.

205. Ms Hadfield, for Chris J Coll Surveying Limited, accepted the s42A Report in relation to their submission on SUB-P2(k).

206. Mr Kennedy, for Westpower, accepted the recommended amendments to SUB-P1. He drew attention to the further submission made by Westpower to disallow the amendment to SUB-P2(k), and to retain the policy as notified. He reiterated the request to add '*regionally significant infrastructure*' to SUB-P2 and additional wording to SUB-P2(n)(ii) to enable above ground electricity infrastructure in the Industrial Zone. He also clarified that the amendment

[34] S553.104 & S552.104

sought to SUB-P5(c) was more than relating to the provision of infrastructure, but also in relation to any potential effects on existing infrastructure, and its operational requirements.

207. Ms Hadfield, for Davis Oglivie & Partners Limited, acknowledged the s42A Report had not accepted the relief sought by David Ellerm in regard to SUB-P2(n)(i), which was consistent with their further submission.

208. Ms Bensemann, for Frank O'Toole, noted the s42A Report did not accept the relief sought by submitters to add a new policy to enable subdivision in the RURZ. Mr O'Toole supported these submissions by further submission. Ms Bensemann's evidence did not agree with the Reporting Officers that the NPS-HPL is reason to not allow the proposed policy. She also addresses Mr O'Toole's support for the submissions to delete clauses (a) and (c) from SUB-P6, suggesting that the 'avoid' mechanism is too strong and supported the deletion of these clauses if the proposed new policy is accepted so that it is clear where development is and is not appropriate. Ms Bensemann also considered SUB-P6(e) was not entirely consistent with the NZCPS because she considered it was potentially more restrictive and sought amendment to be consistent with the NZCPS. She also considered the natural hazard risks referred to in SUB-P6(f) was more appropriately managed by SUB-P4.

209. Mr Sutherland and Mr O'Connor, for Federated Farmers, supported the s42A recommendation in part with respect to SUB-P6. It is their opinion that it was relevant to consider reverse sensitivity effects at the time of subdivision. They advised that they accepted the s42A Report recommendation for SUB-P9.

210. Ms Young's evidence for the Director General supports the amended wording of SUB-P9 as set out in the S42A report.

211. No evidence was presented at the hearing in relation to the submission on SUB-P7 or SUB-8. The Panel notes that submissions relating to SUB-P4 were heard in the Natural Hazards Chapter hearing.

Reporting Officer Reply Evidence

212. In relation to SUB-P1, Ms Evans recommended minor amendments to align with the recommended language used in SUB-O3 with respect to the RMA s6 matters, as well as minor changes to correct the tense of certain words.

213. In relation to SUB-P2, Ms Evans recommended minor amendments to correct the tense of certain words and typographical errors. She considered the matters discussed at the hearing regarding SUB-P2(n)(ii) and whether electricity lines could be above ground in the INZ. Given the Reply evidence in relation to the Energy, Infrastructure and Transport Chapters hearing recommended that new distribution lines should be underground, she maintained her opinion that the wording of SUB-P2(n)(ii) should remain as notified to ensure consistency across the Plan.

214. In response to the Panel's questions regarding David Ellerm's submission point on the disposal of wastewater and if this should be addressed in a standard, Ms Evans considered that this was already provided for. The Panel notes that Ms Evans referred to SUB-S7, however we consider this was an error and should have been SUB-S5.

215. In relation to SUB-P3, Ms Evans recommended minor amendments to improve clarity. She also recommended the deletion of the words '*within or*' in accordance with the submissions made by Ms Inta and the Buller Conservation Group. In response to questions from the Panel, Ms Evans considered whether the reference to '*riparian margins*' should be deleted but did not find scope to be able to do so.

216. In relation to SUB-P5 Ms Evans recommended minor amendments to improve clarity of language and consistency with pTTPP terminology.

217. In relation to SUB-P6 Ms Evans recommended a minor amendment to refer to '*lawfully established activities*' for consistency with pTTPP language.

218. Ms Evans also provided commentary responding to discussion at the hearing that centred around the direction in SUB-P6 to '*avoid*' certain activities and whether the corresponding activity status should be non-complying. She advised that she had not found scope in submissions to amend the activity status to more appropriately give effect to the policy in full but acknowledged this could be revisited as hearings on the zone chapters progress, particularly as this was where submissions on the minimum lot size standard are being heard.

219. Ms Evans also advised that she had not found scope to amend SUB-P6(e) (renumbered as (f)) to fully give effect to the NZCPS.

220. No specific points were made in the Reply Evidence regarding the policies generally, SUB-P7 or SUB-P8.

221. Following discussion at the hearing about whether the requirement for esplanade reserves should be limited to allotments of less than 4 ha, Ms Evans reviewed the operative District Plans for Buller, Westland and Grey, as well as for other district councils that had recently reviewed their Plans. As a result of this, Ms Evans considered it was appropriate to amend SUB-P9 (and associated provisions) so that the requirement was not limited to allotments of less than 4 ha.

222. Ms Evans confirmed that in her opinion the reference to natural hazards is appropriate in SUB-P9. She comments that the wording largely aligns with S229. However, she noted that the Act says '*mitigating natural hazards*', while the policy wording is '*reduction of natural hazard risk*'.

Hearing Panel's Evaluation

223. The Panel acknowledges that submissions by Ms Inta and the Buller Conservation Group have been incorrectly summarised and therefore addressed under SUB-P1 rather than FC-P1. We have therefore disregarded the Reporting Officers comments in this regard and have considered the submissions in relation to FC-P1.

New Policy

224. Four submitters have sought to introduce a new policy to provide for situations in the RURZ where development not meeting minimum lot design and parameters is allowed for if certain criteria are meet. The Panel has considered this matter and notes the recommendations of the Reporting Officers and the evidence of Ms Bensemann on behalf of Frank O'Toole which

contains a proposed new policy for Rural Zones based on SUB-P7 for Residential Zones. As we understood it the new policy would replace elements of SUB-P6.

225. The Panel acknowledges Ms Bensemann's point that the Reporting Officers appear to have solely focuses on the NPS–HPL as the reason for rejecting the proposed policy. We agree that the matter is broader than that, however highly productive land is still, in our view, a matter that would be considered in any policy of this nature. We note the policy proposed by the submitters did not include any reference to highly productive land.

226. The Panel's concern with a policy of this nature is that it would generally be in play where subdivision for a residential activity was being sought, and the minimum density standards were being breached. The status of such an application is fully discretionary in terms of subdivision as it is for land use. We acknowledge that we consider there is a policy gap in RURZ provisions in this regard which is addressed in the Rural Zones Recommendation Report. It seems to us, that a policy of this nature is extremely enabling in the context of the discretionary activity, although we note the situation is the same for some of the Residential Zones.

227. In the Panel's view, the policy framework for density standards is not necessarily the same between the RURZ and RESZ and it is therefore not appropriate to simply replicate one from the other as is proposed. For example, the s32 Report refers to issues such as reverse sensitivity, cumulative effects and infrastructural implications in relation to rural subdivision below minimum density standards. We note that these are not issues specifically referred to in SUB-P7.

228. The Panel notes that the s32 report states "*In summary, all three of the Operative Plans have been identified as no longer achieving desired outcomes in relation to subdivision with issues of rural subdivision and the need to retain rural production values and avoid reverse sensitivity being particularly significant*". [35] The s32 Report goes onto say "*while there do not appear to be significant issues with subdivision within the main centres, the widespread uptake of rural subdivision and development of rural lifestyle properties has been identified as a significant concern across all three districts. This overlaps with the wider provisions in the Rural Zones, but there is a clearly identified need to better ensure that matters of rural production – both significant farming values and mineral extraction, are better accounted for in relation to subdivision*".[36] We consider the findings raised in the s32 Report are significant and clearly distinguish between the urban and rural subdivision situations. Neither the submitters nor Ms Bensemann have challenged or tested those findings.

229. On the basis of the above, the Panel finds that a new policy, along the lines proposed by submitters and contained in Ms Bensemann's evidence, is not appropriate and as such the relevant submissions are rejected. Notwithstanding this, the Panel accepts that there is an element of disconnect between an 'avoid' policy such as SUB-P6 and a discretionary activity status. We discuss this further below.

SUB-P1

230. The Panel acknowledges the amendments proposed by Ms Evans address some of the concerns of Westpower, the Director General and David Ellerm. In this regard we agree with and accept the reasoning and amendments recommended to introduce two new clauses in

[35] Te Tai o Poutini Plan – Section 32 Evaluation Report Six - Subdivision, Section 2.3.4 Analysis of combined operative district plan approaches
[36] Te Tai o Poutini Plan – Section 32 Evaluation Report Six – Subdivision, Section 2.5 Summary of Issues Analysis

relation to integration and connection with the surrounding area and road network; and protecting the operation and maintenance of infrastructure, and to delete reference to the planning maps and Schedules.

231. As referred to above, the Panel notes Federated Farmers now support SUB-P1 given the amendment to SUB-O2 to refer to highly productive land.

232. In terms of the submission by David Ellerm to amend SUB-P1(b), the Panel agrees with the Reporting Officers that it should be rejected. In our view the wording proposed is not clear and did not easily sit within the framework of the policy. We agree that the clause as notified will provide greater clarity to plan users and is more efficient in achieving SUB-O1.

233. While the Panel acknowledges Ms Inta's concerns about using the '*significant*' in SUB-P1, we note that as a result of proposed amendments by the Ms Evans this now only relates to indigenous biodiversity which is reflective of s6(c) of the RMA. However, we acknowledge there is a gap in terms of the RPS and NPSIB requirement to maintain indigenous biodiversity. We accept these submissions provide scope to add a new clause to '*Maintain Indigenous biodiversity'* to give effect to the RPS and NPSIB. We consider the clause (d) should use the terms '*areas of significant biodiversity*', which is consistent with defined term in the Ecosystems and Indigenous Biodiversity Chapter Recommendation Report. We also recommend deleting the entire last part of clause (d) based on the refined wording.

234. The Panel agrees with the minor amendments proposed by Ms Evans to align SUB-P1 with SUB-O3 in relation to the RMA s6 matters and minor changes to correct the tense of certain words.

SUB-P2

235. The Panel agrees with the amendment sought by Te Mana Ora to SUB-P2(d) which was supported by the Reporting Officers to reference to '*effective transport connections and linkages, including pedestrian, cycling linkages, public transport*'. However, we agree with the Reporting Officers that reference to playgrounds in subclause (e) is not appropriate as these are not necessarily provided as part of a subdivision and can ultimately be provided and maintained by the Council. The Panel also agrees with KiwiRail that the word '*efficient*' should be retained in this clause.

236. In relation to the Westpower submission points, the Panel considers the references to *'infrastructure*' in SUB-P2 include energy activities and agree with the Reporting Officers that there is no need to amend the provisions in this regard. We also consider that in the context of this provision, reference to regionally significant infrastructure is not necessary. Regarding the matter of underground or above ground electricity lines in SUB-P2(n)(ii), the Panel notes that the recommendation from the EIT chapters hearing is to enable both above and below ground transmission lines. However we do not consider a 'carve out' for Industrial Zones within this rule is appropriate.

237. In response to submissions made by Margaret Montgomery, Buller Conservation Group and Frida Inta, the Panel agrees with the reasoning of the Reporting Officers to reject these submissions.

238. The Panel agree with submitters[37] that the words '*where deemed reasonable by the Council*' should be deleted from clause (k), which is supported by the Reporting Officers. We consider that this wording is ambiguous and leaves a broad range of undefined discretion to the Council as to what is reasonable within the context of a policy. We note on this matter that we disagree with Mr Kennedy's conclusions. The same group of submitters also sought the deletion of clause (m) which relates to the maintenance of infrastructure developed as part of a subdivision. The Reporting Officers consider this is an important consideration to ensure the ongoing efficient operation of infrastructure. We agree and recommend it is retained.

239. The same group of submitters sought more detail be provided around clause (o) as to how it was to be achieved. The Reporting Officers did not support the request as the clarification sought is provided in the Financial Contributions Chapter. The Panel accepts the Reporting Officers conclusions and recommends no changes are made to this clause.

240. The Panel agrees that clause (i) does not require rewording. The submission by David Ellerm, while having merit, is in our view more akin to a rule than a policy. We note that the provision of infrastructure and services for wastewater is a matter of control under various rules and subject to SUB-S5, and therefore consider the matter is appropriately addressed by these provisions. The Panel also agrees with the Reporting Officers that Mr Ellerm's submission seeking additions to (n)(iii) to require footpaths to provide capacity for both pedestrian and cycle movements should be rejected. We agree that it is unlikely that all footpaths will be suitable for shared use and should be considered on a case-by-case basis.

241. In response to a submission point by David Ellerm seeking additions to clause (n)(iv), regarding lighting in residential areas, the Panel do not support the amendment because again the matter raised are more appropriately covered in the rules, and as noted to by the Reporting Officers, relevant standards have been set in the rule. We also note that *'urban areas'* includes zones beyond the residential zones.

242. Finally, the Panel agrees with the minor amendments proposed by Ms Evans to correct the tense of certain words and typographical errors.

SUB-P3

243. The Panel agrees with the Reporting Officers that there is no duplication between clauses (a) and (b) in response to the submission made by Westpower and we do not recommend any specific changes.

244. The Panel notes Ms Evans changed position on the amendment sought by Frida Inta and Buller Conservation Group to delete the words '*within or*' from SUB-P3 and we agree that it would be unusual for subdivision to occur *'within*' a riparian margin.

245. The Panel also notes that it queried Ms Evans as to whether reference to '*riparian margins*' was appropriate and should it be deleted. Ms Evans agreed that this reference was an odd addition given the focus of the policy is on matters managed by overlays, however she could not find any scope to enable its deletion. We agree with Ms Evans and consider the reference to riparian margins is in the context of this policy somewhat inconsistent. However, we have reached a view that we are unable to consider amending the provision to address this issue due to the lack of scope in submissions. While we note that Ms Inta considered *'riparian*

[37] Chris & Jan Coll (S558.187), Chris J Coll Surveying Limited (S566.187), William McLaughlin (S567.260) and Laura Coll McLaughlin (S574.187)

margin' could be replaced with *'natural character*', this was not part of her original submissions. This may therefore be a matter that necessitates further consideration at a later date.

246. The Panel agrees with the minor amendments proposed by Ms Evans to correct the tense of certain words and errors.

SUB-P4

247. The recommendation on SUB-P4 was made as part of the Natural Hazard Recommendation Report but is contained below for clarity and ease of reference.

SUB-P5

248. In relation to the Westpower submission on SUB-P5(b), as referred to above, the Panel considers the reference to '*infrastructure*' includes energy activities and there is no need to amend the provisions in this regard.

249. In response to the submissions seeking to delete clause(b), the Panel agrees with the Reporting Officers that the deletion of the end of the clause - '*in advance of integrated urban development*' partly addresses submitters' concerns.

250. In terms of Westpower's submission to amend clause (c), the Panel note the Reporting Officers did not support the amendments as they considered the clause sufficiently provided for the protection of infrastructure. Mr Kennedy argued that clause (c) only relates to the ability to provide infrastructure but not to issues around the potential effect on existing infrastructure. We think he has a point in that regard, although we consider his revised wording did not actually address the matter because if fails to refer to existing infrastructure. The Panel recommends referring to '*efficient provision of or access to proposed or operating infrastructure*' would better address the issue and is within the scope of Westpower submission.

251. The Panel agrees with submitters Chris & Jan Coll, Chris J Coll Surveying Limited, William McLaughlin and Laura Coll McLaughlin (Chris and Jan Coll *et. al.*), supported by the Reporting Officers, that the wording of SUB-P5 should recognise instances where a structure plan may be in place.

252. In response to submissions made by Margaret Montgomery, the Panel agrees with the reasoning of the Reporting Officers that due to a lack of specificity about what is being sought the submission is rejected.

253. The Panel generally agrees with the minor amendments proposed by Ms Evans to correct the tense of certain words, errors and to align wording with other policies as a consequential amendment, however we consider the amendments to combine subclauses d. and e. with regards reverse sensitivity are beyond minor amendments and we do not consider there is scope to do so.

SUB-P6

254. The Panel acknowledges the further consideration given to the SUB-P6 and the apparent disconnect between this policy and the corresponding activity status in the rules. As

referenced by Ms Evan the avoidance of certain activities at policy level generally corresponds with a 'non-complying' activity status which is not the case here. We accept however that there is no scope within submissions to amend the activity status to more appropriately give effect to the policy in full. This would need to be addressed at a future date via a plan change.

255. The Panel also accepts Ms Evans advice in relation to the notified subclause e. that there is no scope to amend it to fully give effect to the NZCPS. Again, we note that this may need to be addressed via a future plan change.

256. The Panel accept the submission made by Ngai Tāhu on SUB-P6 a. and recommend including additional words to the clause which provides an exception if a subdivision is to provide for papakāinga.

257. The Panel agrees with the Reporting Officers conclusions in response to the submission made by Manawa. They considered the deletion of 'Energy Activities' and its replacement with 'Renewable Electricity Generation Activities' narrows the application of the policy and noted that the definition of 'Energy Activities' includes renewable electricity generation.

258. In terms of the reverse sensitivity issue raised by KiwiRail and Federated Farmers, the Panel notes Ms Evans revised position having considered Mr Sutherland and Mr O'Conner's statement on behalf of Federated Farmers. We agree with the amendment proposed to SUB-P6 d. to include activities in the General Rural and Industrial zones and acknowledge that subdivision occurring within and/or adjacent to these zones has the potential to create reverse sensitivity effects. We also agree with the deleted of the word '*significant*' from subclause d. sought by Westpower so as to broaden the consideration of reverse sensitivity effects.

259. The Panel agrees that submission made by Hort NZ to include a new subclause referring to the NPS-HPL should be accepted, however we consider the wording proposed by the Reporting Officers is more appropriate.

260. The Panel did not agree that subclause (a), (c), (e) and (f), should be deleted as sought by Chris & Jan Coll et al. In our view the situations referred to in the clauses are legitimate resource management issues and are the type of circumstances where consideration of avoidance of subdivision should be given. We agree with the Reporting Officers in this regard.

261. In terms of Ms Bensemann's comments on the NZCPS we note that subclause e. did contain a qualifier regarding adverse effects, however as signalled above we acknowledge that the scope to fully give effect to the NZCPS is limited. We note though that if scope were available any changes to subclause e. would only be to strengthen it so as to be aligned with the NZCPS. That said we consider there is some scope available so as to introduce '*remedy*' and to rework the beginning of the subclause to provide greater clarity and ability for consents to be considered. We do not agree with the submission made by Frida Inta and Buller Conservation Group to amend subclause e. by deleting mitigated. In our view this would be inconsistent with the NZCPS.

262. The Panel notes that following a review of Ms Bensemann's evidence, Ms Evans reconsidered some of the subclauses in her S42A addendum and recommended some amendments to clause e. to improve clarity. She also recommends amendments to the proposed new clause addressing highly productive land to improve its clarity.

263. In response to submissions made by Margaret Montgomery, the Panel agrees with the reasoning of the Reporting Officers to reject this submission.

264. The Panel agrees with the minor amendments proposed by Ms Evans to correct the tense of certain words, errors and to align wording with other policies as a consequential amendment.

265. The Panel notes the Snodgrass Road submitters (S619.033 and S619.034) sought to have clause (f) deleted from SUB-P6. They noted that these submission points did not appear to have been discussed in the S42A report. The submission considers that the clause undermines SUB-P4 (which provides for mitigation measures to be used to manage natural hazards) by directing in all areas subject to natural hazard risk subdivision be avoided where it is intended to accommodate people.

SUB-P7

266. The Waka Kotahi submission on SUB-P7 raises the point that the notified wording of subclause (a) appears to allow for subdivision in residential zones that did not comply with minimum lot design and parameters but requires that size and configuration is appropriate for the development intended by the zone. They seek that clarification on what they see is a conflict in outcomes sought.

267. Having consider this, the Panel agrees that Waka Kotahi has a point. The size and configuration of what is appropriate for the development intended by the zone is in our view effectively referring to a permitted activity. Anything beyond that needs to be justified. As currently worded the subclause makes little sense, particularly given that the status for breaching two of the three RESZ's is fully discretionary. We consider there is sufficient scope within the Waka Kotahi submission to deleted subclause (a) and we recommend this be undertaken.

268. The Panel agrees with the Reporting Officers conclusions not to support the submission by David Ellerm seeking an additional subclause relating to restricting subdivision in character areas. We also agree that the sentiments of the GDC submission are already captured in SUB-P2 and it is not necessary to include a further subclause.

SUB-P8

269. In response to submissions made by Margaret Montgomery, the Panel agrees with the reasoning of the Reporting Officers to reject this submission. We recommend retaining SUB-P8 as notified.

SUB-P9

270. A number of submitters sought that SUB-P9 be amended to delete references to esplanade reserves or strips being greater than 20m wide. Submitters also sought amendments to reflect the wording of the operative Buller District Plan on the basis that what was notified is too extensive. They considered that the policy should be limited to those matters set out in s219 the RMA, with the additional inclusion of Poutini Ngāi Tahu values. The Reporting Officers considered that SUB-P9 creates duplication with SUB-O5 and recommend the purpose (which we took to be the reference to public access, natural hazard risk, the protection of natural character and biodiversity values) is deleted from SUB-P9 to focus this policy to instances where a waiver or reduction may be appropriate.

271. Having reviewed the legislation, the Panel consider that the provision as redrafted is potentially problematic because in situations of an allotment or subdivision of less than 4 ha, an esplanade reserve of 20 m is required by default under the RMA. A territorial authority may vary this presumption in its district plan through the creation of a rule under section 77(1) of the RMA. For esplanade reserves, the RMA does not require the width to be specified in the rule. For esplanade strips, the RMA states the width must be specified in the rule. Therefore, a rule that did not specify the width of a required esplanade strip would be *ultra vires.* The Panel notes, however, that a landowner is eligible for compensation if a strip or reserve greater than 20 metres in width is required, or where a reserve or strip is required on an allotment of 4 ha or more.

272. The Panel have reviewed the s32 Report and we can find nothing that refers to the issue of compensation. It seems to us that the s32 Report authors may well have been unaware that increasing the width of esplanade reserves or strips could trigger compensation. It also seems that they were unaware that for esplanade strips, the change in width must be specified in the rule. These misunderstandings appear to have flowed through into the s42A Report and the Right of Reply. In these circumstances, we agree with submitters that reference within the policy that would potentially result in circumstances of widths greater that 20m should be deleted at this point in time. In our view providing for widths greater than 20m for 4 ha lots or for any esplanade reserves or strips on lots greater than 4 ha would necessitate a more thorough examination, including whether Council's would be committed to a compensation regime. We discuss this matter further in relation to SUB-S9 later in this Report.

273. The Panel agree with the Reporting Officers that the purpose of SUB-P9 should be deleted so that the policy focuses on instances where a reduction may be appropriate.

274. The Panel have considered the submission by Federated Farmers and agree with the Reporting Officers that the amendment to clause (a) will improve clarity of the policy. We do not recommend making the amendments to add a specific reference to the RMA, or the amended wording to clauses (b) and (d) regarding '*site location*' and sale and purchase agreements, with the latter considered to be unrelated to the provision of an esplanade reserve or strip.

275. The Panel notes that the Federated Farmers submission also sought the deletion of clause (c), which relates to the protection of sites and areas of significance to Māori (**SASM**) or other taonga. The submission records that s229 of the RMA did not identify this as a reason to require an esplanade reserve or strip, therefore clause (c) should be deleted. However, we note Mr Sutherland and Mr O'Connor supported the Reporting Officer's analysis and recommendations on SUB-P9 and did not take this matter further.

276. In response to submissions made by Buller Conservation Group and Frida Inta to include wording about native fauna corridors, the Panel agrees with the reasoning of the Reporting Officers to reject this submission and notes that the existing policy contains reference to '*biodiversity values'*.

Hearing Panel's Recommendation

277. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend that changes are made to the **Subdivision Policies** as follows:

SUB – P1 Enable subdivision that creates allotments that:

a. Are consistent with the purpose, character, and qualities of the applicable zone;

b. Maintain~~s~~[38] the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses;

c. Minimise~~s~~[39] natural hazard risk to people's lives and properties;

d. Protect~~s~~ **areas of** significant **indigenous biodiversity,**[40] **outstanding natural features and landscapes,** cultural **values**, **areas of** historic~~al~~ **heritage**, natural **character of the coastal environment**[41] ~~and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan~~;[42]

e. **Maintains indigenous biodiversity;**[43]

f. Have legal, physical and safe access to each allotment created by the subdivision;

f. Are integrated and connected to the immediately surrounding area and road network; and[44]

g. Protect the safe and efficient operation and maintenance of infrastructure.[45]

SUB – P2 Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and coordinated manner by ensuring:

a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision;

b. Infrastructure is installed at the time of subdivision, except for on-site infrastructure that cannot be determined until the allotment is developed;

c. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision;

d. Provision of safe**,** ~~and~~ efficient **and effective transport connections and linkages, including pedestrian, cycling linkages, public transport and** vehicle access;[46]

e. Provision for open space and reserves, including pedestrian and cycle linkages;

[38] RMA Schedule 1, clause 16(2)
[39] RMA Schedule 1, clause 16(2)
[40] Buller Conservation Group S552.109, Frida Inta 553.109
[41] Consequential amendment as a result of amendments to SUB-O2,
[42] Director General of Conservation S602.121
[43] Buller Conservation Group S552.109, Frida Inta 553.109
[44] David Ellerm S581.045
[45] Westpower Limited S547.346
[46] Te Mana Ora S190.408

	f. **Provision of**[47] ~~D~~**d**rinking water compliant with New Zealand Drinking Water Standards; g. Adequate water supply for firefighting; h. Treatment and safe disposal of stormwater that did not result in increased flooding and erosion risk; i. Treatment and safe disposal of wastewater with a preference for land-based treatment where no reticulated network is in place; j. Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal; k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite ~~where deemed reasonable by the Council~~;[48] l. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; and m. Where new community infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance; n. In all RESZ - Residential, INZ - Industrial and CMUZ - Commercial and Mixed Use Zones require~~ing~~:[49] i. Roads to a sealed standard; ii. Underground reticulation of services; iii. Sealed footpaths; iv. Streetlights in urban areas; and o. Financial contributions are provided where additional or upgraded network utility infrastructure is required to service development. Advice Note: The standards for road construction can be found in Appendix One: Transport Performance Standards.
SUB – P3	~~Provide for t~~ **T**he[50] subdivision of land ~~within or~~[51]containing riparian margins, outstanding natural features and landscapes, the coastal environment, areas of significant indigenous biodiversity, sites and areas of significance to Māori or historic heritage settings, ~~where it can be demonstrated~~ **must demonstrate**[52] that the design and layout of allotments and the location of any building platforms will:

[47] RMA Schedule 1, clause 16(2)
[48] Chris & Jan Coll S558.185, Chris J Coll Surveying Limited S566.185, William McLaughlin S567.259 and Laura Coll McLaughlin S574.185
[49] RMA Schedule 1, clause 16(2)
[50] RMA Schedule 1, clause 16(2)
[51] Frida Inta S553.111 and Buller Conservation Group S552.111
[52] RMA Schedule 1, clause 16(2)

a. Not compromise the identified characteristics and values of the Overlay ~~Chapter~~[53] it is located within; and

b. Achieve the relevant objectives and policies for the Overlay Chapter.

SUB – P4 Considered in Natural Hazards Recommendation.

SUB – P5 **Unless subdivision occurs in accordance with a Structure Plan adopted by the relevant District Council**[54] ~~A a~~void subdivision within the FUZ - Future Urban Zone that may result in one or more of the following:

a. ~~A c~~ **C**ompromise in the **safe,**[55] efficient and effective operation of the local and wider transport network;

b. The need for significant upgrades, provisions or extensions to the reticulated wastewater, reticulated water supply or stormwater networks, or other infrastructure ~~in advance of integrated urban development~~;[56]

c. **Compromise of** ~~T~~**t**he efficient provision of **or access to proposed or operating**[57] infrastructure ~~being compromised~~;[58]

d. Reverse sensitivity effects when urban development occurs;

e. Reverse sensitivity effects on existing rural activities or infrastructure; or

f. Fragmentation of sites in a manner that may compromise the appropriate form or nature of future urban development.

SUB – P6 Avoid subdivision:

a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement**, unless the subdivision is to establish papakāinga by Poutini Ngāi Tahu**;[59]

b. In the Earthquake Hazard Overlay that could result in the creation of new allotments;

c. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity;

d. Where this could create ~~significant~~[60] reverse sensitivity issues in relation to **lawfully established activities**[61] in the MINZ - Mineral Extraction Zone**,** ~~or Energy Activities~~ **activities in the GRUZ – General Rural Zones or INZ – Industrial Zones**[62] **or regionally significant infrastructure**;[63]

[53] RMA Schedule 1, clause 16(2)
[54] Chris & Jan Coll S558.192, Chris J Coll Surveying Limited S566.192, William McLaughlin S567.265 and Laura Coll McLaughlin S574.192
[55] Consequential amendment
[56] Chris & Jan Coll S558.191, Chris J Coll Surveying Limited S566.191, William McLaughlin S567.264
[57] Westpower Limited S547.353
[58] RMA Schedule 1, clause 16(2)
[59] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.181
[60] Westpower Limited S547.345
[61] Consequential amendment for consistency
[62] Federated Farmers S524.082, KiwiRail S442.067
[63] Consequential Plan wide amendment, as a result of the Panel's Energy, Infrastructures and Transport Recommendation Report

e. In **unmodified areas of** the Coastal environment ~~outside of areas that are already modified~~[64] unless adverse effects on the natural character of the coastal environment can be avoided, **remedied**[65] or mitigated; ~~and~~

f. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities**; and**[66]

g. Of Highly Productive Land as defined under the National Policy Statement for Highly Productive Land, unless the requirements of clause 3.8 of the NPS-HPL are met.[67]

SUB – P7 Allow subdivision in the RESZ - Residential Zones that did not comply with the minimum lot design and parameters when:

~~a. The site size and configuration is appropriate for development intended by the zone;~~[68]

a. The subdivision design maintains residential character and amenity;

b. The increased density did not create adverse effects on ~~critical~~ **regionally significant**[69] infrastructure; and

c. It can be demonstrated that it is consistent with the quality and types of development envisaged by RESZ - Residential Zone Objectives and Policies and any residential or medium density housing design guides in place for the zone.

SUB – P8 Provide for subdivision around existing or approved residential development where it enables creation of sites for uses that are in accordance with an approved land use consent or building consent.

SUB – P9 To require esplanade reserves or esplanade strips for allotments of less than 4 ha ~~to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values~~,[70] except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:

a. ~~The natural values~~ **The protection of conservation values, or the enabling of public access or public recreational use that is compatible with conservation values, or reduction of natural hazard risk**[71] warrant a ~~wider or~~[72] narrower esplanade strip or esplanade reserve; or

b. Topography, or the siting of any building or other feature, renders the 20-metre width ~~inadequate or~~[73] excessive; or

[64] Chris & Jan Coll S558.193, Chris J Coll Surveying Limited S566.193, William McLaughlin S567.266 and Laura Coll McLaughlin S574.193
[65] Chris & Jan Coll S558.193, Chris J Coll Surveying Limited S566.193, William McLaughlin S567.266 and Laura Coll McLaughlin S574.193
[66] RMA Schedule 1, clause 16(2)
[67] Horticulture New Zealand S486.041
[68] Waka Kotahi NZTA S450.119
[69] Consequential Plan-wide amendment from the Energy, Infrastructures and Transport Chapters Recommendation Report
[70] John Brazil S360.017, Chris & Jan Coll S558.196, Chris J Coll Surveying Limited (566.196, William McLaughlin S567.269, and Laura Coll McLaughlin S574.196
[71] Federated Farmers of New Zealand S524.083
[72] John Brazil S360.017, Chris & Jan Coll S558.196, Chris J Coll Surveying Limited S566.196, William McLaughlin S567.269, and Laura Coll McLaughlin S574.196, Leonie Avery (507.045, Jared Avery S508.045, Kyle Avery S509.045, Avery Bros S510.045, Bradshaw Farms S511.045, Paul Avery S512.045, Brett Avery S513.045, Neil Mouat S535.022
[73] John Brazil S360.017, Chris & Jan Coll S558.196, Chris J Coll Surveying Limited S566.196, William McLaughlin S567.269, and Laura Coll McLaughlin S574.196, Leonie Avery S507.045, Jared Avery S508.045, Kyle Avery S509.045, Avery Bros S510.045, Bradshaw Farms S511.045, Paul Avery S512.045, Brett Avery S513.045, Neil Mouat S535.022

c. The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of ~~greater or~~[74] lesser width than 20 metres; or

d. The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of ~~greater or~~[75] lesser than 20 metres; or

e. The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).

2.5. Subdivision – Rules

Submissions and Further Submissions

278. Eleven submission points and five further submission points relating to the Subdivision rules (as a whole) were summarised in a Table on page 56-59 of the s42A Report. One submission point sought to retain the rules as notified. Ten submission points sought various amendments to the rules. Four of the further submissions supported various amendments, and one opposed one of the proposed amendments.

279. Eighteen submission points and two further submission points relating to **SUB-R1** were summarised in a Table on pages 60-61 of the s42A Report. Four submission points supported the retention of the rule as notified. One submission point opposed the rule. The remaining 13 submission points sought amendments.

280. Fourteen submission points relating to **SUB-R2** were summarised in a Table on page 64 of the s42A Report. Six submission points supported the retention of the rule as notified. Eight submission points sought amendments.

281. Thirty-three submission points and six further submission points relating to **SUB-R3** were summarised in a Table on pages 65-68 of the s42A Report. Four submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

282. Thirteen submission points relating to **SUB-R4** were summarised in a Table on pages 72-73 of the s42A Report. Six submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

283. Seventy-seven submission points and three further submission points relating to **SUB-R5** were summarised in a Table on pages 74-78 of the s42A Report. Eight submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

284. Sixty-four submission points and 13 further submission points relating to **SUB-R6** were summarised in a Table on pages 82-87 of the s42A Report. Five submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

[74] John Brazil S360.017, Chris & Jan Coll S558.196, Chris J Coll Surveying Limited S566.196, William McLaughlin S567.269, and Laura Coll McLaughlin S574.196, Leonie Avery S507.045, Jared Avery S508.045, Kyle Avery S509.045, Avery Bros S510.045, Bradshaw Farms S511.045, Paul Avery S512.045, Brett Avery S513.045, Neil Mouat S535.022

[75] John Brazil S360.017, Chris & Jan Coll S558.196, Chris J Coll Surveying Limited S566.196, William McLaughlin S567.269, and Laura Coll McLaughlin S574.196, Leonie Avery S507.045, Jared Avery S508.045, Kyle Avery S509.045, Avery Bros S510.045, Bradshaw Farms S511.045, Paul Avery S512.045, Brett Avery S513.045, Neil Mouat S535.022

285. Fourteen submission points and four further submission points relating to **SUB-R8** were summarised in a Table on pages 91-96 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

286. Twenty-one submission points and two further submission points relating to **SUB-R10** were summarised in a Table on pages 100-102 of the s42A Report. Four submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

287. Three submission points relating to **SUB-R11** were summarised in a Table on page 106 of the s42A Report. All the submission points sought amendments. The Panel notes that this rule was also addressed in the Natural Features and Landscapes recommendation.

288. Five submission points relating to **SUB-R12** were summarised in a Table on page 105 of the s42A Report. All the submission points sought amendments. The Panel notes that this rule was also addressed in the Special Purpose Zones recommendation.

289. Seventeen submission points relating to **SUB-R14** were summarised in a Table on pages 107-108 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

290. Twenty-five submission points relating to **SUB-R18** were summarised in a Table on pages 109-110 of the s42A Report. Ten submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

291. Six submission points relating to **SUB-R19** were summarised in a Table on page 112 of the s42A Report. Five submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

292. Six submission points relating to **SUB-R22** were summarised in a Table on page 113 of the s42A Report. Five submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

293. One submission point supporting the retention of **SUB-R23** as notified was summarised in a Table on page 114 of the s42A Report.

294. One submission point opposing the retention of **SUB-R24** as notified was summarised in a Table on page 114 of the s42A Report.

295. Twenty-one submission points relating to **SUB-R25** were summarised in a Table on page 114-115 of the s42A Report. Twenty submission points opposed the retention of the rule as notified. The remaining submission point supported it.

296. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Rules (General)

297. Ms Belgrave and Ms Evans acknowledged the support from Toka Tū Ake EQC that supported the rules as notified. The acknowledgement was subject to recommended amendments that arose from other submissions on specific rules.

298. In response to the submission point made by Deb Langridge, Ms Belgrave and Ms Evans did not support the requested amendments. This was because the relief sought to subdivide land into small house size lots had the potential to undermine the intent of SUB-O1, the objectives of the Rural Zones and the NPS-HPL. The s42A Report noted that GDC, by way of further submission, did not support the submission point.

299. In response to Margaret Montgomery's submission point to make the rules more accessible to a lay person, Ms Belgrave and Ms Evans, acknowledged the submission. However, without any specific relief they did not recommend any changes.

300. The s42A Report did not support the submission point made by Inger Perkins that sought amendments to rules to require renewable energy generation systems to support residential and commercial development. This was because there was no s32AA evaluation provided to support the relief sought and it did not align with the policy intent of the Plan.

301. In response to the submission point made by the West Coast Regional Council (**WCRC**) to ensure the provisions of the NPS-HPL were met, the s42A Report acknowledged the submission. It noted that amendments were recommended to appropriate rules to respond to this submission.

302. In response the submission points made by Buller Conservation Group and Frida Inta to amend the rules regarding the provision of esplanade reserves and strips, Ms Belgrave and Ms Evans did not support the relief sought due to an absence of detailed justification.

303. In response to the submission points made by Forest and Bird, Ms Belgrave and Ms Evans considered that amendments to SUB-S2 were necessary to provide the relief sought in S560.043 to ensure waterbodies and their margins were protected in the subdivision process. However, they did not support the relief sought to amend the references to Schedule Four so that they apply to SNA.

304. In response to the submission point made by Poutini Ngāi Tahu to include '*Poutini Ngāi Tahu values*' as a matter of discretion for all rules, Ms Belgrave and Ms Evans acknowledged the sentiment. However, they invited the submitter to provide further information to provide clarity and methods for practical implementation.

SUB-R1: Permitted Activity – General Residential Zone and General Rule Zone – Boundary adjustments

305. Ms Belgrave and Ms Evans acknowledged the support from four submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

306. In relation to the submission point made by Margaret Montgomery, who opposed the rule in part, Ms Belgrave and Ms Evans did not make any recommended changes because no specific relief was sought in the submission.

307. Ms Belgrave and Ms Evans did not initially support the relief sought in the submission point made by Davis Oglivie & Partners to have the rule apply to all zones. This was because the provision for boundary adjustments in other zones was provided as a controlled activity in SUB-R3. Additionally, without a minimum lot size in the rule, Ms Belgrave and Ms Evans were concerned about the fragmentation of rural land, particularly where it was classed as highly productive. However, having reviewed Ms Hadfield's evidence, Ms Evans revised the recommendation in her Addendum Report and recommended amending the heading of the rule to include all residential and rural zones.

308. In response to the submissions that request a permitted baseline apply when determining compliance with SUB-R1(5)[76], Ms Belgrave and Ms Evans recommended that these submissions were part of the consideration of the density standards in the Rural Zone Chapter hearing.

309. In response to the submission point made by BDC that SUB-R1(1)(a) and SUB-R1.1(c) were essentially duplications, Ms Belgrave and Ms Evans agreed and recommended deleting SUB-R1(1)(c).

310. In response to the submission point made by Westpower to add a new clause to the rule, Ms Belgrave and Ms Evans did not support the addition. This was because they did not consider a boundary adjustment would affect existing legal and physical access to existing energy activities or create the need for a new easement for non-private infrastructure. They also did not consider that the suggested wording was suitable for a permitted activity rule.

311. In response to the second submission point made by Westpower that sought clarification as to whether the rule applied to the overlays, Ms Belgrave and Ms Evans agreed that the clarity could be improved. They therefore recommended amending the wording of SUB-R1(1)(a), changing *'the*' for '*all'* when referring to the rules, confirming that compliance with all rules needs to be achieved, including those in an overlay chapters.

312. In response to the four submission points[77] that requested the deletion of SUB-R1(3) and SUB-R1(5) on the basis that the rules were too restrictive, Ms Belgrave and Ms Evans did not agree. They considered that the provision of a complying access was relevant in order for the boundary adjustment to be a permitted activity. In line with their previous recommendation regarding SUB-R1(5), they considered these submission points would be considered in the Rural Zone Chapter hearing.

313. Ms Belgrave and Ms Evans did not support amendments sought by the four submission points[78] to enable a boundary adjustment which reduces allotments (or records of title) to be a permitted activity. Nor did they support any amendment to the definition of '*boundary adjustment*' as it was in accordance with the National Planning Standards.

314. Appendix 1 of the Addendum Report recommended amending SUB-R1 as follows:

> ***SUB-R1 ~~General~~ Residential Zones and ~~General~~ Rural Zones - Boundary adjustments***
>
> *Activity Status Permitted*
>
> *Where:*

[76] Buller District Council (s538.245), Davis Ogilvie & Partners Limited (S465.014)
[77] Chris & Jan Coll (S558.198), Chris J Coll Surveying Limited (S566.198), William McLaughlin (S567.270), Laura Coll McLaughlin (S574.198)
[78] Chris & Jan Coll (S558.199), Chris J Coll Surveying Limited (S566.199), William McLaughlin (S567.271), and Laura Coll McLaughlin (S574.199)

1. *The boundary adjustment did not alter:*
    a. *The permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under ~~the~~ **all** rules and standards in this Plan;*
    b. *The extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments did not comply with a rule or standard in this Plan; ~~and~~*
    ~~c. The ability of an existing permitted activity (including on adjacent lots) to continue to comply with the Plan.~~
2. *No new roading or access points are required;*
3. *All existing vehicle access points comply with the requirements of Rule TRN - R1;*
4. *No new Council services are required; and*
5. *In the GRUZ - General Rural Zone the boundary adjustment did not result in potential additional residential units as a permitted activity.*

SUB-R2: Permitted Activity – All Zones – Subdivision for a Network Utility or Critical Infrastructure

315. Ms Belgrave and Ms Evans acknowledged the support from six submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

316. In response to the submission point made by Westpower to make additions to SUB-R2(2), Ms Belgrave and Ms Evans supported the amendment in part. They recommended adding *'or the conditions of any land use consent'* at the end of the clause to be consistent with RMA language.

317. In response to submission points[79] that requested amendments to SUB-R2(4) for readability, Ms Belgrave and Ms Evans agreed and recommend amendments.

318. In response to submission points[80] that request SUB-R2(2) and SUB-R2(3) be deleted, Ms Belgrave and Ms Evans did not agree and considered the clauses necessary to manage potential effects.

319. Ms Belgrave and Ms Evans recommend amending SUB-R1 as follows:

SUB-R2

Activity Status Permitted

Where:

1. *Any new lot created is solely for a network utility or critical infrastructure which is either a Permitted Activity under the Energy Chapter, Infrastructure Chapter or Transport Chapter or is approved as a result of a land use consent;*
2. *Any existing buildings comply with the relevant zone Permitted Activity standards **or the conditions of any land use consent**;*
3. *All existing vehicle access points comply with the requirements of Rule TRN - R1;*

[79] Buller Conservation Group (S552.114), Frida Inta (S553.114) and Buller District Council (S538.246)
[80] Chris & Jan Coll (S558.200), Chris J Coll Surveying Limited (S566.200), William McLaughlin (S567.272), and Laura Coll McLaughlin (S574.200)

4. ~~*Where the*~~ ***The*** *site is less than 4ha* ***and*** *adjacent to a river >3m wide or* ***adjacent to*** *the coast, the provision of an esplanade reserve or strip of 20m;*
5. *No new roading or access points are required; and*
6. *No new Council services are required.*

SUB-R3: All Zones and All Overlays – Boundary Adjustments

320. Ms Belgrave and Ms Evans acknowledged the support from four submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

321. In response to the submission point made by Christopher and Donna Meates that sought to reduce the minimum allotment size to 5,000m² for a controlled activity, Ms Belgrave and Ms Evans did not support the relief sought. They noted this was a significant reduction from the 4 ha notified standard and considered a discretionary activity was more appropriate.

322. In response to the submission point made by Margaret Montgomery to clarify clause (f) in the matters of control, Ms Belgrave and Ms Evans supported the submission in part. They recommended amendments that would ensure consistency with objectives and policies.

323. Ms Belgrave and Ms Evans did not support the submission point made by Hort NZ to add a matter of control relating to the consideration of reverse sensitivity effects for reasons already set out in regard to other submission points.

324. Ms Belgrave and Ms Evans supported the relief sought in the submission point by BDC to delete the requirement in SUB-R3(3)(a) to have had a building consent issued because it was not a necessary consideration as to the potential effects of any boundary adjustment proposal.

325. In response to the submission point made by Westpower to make amendments to SUB-R3(3)(a), Ms Belgrave and Ms Evans did not support the relief sought. The addition of the words *'or activity*' were considered to be superfluous, and as the building consent part of the rule is recommended to be deleted, they considered the other additions sought by Westpower were not necessary.

326. In response to the submission point made by Westpower to make amendments to clause (f) of the matters of control, Ms Belgrave and Ms Evans recommended that the addition of the words '*management of adverse effects*' to be helpful.

327. Ms Belgrave and Ms Evans supported in part the relief sought by Westpower to add a new matter of control relating to the consideration of energy activities/infrastructure. However, they recommended using '*infrastructure activities*' instead of '*energy activities*'.

328. Ms Evans revisited the new matter of control in her Addendum Report, after considering Mr Kennedy's evidence. She agreed that the inclusion of the word '*maintain*' in the matter was relevant and appropriate.

329. Ms Belgrave and Ms Evans did not support the proposed addition of '*amenity values'* to the matters of control in clause (f), as sought by Frida Inta and Buller Conservation Group. They considered a controlled activity boundary adjustment had limited potential for effects on amenity values, and that the term was not certain enough for a matter of control.

330. In response to submission points[81] that sought to retain SUB-R3(1) and SUB-R3(3), and delete SUB-R3(2), which would remove the escalation of any non-compliance to a discretionary activity, Ms Belgrave and Ms Evans did not support the relief sought. This was because they considered there was potential for adverse environmental effects to arise from rearranging lot boundaries which could not be considered with the deletion of SUB-R3(2).

331. In response to submission points[82] that sought more specificity to the wording of clause (a) in the matters of control, Ms Belgrave and Ms Evans supported the intention of the submission point but recommended adding *'including space for a compliant building platform within any vacant allotment'* to the clause.

332. Ms Belgrave and Ms Evans did not support the relief sought in the submission point from Forest and Bird to add a rule preventing a boundary from being located through an SNA. This was because they considered the matter for control clause (f) (as recommended to be amended) allowed for an assessment of effects on areas of significant indigenous biodiversity.

333. The Forest and Bird submission point also sought an additional matter for control to require an assessment against the significant criteria in Appendix 1 of the WCRPS. Ms Belgrave and Ms Evans did not support this addition and considered that this is better addressed in the ECO Chapter of the pTTPP.

334. In response to the submission point made by David Ellerm to add a new rule giving zone specific standards precedence where there was inconsistency with the general standards, the Ms Belgrave and Ms Evans did not support the addition. This was because they considered there was a lack of information and justification in the submission.

335. In response to the submission point made by the Director General, which sought amendments to the matters of control in clause (f), Ms Belgrave and Ms Evans supported the submission in part. They agree that additions relating to coastal features, natural character and landscapes should be included but did not support the additional reference to other features identified through the resource consent process.

336. In response to the submission point made by Poutini Ngāi Tahu, which sought to add 'Poutini Ngāi Tahu values' as a matter of control, Ms Belgrave and Ms Evans did not support the addition as they consider the addition would not create certainty for a controlled activity.

337. Appendix 1 of the Addendum Report recommended amending SUB-R3 as follows:

> ***SUB-R3***
>
> *Activity Status Controlled*
>
> *Where:*
>
> 1. *These are not Permitted Activities under Rule SUB - R1;*
> 2. *All Subdivision Standards are complied with; and*
> 3. *The existing or proposed buildings must:*
>
> a. *Comply with all permitted activity standards relevant to the zone and any overlays ~~and a building consent has been issued for any proposed buildings~~; or*

[81] Chris & Jan Coll (S558.202) (S558.203), Chris J Coll Surveying Limited (S566.202) (S566.203), William McLaughlin (S567.274) (S567.275), and Laura Coll McLaughlin (S574.202) (S574.203)
[82] Chris & Jan Coll (S558.204), Chris J Coll Surveying Limited (S566.204), William McLaughlin (S567.276), and Laura Coll McLaughlin (S574.204)

b. Be subject to an approved resource consent for any non- compliances; or

c. Where there is an existing building that did not comply with the current district plan, the subdivision must not increase the extent to which the existing building fails to comply.

Matters of control are:

*a. The design and layout of allotments, **including space for a compliant building platform within any vacant allotment**, and the ability to accommodate permitted and/or intended land uses;*

b. The design and provision of access;

c. The provision, design and construction of infrastructure and services;

d. Any requirements which arise from the location in relation to natural hazards;

e. Effects of development phase works on the surrounding area; ~~and~~

*f. **Management of adverse effects on** ~~Protection, maintenance or enhancement of~~ **outstanding** natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, **coastal features, natural character, landscapes**, or any other identified features; **and***

g. The ability to access, operate, maintain or upgrade existing infrastructure activities, is retained.

SUB-R4: All Zones and All Overlays – Subdivision for a Network Utilities, Critical Infrastructure, Access or Reserves

338. Ms Belgrave and Ms Evans acknowledged the support from submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

339. Ms Belgrave and Ms Evans supported in part the submission point made by Westpower to amend clause (a) of the matters of control to add reference to critical infrastructure. However, they recommended using '*regionally significant infrastructure*' to reflect Plan-wide amendments. They noted this required a consequential amendment to the title of the rule.

340. In response to the second submission point by Westpower to amend clause (c) of the matters of control, Ms Belgrave and Ms Evans made a similar recommendation to in SUB-R3.

341. In response to submission points[83] that sought the deletion of clause (c) from the matters of control, Ms Belgrave and Ms Evans did not support the submission to retain consistency with similar matters throughout the SUB Chapter.

342. In response to the submission point made by Poutini Ngāi Tahu, Ms Belgrave and Ms Evans did not support the relief sought to add a new matter of control, for the same reasons set out in relation to SUB-R3.

343. Ms Belgrave and Ms Evans recommended amending SUB-R4 as follows:

SUB-R4

Activity Status Controlled

Where:

[83] Chris & Jan Coll (S558.205), Chris J Coll Surveying Limited (S566.205), William McLaughlin (S567.277) and Laura Coll McLaughlin (S574.205)

1. *The Subdivision is not a Permitted Activity under Rule SUB - R2*

Matters of control are:

a. *The size, design and layout of allotments for the purpose of public network utilities**, regionally significant infrastructure**, reserves or access;*

b. *Legal and physical access to and from allotments;*

c. *~~Protection, maintenance or enhancement of~~ **Management of adverse effects on outstanding** natural features and landforms, natural character, the coastal environment, waterbodies, significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, **coastal features, natural character, landscapes**, or identified features;*

d. *Where relevant, compliance with Subdivision Standards; and*

e. *Any requirements which arise from the location in relation to natural hazards, esplanade reserves or esplanade strips.*

SUB-R5: Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones

344. Ms Belgrave and Ms Evans acknowledged the support from submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

345. Ms Belgrave and Ms Evans did not support the relief sought in the submission made by Margaret Montgomery to reformat the rule because this was consistent with the drafting of other rules in the SUB Chapter.

346. In response to the submission point made by the TTPP Committee to amend SUB-R5(4), Ms Belgrave and Ms Evans supported the submission point and recommend that the lead in words of SUB-R5(4) be replaced.

347. Ms Belgrave and Ms Evans did not support the relief sought in the submission point made by Silver Fern Farms to require a discretionary consenting pathway and a notification requirement for subdivision in a residential zone that created new residential lots within 100m of an industrial zone boundary. This was because they did not consider the SUB Chapter was the appropriate part of the Plan to address reverse sensitivity effects and the significant constraints it would place on the existing residentially zoned land.

348. In response to the similar submission points made by KiwiRail and Westpower to amend clause (p) of the matters of control, Ms Belgrave and Ms Evans supported the submissions in part. Ms Belgrave and Ms Evans recommended replacing *'network utilities'* with '*regionally significant infrastructure'*.

349. In response to the submission point made by Westpower to amend clause (g) of the matters of control to specifically add reference to energy activities and infrastructure, Ms Belgrave and Ms Evans did not support the addition. They considered that the notified wording was sufficiently broad to capture the outcome sought by Westpower.

350. Ms Belgrave and Ms Evans did not support the relief sought by BDC in two of their submission points to condense SUB-R5(2) and SUB-R5(3) into one clause because non-compliance with the notified clause resulted in a different default activity status.

351. In response to further submission points by BDC to change '*constraints*' to '*considerations*' in clause (n) of the matters of control, Ms Belgrave and Ms Evans supported the amendment as they considered it provided more certainty to enable a comprehensive assessment of the natural hazard or geotechnical risks.

352. In response to submission points made by Frida Inta and Buller Conservation Group to include *'existing amenity values, the quality of the environment, natural character'* in clause (k) of the matters of control, Ms Belgrave and Ms Evans did not support the additions. They considered the term did not provide certainty enough for a matter of control. Additionally, they noted these matters were addressed in clause (a).

353. In response to submission points[84] that sought more specificity in the wording of matter of control (a), Ms Belgrave and Ms Evans supported the intention of the submission point but recommend using the same wording as recommended in relation to SUB-R3.

354. In response to submission points[85] that requested deleting matter of control (j) Ms Belgrave and Ms Evans supported the relief sought. This was because effects of earthworks were managed separately, and the temporary effects of construction and development were managed in other parts of the Plan.

355. Ms Belgrave and Ms Evans did not support submission points[86] that requested amendments to matters of control (b) and (c) to reference relevant standards (e.g. District Council Engineering Standards). Ms Belgrave and Ms Evans noted the notified provisions were to manage effects associated with the design of subdivision, which were not typically addressed by engineering standards.

356. Ms Belgrave and Ms Evans did not support the submission points[87] that sought the deletion of words relating to providing access to esplanade reserves and strips from matter of control (l) because it was a relevant matter to be considered at the time of subdivision.

357. In response to submission points[88] that sought to delete matter of control (o), Ms Belgrave and Ms Evans supported the relief sought because these matters were managed under other provisions of the Plan.

358. Regarding submission points[89] that related to SUB-R5(8), the relief sought ranged from the deletion of the whole rule (on the basis that '*development plan'* was not defined), or that it be defined; and if the rule was deleted, consequential amendments to the activity status when compliance was not achieved. Ms Belgrave and Ms Evans agreed that there was uncertainty due to the term *'development plan'* not being defined and recommended amendments to instead refer to '*structure plan or outline development plan*'. They considered consequential amendments were not necessary.

[84] Chris J Coll Survey Limited (S566.210), Chris & Jan Coll (S558.210), Catherine Smart-Simpson (S564.049), William McLaughlin (S567.281), Geoff Volckman (S563.043), Laura Coll McLaughlin (S574.210), Koiterangi Lime Co LTD (S577.054), Karamea Lime Company (S614.071), and Peter Langford (S615.071)

[85] Chris J Coll Survey Limited (S566.211), Chris & Jan Coll (S558.211), Catherine Smart-Simpson (S564.050), William McLaughlin (S567.282), Laura Coll McLaughlin (S574.211), Koiterangi Lime Co LTD (S577.055) and Peter Langford (S615.072) Karamea Lime Company (S614.072)

[86] Chris J Coll Survey Limited (S566.212), Chris & Jan Coll (S558.212), William McLaughlin (S567.283), Laura Coll McLaughlin (S574.212)

[87] Chris J Coll Survey Limited (S566.213) Chris & Jan Coll (S558.213), William McLaughlin (S567.284), and Laura Coll McLaughlin (S574.213)

[88] Chris J Coll Survey Limited (S566.214), Chris & Jan Coll (S558.214), William McLaughlin (S567.285), and Laura Coll McLaughlin (S574.214)

[89] Chris J Coll Survey Limited (S566.209 & S566.215), Chris & Jan Coll (S558.209 & S558.215), William McLaughlin (S567.280 & S567.286), Laura Coll McLaughlin (S574.209 & S574.215) Geoff Volckman (S563.042), Koiterangi Lime Co LTD (S577.053), Karamea Lime Company (S614.070), Peter Langford (S615.070), and Catherine Smart-Simpson (S564.048)

359. In response to the submission point made by Forest and Bird to amend SUB-R5(1) to delete the reference to Schedule Four, Ms Belgrave and Ms Evans supported the relief sought. They considered this would achieve consistency with the title of SUB-R7.

360. In response to the submission point made by Poutini Ngāi Tahu, which sought to retain SUB-R5(4) and matter for control (k) as notified, Ms Belgrave and Ms Evans noted that they had recommended amendments to SUB-R5(4) in response to the TTPP Committee's submission. However, they considered the intent remained the same. No amendments were recommended to matter for control (k).

361. In response to submission points[90] that sought to retain the activity status of discretionary when non-compliance with SUB-R5(6) was not achieved, Ms Belgrave and Ms Evans supported the relief sought and noted that no submission sought to change it.

362. Ms Belgrave and Ms Evans recommended amending SUB-R5 as follows:

> ***SUB-R5***
>
> *Activity Status Controlled*
>
> *Where:*
>
> 1. *This is not within a Significant Natural Area ~~as identified in Schedule Four~~ subject to Rule SUB - R7;*
> 2. *This is not within one of the following locations in the coastal environment:*
>   i. *Outstanding Natural Landscape as identified in Schedule five;*
>   ii. *Outstanding Natural Feature as identified in Schedule Six;*
>   iii. *High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or*
> 3. *This is not within an area of:*
>   i. *Outstanding Natural Landscape as identified in Schedule Five;*
>   ii. *Outstanding Natural Feature as identified in Schedule Six;*
>   iii. *Sites of Historic Heritage as identified in Schedule One;*
>   iv. *Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;*
> 4. ***This is not within a Site or Area of Significance to Māori except those listed below and*** *~~This only occurs in the following sites and areas of significance to Māori~~ identified in Schedule Three:*
>   i. *SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 56 Māwhera Pā 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 197 Ōkuru;*
> 5. *This is not within the Earthquake Hazard Overlay;*

[90] Leonie Avery (S507.046), Jared Avery (S508.046), Kyle Avery (S509.046), Avery Bros (S510.046), Bradshaw Farms (S511.046), Paul Avery (S512.046), Brett Avery (S513.046), Neil Mouat (S535.023), Chris & Jan Coll (S558.206), and Avery Brothers (S609.044)

6. *This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;*
7. *All Subdivision Standards are complied with; and*
8. *The subdivision is in general accordance with any **structure** ~~development~~ plan **or outline development plan** in place for the site.*

Matters of control are:

a. *The design and layout of allotments**, including space for a compliant building platform on any vacant allotment** and the ability to accommodate permitted and/or intended land uses;*
b. *The design and provision of roads, pedestrian and cycle ways; and*
c. *The design and provision of access;*
d. *The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;*
e. *The adequacy of water supply for firefighting;*
f. *Any requirements arising from meeting the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure;*
g. *The provision of easements;*
h. *The provision of local purpose reserves;*
i. *The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;*
j. ~~*Effects of development phase works on the surrounding area;*~~
k. *Effects on Poutini Ngāi Tahu values, notable trees or historic heritage within or adjacent to the site;*
l. *The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;*
m. *The extent to which any land identified as contaminated is safe for habitation; and*
n. *Natural hazards **~~or~~** **and** geotechnical **considerations** ~~constraints.~~; and*
o. ~~*Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and*~~
p. *Management of potential reverse sensitivity effects on existing land uses, including **regionally significant infrastructure** ~~network utilities~~, rural activities or significant hazardous facilities.*

SUB-R6 Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone

363. Ms Belgrave and Ms Evans acknowledged the support from five submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

364. In response submission points[91] that sought the activity status be amended from non-complying to discretionary when non-compliance with SUB-R6(4) occurred, Ms Belgrave and Ms Evans did not support the amendment. This was because they considered a non-complying activity status was appropriate for confined areas where further subdivision was not

[91] S360.018; S421.004; S507.048; S507.050; S508.058; S508.048; S509.048; S509.050; S510.050; S511.048; S511.050; S512.048; S512.050; S513.048; S513.050; S558.216; S566.216; S567.287; S574.216; S609.045

anticipated due to the significant identified constraints. They noted this consideration also applied to the submission made by Lara Kelly, which was of a similar nature.

365. In response to the submission point made by Silver Fern Farms to include a reference to minimum lot size in matter of control (a) and to include additional wording in matter of control (m) to refer to industrial activities, Ms Belgrave and Ms Evans supported the submission in part. They did not recommend changing clause (a) because minimum lot sizes were referred to elsewhere and duplication was not necessary. Regarding clause (m), they considered the inclusion of '*industrial*' activities was a helpful clarification and recommended the addition of *'rural industry'* to the clause.

366. In response to the similar submissions made by KiwiRail and Westpower to amend matter of control (m) in relation to the reference to infrastructure, Ms Belgrave and Ms Evan reiterated their previous position about this matter and recommended amendments to refer to '*regionally significant infrastructure'*.

367. In response to the submission point made by Hort NZ to include a new matter of control to address potential reverse sensitivity effects on rural production activities, Ms Belgrave and Ms Evans did not support the submission because they considered the matter was already managed by the reference to '*rural activities*' in matter of control (m).

368. In response to the two submissions made by BDC to condense SUB-R5(2) and SUB-R5(3) into one rule, Ms Belgrave and Ms Evans reiterated their previous position about this matter and did not support the amendment.

369. BDC also sought to have '*natural hazards or geotechnical considerations'* added to the matters for control. EQC sought this relief too. Ms Belgrave and Ms Evans supported these submissions with a minor amendment that *'or'* be replaced with '*and*' in accordance with s106 of the RMA.

370. In response to the submission point from Westpower to have a matter for control added to consider the provision of easements for energy activities, Ms Belgrave and Ms Evans supported the submission in part, as this was a relevant consideration. They did not consider the specificity of the type of easement was necessary.

371. In response to submission points[92] that sought more specificity to the wording of matter of control (a), Ms Belgrave and Ms Evans reiterated their previous recommendation in relation to SUB-R5 and considered the alternative wording addressed the intent of the submissions.

372. In response to submission points[93] that sought amendments to matters of control (b) and (c) to reference relevant standards, Ms Belgrave and Ms Evans reiterated their previous position about this matter in relation to SUB-R5 and did not support the relief sought.

373. In response to submission points[94] that sought the deletion of words relating to providing access to esplanade reserves and strips from matter of control (j), Ms Belgrave and Ms Evans reiterated their previous position in relation to SUB-R5 and did not support the relief sought.

[92] Chris & Jan Coll (S558.217), Chris J Coll Surveying Limited (S566.217), William McLaughlin (S567.288), and Laura Coll McLaughlin (S574.217)
[93] Chris & Jan Coll (S558.218), Chris J Coll Surveying Limited (S566.218), William McLaughlin (S567.289), and Laura Coll McLaughlin (S574.218)
[94] Chris J Coll Survey Limited (S566.221) Chris & Jan Coll (S558.221), William McLaughlin (S567.291), and Laura Coll McLaughlin (S574.221)

374. In response to submission points[95] that sought to delete matter of control (l), Ms Belgrave and Ms Evans reiterated their previous position in relation to SUB-R5 and supported the relief sought by the submissions.

375. Forest and Bird's submission point sought to amend SUB-R6(1) to apply to areas of significant indigenous biodiversity that were not identified in Schedule Four. A further submission from Chris J Coll Surveying opposed the submission. Ms Belgrave and Ms Evans did not support the relief sought by Forest and Bird because they considered an ecological assessment was not always necessary to demonstrate that an area did not qualify for an SNA. Nevertheless, they recommended minor amendments to the rule to improve clarity and consistency with SUB-R5.

376. Ms Belgrave and Ms Evans did not support the relief sought by Poutini Ngāi Tahu to amend SUB-R6(6) because the relief would preclude consideration under SUB-R6(1), SUB-R6(2), and SUB-R6(5) which required compliance with the proposed subdivision standards.

377. Ms Belgrave and Ms Evans did not support the relief sought in submission points[96] to amend matters of control (d) and (k) because no specific relief sought had been identified.

378. In response to submission points[97] that sought amendments to make the rule less restrictive, Ms Belgrave and Ms Evans did not support the submissions because no specific relief sought had been identified.

379. Ms Belgrave and Ms Evans did not support the relief sought in submission points[98] to delete references to highly productive land as it was a defined term in the NPS-HPL.

380. Ms Belgrave and Ms Evans recommended amending SUB-R6 as follows:

> ***SUB-R6***
>
> *Activity Status Controlled*
>
> *Where:*
>
> 1. *This is not within a Significant Natural Area ~~as identified in Schedule Four and~~ subject to Rule SUB - R7;*
> 2. *This is not within one of the following locations in the coastal environment:*
>   i. *Outstanding Natural Landscape as identified in Schedule Five;*
>   ii. *Outstanding Natural Feature as identified in Schedule Six;*
>   iii. *High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or*
> 3. *This is not within an area of:*
>   i. *Outstanding Natural Landscape as identified in Schedule Five;*
>   ii. *Outstanding Natural Feature as identified in Schedule Six;*
>   iii. *Sites of Historic Heritage as identified in Schedule One;*

[95] Chris J Coll Survey Limited (S566.222), Chris & Jan Coll (S558.222), William McLaughlin (S567.292), and Laura Coll McLaughlin (S574.222)
[96] Chris J Coll Surveying Limited (S556.220), Chris & Jan Coll (S558.220), William McLaughlin (S567.290), and Laura Coll McLaughlin (S574.220)
[97] Steve Croasdale (S516.050), Geoff Volckman (S563.045), Catherine Smart-Simpson (S564.051), Koiterangi Lime Co LTD (S577.057), Karamea Lime Company (S614.073), and Peter Langford (S615.073)
[98] Peter Jefferies (S544.007), Martin and Lisa Kennedy (S545.007), and Nick Pupich (S546.004)

iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;

v. This is not within the Earthquake Hazard Overlay;

vi. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;

4. All Subdivision Standards are complied with; and

5. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.

Matters of control are:

a. The size, design, shape, location and layout of allotments ***including space for a compliant building platform for any vacant allotment****;*

b. The design and provision of roads, pedestrian and cycle ways;

c. The design and provision of access;

d. Efficient use of land and compatibility with rural character and the role, function and predominant character of the Rural or Māori Purpose Zone in which the subdivision is located;

e. Any requirements arising from meeting the relevant District Council's Engineering Standards, or where no such Standards exist, NZS 4404:2010 Land Development and Subdivision Infrastructure;

f. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;

g. The adequacy of water supply for firefighting;

h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;

i. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;

j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;

k. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;

~~*l. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and*~~

m. Management of potential reverse sensitivity effects on existing land uses, including ***regionally significant infrastructure*** ~~*network utilities*~~*, rural* ***and rural industry*** *activities or significant hazardous facilities;*

n. Natural hazards and geotechnical considerations; and

o. The provision of easements.

SUB-R7/ECO-R4 Subdivision to create allotment(s) of Land Containing an Area of Significant Indigenous Biodiversity

381. The consideration of SUB-R7/ECO-R4 is part of the Natural Hazard Chapter Recommendation Report.

SUB-R8 Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard

382. Ms Belgrave and Ms Evans acknowledged the support from the three submitters that sought to retain the rule as notified, and also the submission from Poutini Ngāi Tahu that sought specific provisions of the rule be retained. The acknowledgement was subject to recommended amendments that arose from other submission points.

383. In response to the submission point from Transpower to provide a cross reference in the rule to ENG-P3 and ENG-P10, Ms Belgrave and Ms Evans did not support the submission point based on recommended amendments to the matters of control that responded to other submissions. (The Panel notes ENG-P10 is a typo from the submission, as there is no ENG-P10, the correct reference is ENG-9. This was clarified in Ms Whitney's evidence for Transpower).

384. In response to the submission point from EQC that sought to have '*natural hazards or geotechnical considerations'* added to the matters for control, Ms Belgrave and Ms Evans reiterated their previous position about this matter considered in relation to SUB-R5 and SUB-R6; and they supported the submission with a minor amendment that *'or'* be replaced with '*and'* in accordance with s106 of the RMA.

385. In response to the submission point from Westpower to amend the wording of SUB-R8(8)(iii) and SUB-R8(10), Ms Belgrave and Ms Evans agreed that the wording required clarification. They support amending SUB-R8(8)(iii) to include all permitted activity requirements (not just in reference to the zone), and also to include reference to the '*Distribution*' Operator in SUB-R8(10).

386. In response to the submission point from Westpower to amend the wording of matter of control (m) to include reference to critical infrastructure and to add a matter in relation to easements, Ms Belgrave and Ms Evans reiterated their previous position about this matter. They recommended adding the words '*regionally significant infrastructure*' to matter (m) and including a matter of control that relates to the provision of easements.

387. In response to submission points[99] that sought to replace the rule with those developed in the operative Grey District Plan with regard to National Grid matters, Ms Belgrave and Ms Evans did not support the submission. Rather, they supported the further submissions made by Transpower against the submissions.

388. In response to submission points[100] that sought to remove provisions relating to highly productive land, Ms Belgrave and Ms Evans supported the relief sought (subject to the other recommended amendments).

389. Ms Belgrave and Ms Evans supported the relief sought in the submission points from Transpower and the TTPP Committee to change the references from '*Electricity Transmission Corridor*' and '*Electricity Transmission Yard'* to *'National Grid Subdivision Corridor'* and *'National Grid Yard'* respectively. They considered this was consistent with recommended amendments in other hearing streams.

390. In response to the Transpower submission point that sought substantial changes to this rule, Ms Belgrave and Ms Evans supported the relief sought in part, as follows:

[99] Martin and Lisa Kennedy (S545.012) and Nick Pupich & Sandy Jefferies (S546.012)
[100] Peter Jefferies (S544.007), Martin and Lisa Kennedy (S545.007), and Nick Pupich (S546.004)

a) The requested change of activity status to replace the controlled status with restricted discretionary was not supported but they agreed that when compliance was not achieved the activity status should be non-complying.

b) Simplification of the rule was supported in part and they agreed that SUB-R8(1) – SUB-R8(7) and matters of control (b) – (l) be deleted and matters of control (a) and (m) are amended.

391. In her Addendum Report, Ms Evans noted she had considered Ms Whitney's evidence prepared for Transpower and advised she supported further simplification of the rule to focus provisions to those matters which were directly relevant to the National Grid. She therefore recommended deleting SUB-R8 and including the following new restricted discretionary activity Rule SUB-R13A, as follows:

> ***SUB-R13A Subdivision to create allotment(s) in the National Grid Subdivision Corridor***
>
> *Activity Status Restricted Discretionary*
>
> *Where:*
>
> 1. *All resulting allotments, except allotments for access or a public work, demonstrate they are capable of accommodating a building platform for the principal building or any dwelling or sensitive activity entirely outside of the National Grid Yard; and*
> 2. *The subdivision maintains any existing access to National Grid support structures.*
>
> *Discretion is restricted to:*
>
> a) *The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;*
>
> b) *The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;*
>
> c) *The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for the principal building or nay dwelling or sensitive activity can be located outside of the National Grid Yard for each new allotment.*
>
> d) *The size, design, shape, location and layout of allotments, including the extent to which potential adverse effects, including visual and reverse sensitivity effects on the National Grid and on public safety and property, are mitigated through the location of building platforms, roads, and reserves;*
>
> e) *The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid; and*
>
> f) *The outcome of any consultation with the owner and operator of the National Grid.*
>
> *Activity status where compliance not achieved: Non-complying*

SUB-R9/ECO-R6 Subdivision of Land to create allotment(s) Containing an Area of Significant Indigenous Biodiversity not meeting Rule SUB-R7

392. The consideration of SUB-R9/ECO-R6 will be made as part of the Ecosystems and Indigenous Biodiversity Chapter hearing.

SUB-R10 Subdivision of Land to create allotment(s) in Areas of Historic Heritage identified in Schedule One or within Sites or Areas of Significance to Māori identified in Schedule Three not meeting Rule SUB - R5

393. Ms Belgrave and Ms Evans acknowledged the support from the four submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

394. Ms Belgrave and Ms Evans acknowledged the submission made by the TTPP Committee that sought to make amendments making it clear that within the Sites and Areas of Significance to Māori identified in SUB-R5, subdivision was a controlled activity, and rule SUB - R10 did not apply. They considered the recommended amendments to SUB-R5 addressed the relief sought.

395. In response to the submission point from BDC that sought to have '*natural hazards or geotechnical considerations*' added to the matters for discretion Ms Belgrave and Ms Evans reiterated their previous position.

396. In response to the submission point from BDC that sought reference to 'critical infrastructure' in the advice note at the end of the rule in relation to SUB-R4, Ms Belgrave and Ms Evans supported the addition. However, they recommended using '*regionally significant infrastructure*' and adding '*Advice Note*'.

397. Ms Belgrave and Ms Evans did not support the submission point from BDC to delete the notification section of the rule because the rule related to subdivision in areas of significance to Māori or in areas of historic heritage and therefore notification to these parties was considered appropriate. Nevertheless, they noted that amendments were recommended to the notification clauses to be consistent with recommendations Plan-wide.

398. In response to the submission point from Westpower to add a new matter of discretion to consider reverse sensitivity effects on existing land uses, Ms Belgrave and Ms Evans reiterated their previously stated view that these effects were better managed through the underlying zone provisions. Therefore, they did not support the addition sought by Westpower. Ms Evan's revisited this in her s42A Addendum Report having considered Mr Kennedy's evidence and maintained her view.

399. In response to the submission point from Westpower to have a matter of discretion added to consider the provision of easements for energy activities, Ms Belgrave and Ms Evans reiterated their previous position about this matter. They recommend adding a matter of discretion that related to the general provision of easements.

400. In response to submission points[101] that sought an amendment to matter of discretion (e) to make it more specific, Ms Belgrave and Ms Evans did not support the relief sought. Despite supporting similar submission points in relation to matters for control, they did not consider the same level of detail was required for restricted discretionary activity rules.

[101] Chris & Jan Coll (S558.229), Chris J Coll Surveying Limited (S566.229), William McLaughlin (S567.299), and Laura Coll McLaughlin (S574.229)

401. Ms Belgrave and Ms Evans did not support the relief sought by submission points[102] to delete *'and the need for access to be provided to any esplanade reserve or strip created'* from matter of discretion (j) because this was a relevant consideration at the time of subdivision.

402. Ms Belgrave and Ms Evans did not support the submission point made by the Director General to add the following additional matter of control or discretion because they considered that the matters of discretion are already focused on these matters:

> *Management of adverse effects and the protection of any significant natural, cultural or heritage feature or area identified in the resource consent*

403. In response to the submission point made by GDC to remove the reference to "*Site or Area of Significance to Māori*", Ms Belgrave and Ms Evans supported the relief sought given the recommended amendment to remove the application of this rule to subdivision in SASM.

404. Ms Belgrave and Ms Evans supported the relief sought by GDC to include "*transport*" in matter of discretion (g) because this was a relevant consideration.

405. Ms Belgrave and Ms Evans recommended amending SUB-R10 as follows:

> ***SUB-R10***
>
> *Activity Status Restricted Discretionary*
>
> *Where:*
>
> 1. *Written confirmation is provided by the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity will not impact on any sites or areas of significance to Māori within Schedule Three; and*
> 2. *All Subdivision Standards are complied with.*
>
> *Discretion is restricted to:*
>
> a. *Ensuring the values for which the area is scheduled or identified in Te Tai o Poutini Plan are maintained and protected;*
> b. *Ensuring sufficient land is provided around the heritage resource to protect associated heritage values including from any potential effects of natural hazards;*
> c. *Measures used to minimise obstruction of views of the heritage resource from adjoining public spaces that may result from any future land use or development;*
> d. *Whether there are any adverse effects on a Notable Tree, that has any associated heritage or Poutini Ngāi Tahu values; and*
> e. *The size, design, shape, location and layout of allotments;*
> f. *Whether the allotments are of a size that will continue to provide the heritage resource with a suitable setting to maintain the associated heritage or Poutini Ngāi Tahu values.*
> g. *The provision of infrastructure and services for **transport,** drinking water, wastewater and stormwater, telecommunications and energy;*
> h. *The adequacy of water supply for firefighting;*
> i. *The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;*

[102] Chris & Jan Coll (S558.231), Chris J Coll Surveying Limited (S566.231), William McLaughlin (S567.300), and Laura Coll McLaughlin (S574.231)

j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;

k. Natural hazards and geotechnical considerations; and

l. The provision of easements.

Notification:

1. ***When making notification decisions in relation to*** ~~***Aa***~~*pplications to subdivide a lot within a Site or Area of Significance to Māori identified in Schedule Three,* ***the Council will be informed by advice from*** ~~*will always be limited notified to*~~ *the relevant rūnanga* ~~*and may be publicly notified*~~*.*
2. ***When making notification decisions in relation to*** ~~***Aa***~~*pplications to subdivide a lot with a Historical Heritage feature****, the Council will be informed by advice from*** ~~*will always be limited notified to*~~ *Heritage New Zealand - Pouhere Taonga* ~~*and may be publicly notified*~~*.*

Advice Note*:* ~~***3.***~~ *This rule did not apply to subdivisions to create allotments for network utilities,* ***regionally significant infrastructure****, access or reserves which are subject to Rule SUB - R4.*

SUB-R11 Subdivision to create allotment(s) of Land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six

406. In response to the submission point made by Laura Coll McLaughlin to make an amendment to matter of discretion (b) to make it more specific, Ms Belgrave and Ms Evans reiterated their recommendation to not amend this matter as set out in relation to SUB-R10.

407. Ms Belgrave and Ms Evans reiterated their previous recommendation not to delete *'and the need for access to be provided to any esplanade reserve or strip created'* from matter of discretion (f), as sought by Laura Coll McLaughlin.

408. Ms Belgrave and Ms Evans reiterated their support the relief sought by GDC to include "*transport"* to matter of discretion (c).

409. Ms Belgrave and Ms Evans recommended amending SUB-R11 as follows:

SUB-R11

Activity Status Restricted Discretionary

Where:

1. *The site is outside of the Coastal Environment;*
2. *The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB – R8, SUB – R9 or SUB-14;*
3. *The area is not a Significant Natural Area identified in Schedule Four; and*
4. *All Subdivision Standards are complied with.*

Discretion is restricted to:

a. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;

b. The size, design, shape, location and layout of allotments;

c. The provision of infrastructure and services for ***transport****, drinking water, wastewater and stormwater, telecommunications and energy;*

d. The adequacy of water supply for firefighting;

e. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and

f. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

Advice Note: This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

SUB-R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone

410. In response to the submission point made by Laura Coll McLaughlin to amend the rule so it did not apply until a robust development or concept plan was approved, Ms Belgrave and Ms Evans did not support the relief sought. This was because no specific reasoning was provided in the submission. They also noted that SUB-P5 applied to subdivision in the FUZ and that it was to be avoided in specified circumstances including in relation to transport and infrastructure matters.

411. Ms Belgrave and Ms Evans reiterated their previous recommendation to not delete *'and the need for access to be provided to any esplanade reserve or strip created'* from matter of discretion (h), as sought by Laura Coll McLaughlin.

412. Ms Belgrave and Ms Evans reiterated their previous recommendation to delete matter of discretion (i) that relates to the management of construction effects, as sought by Laura Coll McLaughlin. They also did not support her submission point to amend the activity status to discretionary where compliance was not achieved because SUB-P5 sets an avoidance approach and a default activity of non-complying was appropriate.

413. Ms Belgrave and Ms Evans reiterated that they supported the relief sought by GDC to include "*transport*" to matter of discretion (d).

414. Ms Belgrave and Ms Evans recommended amending SUB-R12 as follows:

SUB-R12

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with.

Discretion is restricted to:

a. The size, design, shape, location and layout of allotments;

b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5;

c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;

*d. The provision of infrastructure and services for **transport**, drinking water, wastewater and stormwater, telecommunications and energy;*

e. The adequacy of water supply for firefighting;

f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;

g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;

h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;

~~*i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and*~~

j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.

Advice Note: This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

SUB-R14 Subdivision to create allotment(s) in the Hospital, Stadium, Mineral Extraction, Buller Coalfield and Airport Special Purpose Zones or in the Māori Purpose Zone where no Iwi/Papatipu Rūnanga Management Plan is in place.

415. Ms Belgrave and Ms Evans acknowledged the support from the three submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

416. In response to the remaining submission points, Ms Belgrave and Ms Evans addressed them as two groups:

a) Four submission points[103] that sought a robust definition for '*development plan'*; and

b) Ten submission points[104] that sought to amend the activity status from non-complying to N/A when compliance was not achieved and to delete SUB-R14(1).

417. Regarding the relief sought to define '*development plan'*, Ms Belgrave and Ms Evans acknowledged that a similar submission point was considered with respect to SUB-R5. In this instance, they noted that there were no '*development plans*' or '*structure plans'* for the zones subject to this rule. Ms Belgrave and Ms Evans acknowledged that in the absence of a definition of *'development plan'* it would be difficult to determine whether a proposal achieved discretionary activity status or becomes non-complying. Given the uncertainty around the definition of '*development plan'*, they considered the relief sought by the second group of submitters (which would have the effect of making all subdivision discretionary), to be appropriate to address all 14 submission points.

418. Ms Belgrave and Ms Evans recommended amending SUB-R14 as follows:

SUB-R14

Activity Status Discretionary

~~***Where:***~~

~~*1. The subdivision is in general accordance with any development plan in place for the site.*~~

Activity status where compliance not achieved:

~~*Non-complying*~~ ***N/A***

SUB-R18 Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, where one or more of the Subdivision Standards are Not Complied With

[103] Chris & Jan Coll (S558.239), Chris J Coll Surveying Limited (S566.239), William McLaughlin (S567.308) and Laura Coll McLaughlin (S574.239)

[104] Geoff Volckman (S563.049) (S563.050), Catherine Smart Simpson (S564.055) (S564.056), Koiterangi Lime Co LTD (S577.060) (S577.061), Karamea Lime Company (S614.077) (S614.078) and Peter Langford (S615.077) (S615.078)

419. Ms Belgrave and Ms Evans acknowledged the support from the 10 submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

420. In response to the remaining 15 submission points, Ms Belgrave and Ms Evans addressed the as two groups:

    a) Six submission points[105] that sought a review of SUB-R18(1) and in particular the other rule references, noting some did not relate to overlays and that there was reference to itself; and

    b) Nine submission points[106] that sought similar relief to make the rule less restrictive and to remove the escalation to non-complying. However, four of the submission points, acknowledge that that escalation should remain in relation to SUB-R18(3).

421. Ms Belgrave and Ms Evans reviewed the rule references in SUB-R18(1) and noted that, other than SUB-R16 which stands alone, non-compliance with these rules results in a discretionary activity status. Therefore, they recommended deleting SUB-R18(1).

422. In response to the escalated activity status for SUB-R18(2) and SUB-R18(3), as these relate to specific circumstances where non-compliance may result in adverse effects with respect to zone character and fragmentation of rural land, Ms Belgrave and Ms Evans recommended that a non-complying activity status was appropriate. Nevertheless, to simplify the rule, Ms Belgrave and Ms Evans recommended two non-complying subdivision rules with the rule titles specific to the particular type of subdivision being managed, as interpreting the rule under the current heading becomes circular.

423. Ms Belgrave and Ms Evans recommend deleting SUB-R18 in its entirety and inserting the two following new rules as follows:

> ***SUB-R27B – Subdivision of land separating a minor residential unit from the principal dwelling in the GRUZ – General Rural Zone***
>
> ***Activity Status Non-complying***
>
> ***Activity status where compliance not achieved: N/A***
>
> ***SUB-R27C – Subdivision of land within a papākainga development or within the GRUZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met***
>
> ***Activity Status Non-complying***
>
> ***Activity status where compliance not achieved: N/A***

SUB-R19 Subdivision in any OSRZ - Open Space and Recreation Zone

424. Ms Belgrave and Ms Evans acknowledged the support from five submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission point.

[105] Davis Ogilvie & Partners Ltd (S465.019) Westpower Limited (S547.387) Chris & Jan Coll (S558.246), Chris J Coll Surveying Limited (S566.246), William McLaughlin (S567.314), and Laura Coll McLaughlin (S574.246)

[106] Lara Kelly (S421.011) Chris & Jan Coll (S558.248), Chris J Coll Surveying Limited (S566.248), William McLaughlin (S567.316), and Laura Coll McLaughlin (S574.248) Chris & Jan Coll (S558.247), Chris J Coll Surveying Limited (S566.247), William McLaughlin (S567.315), and Laura Coll McLaughlin (S574.247)

425. In response to the submission point made by Forest and Bird that sought to exclude the Natural Open Space Zone (**NOSZ**) and make subdivision in this zone a non-complying activity, Ms Belgrave and Ms Evans supported the relief sought. This was because, given the nature of the zone, subdivision would typically be unlikely and generally discouraged in order to avoid fragmentation of land and changes to the character of this open space.

426. Ms Belgrave and Ms Evans recommended amending the heading of SUB-R19 and inserting a new rule to relate to the NOSZ as follows:

> ***SUB-R19 - Subdivision in any OSRZ - Open Space and Recreation Zone except the Natural Open Space Zone***
>
> *Activity Status Discretionary*
>
> *Activity status where compliance not achieved: N/A*
>
> ***SUB - R27A Subdivision of Land within the Open Space – Natural Open Space Zone***
>
> ***Activity Status Non-complying***
>
> ***Activity status where compliance not achieved: N/A***

SUB-R22 Subdivision within the Airport Noise Control Overlay

427. Ms Belgrave and Ms Evans acknowledged the support from five submitters that sought to retain the rule as notified.

428. In response to the submission point made by Margaret Montgomery that sought to change the activity status of the rule to restricted discretionary (from discretionary), Ms Belgrave and Ms Evans did not support the relief sought. This was because no reasons were provided, nor were any matters for discretion specified.

429. Ms Belgrave and Ms Evans recommended retaining SUB-R22 as notified.

SUB-R23 Subdivision to create Allotments in the Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert, Coastal Setback, Lake Tsunami and Coastal Tsunami Overlays not meeting Restricted Discretionary Activity Standards

430. Ms Belgrave and Ms Evans acknowledged the support from one submitter that sought to retain the rule as notified. The relief sought was accepted and they recommended retaining the rule as notified.

SUB-R24 Subdivision within the Outstanding Coastal Natural Character Overlay

431. Ms Belgrave and Ms Evans did not support the relief sought by one submitter to delete SUB-R24 and replace it with a discretionary activity rule because they considered the rule gives effect to policy 13(1)(a) of the NZCPS, which was an avoid policy. They recommended retaining the rule as notified.

SUB-R25 Subdivision of land not subject to another Rule in this Plan

432. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the rule as notified.

433. Ms Belgrave and Ms Evans did not support the relief sought by submission points[107] to delete SUB-R25 on the basis that the rule was a catch-all intended to cover any subdivision that was not already addressed in another rule. They recommend retaining the rule as notified.

Hearing and Submitter Evidence/Statements

434. In relation to the rules generally, Ms Inta considered the TTPP should make provision for the taking of esplanade reserves and strips when allotments greater than 4 ha were created so as not to lose biodiversity within the region.

435. Mr Kennedy, for Westpower, noted that submission points S547.367 (SUB-R7/ECO/R4), S547.375-377 (SUB-R9/ECO-R6), S547.380-381 (SUB-R11), S547.383 (SUB-R12) and S547.384-386 (SUB-R13) were not included in the summary table in the s42A Report. He noted some may have been allocated to the Ecosystems and Indigenous Biodiversity Chapter hearing but was unclear if all of these submissions had been addressed.

SUB-R1: Permitted Activity – General Residential Zone and General Rule Zone – Boundary adjustments

436. Ms Hadfield, for Davis Oglivie & Partners, considered there was no compelling reason why the permitted activity boundary adjustment rule (SUB-R1) should only be limited to GRZ and GRUZ. She sought relief that it be extended to (at least) all Residential and all Rural zones. However, she conceded that it would not be appropriate within Open Space, Commercial, Industrial and Special Purpose zones. She suggested two additional clauses be added to SUB-R1 to address the risk of fragmentation and the NPS-HPL, as follows:

> 6. *If any existing allotment did not comply with the minimum area for the relevant Zone: the boundary adjustment did not result in the creation of any allotment that is smaller than the smallest that existed prior to the subdivision.*
>
> 7. *The boundary adjustment did not include Highly Productive Land (as defined in the National Policy Statement for Highly Productive Land (NPS-HPL).*

437. Ms Hadfield reiterated the submission point that provided the zone density provisions were met (which will be heard at future hearings), the potential for a permitted building site should not be a consideration for SUB-R1.

438. Mr Kennedy, for Westpower, addressed the submission point relating to maintaining access to electricity infrastructure, which was recommended to be rejected in the s42A Report. He noted that the notified rule made provision for the consideration of access and Council infrastructure and considered a boundary adjustment had the potential to raise access issues depending on the proposed layout of the adjusted boundaries. He noted he had reconsidered the wording for the additional rule and has simplified it to '*the ability to access electricity infrastructure is maintained*'.

439. Ms Hadfield, for Chris J Coll Surveying, reiterated that when a boundary adjustment reduced the number of allotments it should be a permitted activity. She acknowledged that the definition of *'boundary adjustment'* must be consistent with the National Planning Standards

[107] John Brazil (S360.023), Leonie Avery (S507.060), Jared Avery (S508.060), Kyle Avery (S509.060), Avery Bros (S510.060), Bradshaw Farms (S511.060), Paul Avery (S512.060), Brett Avery (S513.060), Steve Croasdale (S516.061), Neil Mouat (S535.031), Chris & Jan Coll (S558.256), Geoff Volckman (S563.054), Catherine Smart-Simpson (S564.060), Chris J Coll Surveying Limited (S566.256), William McLaughlin (S567.323), Laura Coll McLaughlin (S574.256), Koiterangi Lime Co LTD (S577.065), Avery Brothers (S609.053), Karamea Lime Company (S614.082) and Peter Langford (S615.082)

(which states that the number of allotments shall not alter) and therefore proposed a new rule as follows:

> ***SUB-R1A – Residential and Rural Zones – Subdivision Resulting in a Reduced Number of Allotments***
> *Activity Status: Permitted*
> *Where:*
> 1. *The subdivision results in fewer allotments than prior to subdivision;*
> 2. *The subdivision did not alter:*
>   b. *The permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under the rules and standards in this Plan;*
>   c. *The extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments did not comply with a rule or standard in this Plan; and*
>   d. *The ability of an existing permitted activity (including on adjacent lots) to continue to comply with the Plan.*
> 3. *No new roading or access points are required;*
> 4. *All existing vehicle access points comply with the requirements of Rule TRN - R1;*
> 5. *No new Council services are required; and*
> ~~*6. In the GRUZ - General Rural Zone the boundary adjustment did not result in potential additional residential units as a permitted activity.*~~
> *[Note: disputed under S465.014]*
> 7. *If any existing allotment did not comply with the minimum area for the relevant Zone: the subdivision did not result in the creation of any allotment that is smaller than the smallest that existed prior to the subdivision.*
> 8. *The subdivision did not include Highly Productive Land (as defined in the National Policy Statement for Highly Productive Land (NPS-HPL)*
> *Activity Status where compliance not achieved: Controlled*

440. In Ms Inta commented on SUB-R1(1)(a) and SUB-R1(1)(b). However, the Panel note she did not a submission or further submission on these matters.

SUB-R3: All Zones and All Overlays – Boundary Adjustments

441. Mr Kennedy, for Westpower, accepted the amended wording proposed by Ms Belgrave and Ms Evans for a new matter of control. However, he noted that it had omitted reference to maintenance that he considered necessary for inclusion.

442. Ms Inta reiterated in her view that '*amenity values*' should be a matter for control in SUB-R3(f). She disagrees with the Reporting Officer's reasons for not including the term and drew the Panel's attention to other rules in the Plan where amenity values was a matter for control.

443. Ms Young, for the Director General, accepted the additional wording to the matter of control clause (a).

SUB-R5: Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones

444. Ms Inta reiterated her view that '*amenity values*' should be a matter of control given its use in other parts of the Plan. She also commented that clause (a) did not include the matters for which she sought to be added at clause (k).

445. Ms Young, for the Director General, supported the s42A amendments to SUB-R5(1). However, she noted that the wording changes in rules SUB-R5 to SUB-R8 and SUB-R9/ECO-R6 were not consistent. She considered all these clauses should not be limited to SNA in Schedule Four but noted the intent of the submission is to ensure all areas of significant biodiversity are protected.

446. Mr Tuck, for Silver Fern Farms, accepted the s42A recommendations on its submissions on SUB-R5 and SUB-R6 and agreed that reverse sensitivity issues were most appropriately addressed by appropriate zoning of land and the detail of zone provisions.

SUB-R6 Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone

447. Mr Kennedy, for Westpower, accepted the amended wording proposed by the Reporting Officers for matter of control (m), and the proposed new matter of control regarding easements.

SUB-R8 Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard

448. Ms Whitney, for Transpower, confirmed that the reference to ENG-P10, should be ENG-P9. She discussed the submission point related to the cross referencing of the ENG policies in SUB-R8 and maintained it was necessary to ensure that Plan users were directed to the more informative policies. She her concerns could be addressed by amending the sentence that followed the SUB policies as follows.

> *It is also important to refer to the relevant policies for the particular zone and any overlays in which the subdivision occurs **as well as any District Wide policies**.*

449. Ms Whitney also explained why managing subdivision in close proximity to the National Grid was important to Transpower. She summarised in a table the relief sought in relation to SUB-R8, the s42A recommendations and her response to those. In summary, she still considered substantial changes were required to the rule to achieve the appropriate management of effects of activities on the National Grid. The relief sought was in the form of a new restricted discretionary rule and the wording was set out in her evidence.

450. After having reviewed Ms Evans' Addendum Report, Ms Whitney also prepared an Addendum to her evidence and confirmed she now accepted the Reporting Officers recommendations, subject to the correction of a minor typo.

451. Mr Kennedy, for Westpower, accepted the amended wording for SUB-R8(8)(iii) (provided it was as shown in Appendix 1) and he also accepted the wording for the matters of control regarding easements and the reference to regionally significant infrastructure.

SUB-R10 Subdivision of Land to create allotment(s) in Areas of Historic Heritage identified in Schedule One or within Sites or Areas of Significance to Māori identified in Schedule Three not meeting Rule SUB - R5

452. Mr Kennedy, for Westpower, commented that despite Westpower seeking to have rules related to 'Significant Distribution Lines' located in the zone chapters, they were recommended to be located in the Energy Chapter. Furthermore, he commented that the management of reverse sensitivity was recommended to be included as a matter of control

in other rules in the Subdivision Chapter (i.e. SUB-R5, SUB-R6 and SUB-R12), and so for consistency it should also be a matter for discretion in SUB-R10.

SUB-R11 *Subdivision to create allotment(s) of Land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six*

453. Ms Young, for the Director General, opposed the restricted discretionary activity status for SUB-R11 and requested this be changed to discretionary. She noted that the Overview acknowledged subdivision affected the natural and physical environment and introduces long-term development patterns that cannot be easily changed. Further, these patterns directly affect natural landscapes and features and subdivision within outstanding areas should therefore be a fully discretionary activity.

SUB-R18 Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, where one or more of the Subdivision Standards are Not Complied With

454. Ms Hadfield, for Davis Ogilvie & Partners Limited and Chris J Coll Surveying Limited, accepted the s42A Report recommendation to delete SUB-R18 and replace it with two new rules.

Reporting Officer Reply Evidence

455. In relation to SUB-R1, Ms Evans reconsidered whether an additional permitted rule would be necessary where a boundary adjustment might result in a reduced number of allotments. Her investigation determined that applications resulting in this outcome were not common and, therefore, she considered a specific rule was not required. She also recommended a minor amendment to SUB-R1(1)(b) relating to lawfully established activities to align with definitions.

456. In relation to SUB-R2, Ms Evans recommended minor amendments for clarity and consistency. She also provided comment as to whether the reference to '*coast*' in SUB-R2(4) should instead be '*coastal environment'* or *'coastal marine area*' in response to questions asked by the Panel during the hearing. It was her opinion that '*coast'* was the appropriate term in this context.

457. In response to questions asked by the Panel in relation to reverse sensitivity and the matters for control in SUB-R3, Ms Evans reiterated her opinion that this matter was best addressed via zone provisions. Nevertheless, she has commented that in order to meet the controlled standard minimum allotment sizes must be met, and as such she didn't consider a reference to reverse sensitivity was necessary as a matter of control.

458. Ms Evans restated her opinion that '*amenity values'* was not certain enough for a matter of control.

459. In relation to SUB-R5 and SUB-R6, Ms Evans responded to questions from the Panel as to whether the recommended change from '*constraints*' to '*considerations*' in relation to geotechnical matters changed the meaning. She maintained her opinion that '*considerations*' did not exclude '*constraints*' and was therefore comfortable with the recommended wording. She also commented that the link between natural hazards and geotechnical considerations should be *'and'* to ensure both matters are considered.

460. Ms Evans also recommended minor amendments for clarity and consistency with regard to SUB-R5. Following the hearing, clarification was sought from Poutini Ngāi Tahu in Minute 23 as to the list of SASM that should be subject to the exemption in the rule. As a result of that

advice, she considered there was one other SASM that should be included - SASM 62 No.31 Māwhera Native Reserve.

461. In response to clarification sought by the Panel on SUB-R10(1) and whether an exception was needed for those SASM listed in clause (4) of Rule 5, Ms Evans recommended an exception be included for clarity and efficiency.

462. Following discussion at the hearing in relation to SUB-R11, where the Panel became aware that they had evidence before it regarding the Natural Features and Landscapes Chapter hearing, Ms Evans has advised that the residual matters would be transferred to that hearing and that the matters would be addressed holistically in the Right of Reply for that Chapter.

463. Ms Evans recommended minor amendments for clarity and consistency in SUB-R12.

Hearing Panel's Evaluation

464. The Panel notes that a submission by the Director General (S302.125) was only summarised against SUB-R10 but also relates to rules SUB-R5 to SUB-R8, SUB-R10 and SUB-12, in seeking an additional matter of control/discretion regarding the '*management of adverse effects and the protection of any significant natural, cultural or heritage feature or area identified in the resource consent*'. Ms Young acknowledged that the Reporting Officers had recommended removing '*identified in Schedule Four*' from the relevant rules, which had been sought by Forest and Bird, and confirmed this addressed the Director General's concerns. The Panel notes that this change applies to Rules SUB-R5, SUB-R6, SUB-R8, SUB-R9, SUB-R11, SUB-R15 (SUB-R9 and SUB-R15 are addressed in the Ecosystems and Indigenous Biodiversity recommendation and SUB-R11 in the Natural Features and Landscapes Recommendation).

465. The Panel also note that we sought clarification from Ms Hadfield as to her position in presenting evidence on submissions lodged by the company she employed with. We noted that she had indicated in her statement that she had read the Code of Conduct for Expert Witnesses and complied with it. However, we would have expected Ms Hadfield to declare the relationship between herself and Davis Ogilvie & Partners Limited when she indicated compliance with the Code of Conduct. While we acknowledge, as she indicated, this was one of her first hearings and therefore the seriousness of the conflict of interest was perhaps not apparent to her, it did mean that the weight that we can afford Ms Hadfield's evidence, particularly when it comes to the Davis Ogilvie & Partners Limited submissions, is somewhat reduced.

General Rules

466. The Panel has considered the submissions by Deb Langridge, Margaret Montgomery, Inger Perkins, Buller Conservation Group and Frida Inta and agrees with the conclusions of the Reporting Officers on each submission and recommend they be rejected.

467. The Panel accepts the submission by the WCRC which seeks to ensure the provisions of the NPS-HPL are given effect to and note that amendments have been recommended to relevant provisions in response to this and other submitters.

468. In response to the submission made by Forest and Bird, which sought to ensure waterbodies, and their margins are protected in the subdivision process, the Reporting Officers considered that amendments to SUB-S2 were necessary to provide the relief sought. However, no

amendment was subsequently proposed. Having further considered the submission, the Panel are of a view that the submission is unrelated to SUB-S2 and what is being sought is consideration of new rules, or amendments to existing rules to avoid effects on waterbodies and their margins in the subdivision process, in a similar way as is sought for SNA. We consider Forest and Bird have a valid point as there is no reference to waterbodies within the rules except for SUB-R4 which is specifically related to Subdivision for a Network Utilities, Critical Infrastructure, Access or Reserves. In our view, both SUB-R5 and SUB-R6 should refer to waterbodies and we have recommended amendments to the matters of control accordingly in accepting the submission.

469. In response to the submission made by Poutini Ngāi Tahu to include '*Poutini Ngāi Tahu values'* as a matter of discretion for all rules, the Reporting Officers acknowledge the sentiment but sought further information to provide clarity and methods for practical implementation. Poutini Ngāi Tahu responded that the "*Poutini Ngāi Tahu values were already covered in the matters of discretion for relevant RDAs in this Chapter"*. The Panel notes this outcome and do not recommend any amendments as a result.

SUB-R1

470. The Panel has considered the submissions by Margaret Montgomery and agrees with the conclusion of the Reporting Officers that it is rejected.

471. Having read Ms Evans' Addendum Report and Ms Hadfield's evidence, the Panel agrees that it would be appropriate to include other zones within SUB-R1. We therefore recommend amending the heading of the rule to include all residential and rural zones.

472. The Panel agrees with the submission from BDC that SUB-R1(1)(a) and SUB-R1(1)(c) are essentially duplications and recommend the deletion of SUB-R1(1)(c).

473. A new clause related to access for energy activities sought by Westpower was not considered necessary by the Reporting Officers. However, Mr Kennedy said that the rule did provide for access and Council services but did not consider other infrastructure such as electricity infrastructure. He provided refined the proposed wording to ensure that the ability to access electricity infrastructure was maintained. The Panel has considered the Westpower position, and we agree with the Reporting Officers conclusions and do not see the necessity or purpose of an additional clause of the nature proposed given the existing wording of the rule and we therefore recommend the submission is rejected.

474. In relation to a Westpower submission seeking clarification as to whether the rule applies to overlays, the Panel agrees with the Reporting Officers recommendation to amend the wording of SUB-R1(1)(a), by changing '*the*' for '*all*' when referring to the rules so as to confirm that compliance with all rules is needed, including those in an overlay.

475. The Panel agrees with the Reporting Officers that SUB-R1(3) should not be deleted as sought by Chris & Jan Coll *et. al.* who considered it too restrictive. We accept that the provision of compliant access is a relevant consideration for boundary adjustments provided for as a permitted activity. We therefore recommend rejecting the submissions.

476. Chris & Jan Coll *et. al.* sought to amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision. The Panel notes that Ms Hadfield sought further amendments to

SUB-R1 in her evidence to add further clauses, however, we are unable to establish from which submission points those changes stem and considered them further. However, we note that matters associated with the NPS-HPL have been addressed in this and the Rural Zones recommendations. We note Ms Hadfield went on to suggest a new an additional permitted activity rule relating to subdivision resulting in a reduced number of allotments should be inserted into the Plan.

477. The Panel agrees with the Reporting Officers that the definition of *'boundary adjustment'* is in accordance with the National Planning Standards and based on the feedback from district councils that it is not a common occurrence for boundary adjustment proposals that reduce the number of lots, we therefore recommend rejecting the submissions and not including a further rule.

478. The Panel agrees with the minor amendment proposed by Ms Evans to rely on reference to the defined term of '*lawfully established activity*'.

SUB-R2

479. In response to the submission made by Westpower to make additions to SUB-R2(2), the Panel agrees with the amendment proposed by Ms Belgrave and Ms Evans to replace the word '*requirements*' with '*conditions*' to be consistent with RMA language in extending clause (2).

480. The Panel agrees that the amendments sought by Ms Inta, the Buller Conservation Group and BDC to SUB-R2(4) will improve readability, and recommend these are accepted.

481. In response to submission points that request SUB-R2(2) and SUB-R2(3) be deleted, the Panel agrees that these clauses are necessary to manage potential effects and recommend the submission point are rejected.

SUB-R3

482. The Panel accept SUB-R3 requires amendments to improve clarity as sought by Margaret Montgomery. We agree with the recommended minor amendments to achieve this.

483. The Panel has considered Ms Evans' response to our questions around reserve sensitivity effects and whether it should be included as a matter of control for controlled activity subdivisions. We acknowledge that to meet the controlled activity status the minimum lot size standard must be met. We also note that in meeting that standard (and other matters) consent could not be declined in relation to the matters on control. We consider that makes a matter of control related to reverse sensitivity a difficult proposition.

484. The Panel support the relief sought by BDC to delete the requirement in SUB-R3(3)(a) to have had a building consent issued for the reasons outlined by the Reporting Officers, rather than the alterations sought by Westpower.

485. The Panel agree with the amendment proposed by Ms Belgrave and Ms Evans to clause (a) to provide more specificity in response to submissions. We also accept the amendments now proposed by Ms Evans to clause (f) in response to submissions to clarify the clause and ensure consistency with objectives and policies. We agree that the amendment initially proposed to change '*protection, maintenance and enhancement*' to '*management of adverse effects*', in response to a Westpower submission, diminishes the need to protect RMA s6 matters. We

consider Ms Evans is correct to recommend reverting to the protection language, which in our view better gives effect to the RMA in this context and aligns with the recommended wording in the objectives and policies. We also agree that the natural character of the coastal environment, and landscapes should be included in the clause as sought by the Director General. However, we do not support including '*any other features identified through the resource consent process*' as this would be inappropriate and difficult to determine.

486. The Panel agree with the introduction of a new matter of control sought by Westpower and supported by the Reporting Officers to the consideration of energy activities/infrastructure. We accept that the use of the broader term '*infrastructure activities*', rather than '*energy activities*' is appropriate in the new clause and that it should include the word '*maintain*' as proposed by Mr Kennedy and '*lawfully established*' to ensure Plan consistency.

487. In relation to the remainder of the submissions on the SUB-R3 seeking changes the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-R4

488. The Panel support the submission by Westpower to amend clause (a) of the matters of control, but we recommend the wording '*regionally significant infrastructure*' rather than '*critical infrastructure*' which reflects amendments throughout the Plan. We note this recommendation also requires consequential amendment to the title of the rule.

489. The Panel accept that amendment to clause (c) of the matters of control is necessary, however, for the same reasons as our recommendation on SUB-R3 (f), we consider that using protection language better gives effect to the RMA in this context and aligns with the recommended wording in the objectives and policies. Importantly, we consider there is a need for consistency with SUB-R3.

490. In relation to the remainder of the submissions on SUB-R4 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-R5

491. In response to the submission point made by Forest and Bird to amend SUB-R5(1) to delete the reference to Schedule Four, the Panel agree that this will achieve consistency with the title of SUB-R7, which is addressed in the Ecosystems and Indigenous Biodiversity Recommendation Report.

492. The Panel agree with the amendment recommended to SUB-R5(4) by the TTPP Committee that the lead in words indicate that '*This is not within a Site or Area of Significance to Māori except those listed below'* as this provides greater clarity. We also note that this clarifies that SUB-R10 did not apply to the SASM referred to in SUB-R5.4 and we have recommendation a clarification amendment to SUB-R10 to ensure Plan readers understand this. We also note that following our Minute 23, Poutini Ngāi Tahu have clarified that SASM 62 No.31 Māwhera Native Reserve should be added to the list of SASM that subject to the exemption in the rule and we recommend this is included.

493. The Panel support the amendment to SUB-R5(8) to refer to '*structure plan or outline development plan*' due to the uncertainty of the term '*development plan*' not being defined.

We consider requiring a subdivision to be in general accordance with any structure plan or outline development plan which is in place for the site, rather than deleting the clause as some submitters sought, remains important as the purpose of such plans is to address potential effects and guide development.

494. The Panel agree with the additional wording proposed by the Reporting Officers in response to submissions seeking more specificity to the wording of clause (a) in the matters of control. We also agree, in response to similar submitters, that clause (j) can be deleted. We accept that the effects of earthworks are managed separately, and the temporary effects of construction and development are managed in other parts of the Plan.

495. Having questioned Ms Evans, the Panel agree with the recommendation to change '*constraints*' to '*considerations*' in clause (n) as notified of the matters of control, to provide more certainty and enable a comprehensive assessment of the natural hazard or geotechnical risks. We accept that the link between natural hazards and geotechnical considerations should be '*and*' to ensure both matters are considered. We also agree with the recommendation to delete matter of control (o) as notified noting that this is managed by other provisions of the Plan.

496. In response to similar submissions made by KiwiRail and Westpower to amend clause (p) to reference critical infrastructure instead on network utilities, the Panel accept the Reporting Officers' recommendation to amend the matter of control to refer to '*regionally significant infrastructure*' which reflects amendments throughout the Plan. However, we consider the deletion of network utilities would have unintended consequences, such as the local roading network no longer being considered. We therefore recommend network utilities be retained. Finally, we agree that '*lawfully established*' should replace '*existing land use*' to ensure Plan consistency.

497. In relation to the remainder of the submissions on the SUB-R5 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-R6

498. In response to the submission point made by Forest and Bird to amend SUB-R6.1 to delete the reference to Schedule Four, the Panel agree that this will achieve consistency with the title of SUB-R7, which is addressed in the Ecosystems and Indigenous Biodiversity Recommendation Report.

499. The Panel agree with the additional wording proposed by the Reporting Officers in response to submissions seeking more specificity to the wording of clause (a) in the matters of control. We also agree with the recommendation to delete matter of control (l) noting that this is managed by other provisions of the Plan.

500. In response to similar submissions made by KiwiRail and Westpower to amend clause (m) to reference critical infrastructure instead on network utilities, the Panel accept the Reporting Officers recommendation to amend the matter of control to refer to '*regionally significant infrastructure*' which reflects amendments throughout the Plan. However, as referred to above in SUB-R5, we consider the deletion of network utilities would have unintended consequences, such as the local roading network no longer being considered. We therefore

recommend network utilities be retained. We accept that the inclusion of '*industrial*' activities as a helpful clarification and recommend the addition of *'rural industry'* to the clause.

501. The Panel agree with adding '*natural hazards or geotechnical considerations*' to the matters for control as sought by BDC and Toka Tū Ake EQC and note, as in SUB-R5 above, we recommend amending the '*or*' to '*and*' to ensure both matters are considered. We accept that this amendment accords with s106 of the RMA.

502. The Panel have considered the submission by Westpower to have a matter for control added to consider the provision of easements for energy activities. We accept that provision of easements is a relevant consideration, however we do not accept that this should be simply limited to energy activities. Rather, we consider more generic wording as proposed by the Reporting Officers is more appropriate.

503. The Panel note that a number of submitters have sought that the activity status where there is a non-compliance should be discretionary and that there should be no escalation to a non-complying status, which occurs with clause (4) only. While we do not support that proposition in its entirety, as it would create inconsistencies with the policy framework which seeks to avoid subdivision where there is a significant risk of natural hazards, we consider that the Airport Noise Control Overlay (**ANCO**) which is found in clause (4) is somewhat different and we note that while SUB-R6 defaults subdivision in the ANCO to non-complying, SUB-R22 refers to subdivision within the ANCO as being discretionary. The Panel considers that while two aerodromes with ANCO are identified as regionally significant infrastructure (Hokitika and Westport) the majority are not and therefore we consider a discretionary status to be more appropriate. On this basis we recommend that clause (4) is amended to remove reference to the ANCO and that it be placed in a separate clause defaulting to a discretionary activity status.

504. The Panel also notes that a number of amendments stemming form the Natural Hazard Recommendations are identified in the amendments below.

505. In relation to the remainder of the submissions on the SUB-R6 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-R8

506. The Panel acknowledges that Ms Evans revised her position in her Addendum Report having considered Ms Whitney's evidence for Transpower and recommended SUB-R8 be deleted in favour of a new restricted discretionary rule. However, we consider Ms Evans and Transpower have missed the point that SUB-R8 also applied to other electricity transmission distribution yards. By deleting the rule and moving to a restricted discretionary status and only applying that new rule to the National Grid these other entities would become discretionary.

507. The Panel have therefore considered the amendment in light of the above. We accept that focusing on matters that are directly relevant to the National Grid is appropriate. We also accept that Ms Whitney's approach aligns with other district plans drafted in the planning standards format and agree that consistency is a relevant consideration. However, we consider SUB-R8 needs to be retained in relation to other electricity transmission distribution yards associated with the likes of Westpower and Buller Electricity.

508. On this basis, we recommend that SUB-R8 is retained and amended and that a new restricted discretionary rule related to subdivision to create allotment(s) in the National Grid Subdivision Corridor is added to the SUB Chapter.

509. As a result of the Panel's above recommendations, we consider those submissions supporting the rule and those seeking amendments or replacement of the rule are accepted in part.

SUB-R10

510. The Panel agree with adding '*natural hazards or geotechnical considerations*' to the matters of discretion in SUB-R10 as sought by BDC, and as noted in SUB-R5 above, we recommend amending the *'or'* to '*and*' to ensure both matters are considered.

511. The Panel accept the submission point made by BDC regarding reference to '*critical infrastructure*' in what is shown as clause (3) under Notification in SUB-R10 in relation to SUB-R4. However, we recommend using '*regionally significant infrastructure*' to be consistent with other recommended changes. We also agree that this clause is an Advice Note and not a notification clause and that '*Advice note*' needs to be added. We also agree that the remaining notification clauses should be retained and not deleted, as sought by BDC, given that they are specific to SASM or in areas of historic heritage

512. The Panel agree with the Reporting Officers, in response to a submission by Westpower, that the inclusion of a new matter of discretion to consider reverse sensitivity effects on existing land uses such a matter of discretion in SUB-R10 is unnecessary given the rule is specific to non-compliances with identified SASM and historic heritage related provisions identified in SUB-R5.

513. The Panel agree that a matter of discretion related to easements should be included in SUB-R10, in response to Westpower's submission, but as we have indicated above, we consider this should not be limited to energy activities and recommend the more generic wording proposed by the Reporting Officers is included.

514. The Panel have considered the additional wording sought by submitters[108] to matters of discretion (e) and (b) SUB-R10 in order to provide more specificity. We do not agree with the Ms Belgrave and Ms Evans that the same level of detail is not required for restricted discretionary activity rules as for controlled activities. We consider that the addition the wording '*including space for a compliant building platform within any vacant allotment*' as in the controlled activities helps in the interpretation of these matters of discretion. We therefore accept these submission points.

515. The Panel agree with Ms Belgrave and Ms Evans that the additional matter of discretion sought by the Director General is already covered in the existing matters of discretion and we do not accept that '*the need for access to be provided to any esplanade reserve or strip created*' should be deleted from matters of discretion (j) and (f), in SUB-R10 and SUB-R11 respectively, as sought by submitters, as this is a relevant consideration at the time of subdivision.

[108] Chris & Jan Coll (S558.231), Chris J Coll Surveying Limited (S566.231), William McLaughlin (S567.300), and Laura Coll McLaughlin (S574.231)

516. The Panel agree with GDC that "*transport*" should be included in to matters of discretion (g) and (c), in SUB-R10 as this is a relevant consideration.

517. In relation to the remainder of the submissions on the SUB-R10 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

518. The Panel notes that amendments have been made to the notification clauses to reflect amendments made elsewhere in the Plan.

SUB-R12

519. As with our previous recommendations above, the Panel do not agree that '*the need for access to be provided to any esplanade reserve or strip created*' should be deleted from matter of discretion (h), as sought by submitters, as we consider this is a relevant consideration at the time of subdivision.

520. Similarly, the Panel agree, as we have above, that the effects of earthworks are managed separately, and the temporary effects of construction and development are managed in other parts of the Plan and therefore matter of discretion (i) can be deleted as sought.

521. In response to other submission points by Laura Coll McLaughlin, the Panel agree with Ms Belgrave and Ms Evans that non-compliance with SUB-R12 should remain as a non-complying activity. The rule relates to the Future Urban Zone and the policy setting is for avoidance whether subdivision did not occur in accordance with a Structure Plan, therefore non-complying is the appropriate activity status.

522. The Panel agree with GDC that '*transport*' should be included in to matters of discretion (d) because this is a relevant consideration.

523. The Panel accepts Ms Evans recommended minor amendments to align matter of discretion (j) with the similar matters of discretion in SUB-R5 and SUB-R6, so as to include reference to '*lawfully established activities*' and '*regionally significant infrastructure*'.

524. The Panel note that a Westpower submission (S547.383) on SUB-R12 was not covered in the s42A report. The submission sought the addition of a further matter of discretion as follows:

> *k. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.*

525. The Panel has considered the submission, and we are of the view that the issue raised by Westpower is covered in matter of discretion (d) which refers to "*the provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy.* We consider that the provision of easements would be part of addressing this matter.

526. In relation to the remainder of the submissions on the SUB-R12 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-R14

527. The Panel has considered the various submissions on SUB-R14 either seeking the deletion of clause (1), which requires subdivision to be in general accordance with any development plan in order to be discretionary, or the deletion of the default non-complying status or a definition of '*development plan*'. We agree that the rule as drafted is problematic, noting in particular that there are no development plans in place for the zones concerned. We also accept Ms Belgrave and Ms Evans conclusion that in the absence of a definition for '*development plan*' it will be difficult to determine whether a proposal achieves discretionary activity status or becomes non-complying. Given this uncertainty we agree that deleting clause (1) and making all subdivision discretionary is the appropriate way forward and we recommended this change. We consider this will address the concerns of submitters seeking amend to this rule.

SUB-R18

528. The Panel agree SUB-R18(1) is unclear because it is not referenced in the activity status where compliance not achieved. In other words, the status of subdivision would remain discretionary despite the rule being '*This is not in an Overlay area subject to Rules SUB-R14, SUB-R15, SUB-R18 or SUB-R20*'. Having reviewed each of the rules concerned, we consider they already have a default status reference and clause (1) is therefore unnecessary and would, if it remained, contradict the rules referred to in some cases. We therefore recommend deleting SUB-R18(1).

529. Having reviewed SUB-R18 overall, the Panel do not agree with the Ms Belgrave and Ms Evans that the rule should be deleted because the structure of the Plan requires that where an activity status is escalated in a rule a corresponding rule associated with the escalated status is required. In this case, we consider a discretionary activity rule is necessary to address the subdivision of land which would otherwise be a controlled or restricted discretionary, where one or more of the subdivision standards are not complied with. However, the Panel agree with Ms Belgrave and Ms Evans that the escalated activity status for SUB-R18(2) and SUB-R18(3) should remain non-complying because these relate to specific circumstances where non-compliance could result in adverse effects with respect to zone character and fragmentation of rural land. We therefore accept the recommendation that these clauses should become separate non-complying rules.

SUB-R19

530. The Panel note that in response to the submission by Forest and Bird seeking to exclude the Natural Open Space Zone and make subdivision in this zone a non-complying activity, Ms Belgrave and Ms Evans supported the relief, considering that given the nature of the zone, subdivision would typically be unlikely and generally discouraged in order to avoid fragmentation of land and changes to the character of this open space. While we have some sympathy for this position, we note that there is no policy backing a non-complying status and nor did Forest and Bird or any other submitter seek to amend the policies to promote the avoidance of subdivision in any of the open space zones. We therefore recommend the amendment is rejected.

SUB-R22

531. In response to the submission point to amend the activity status of the rule to restricted discretionary (from discretionary), the Panel agree with the Ms Belgrave and Ms Evans that it should remain discretionary to reflect the policy position.

SUB-R24

532. The Panel agree with Ms Belgrave and Ms Evans that SUB-R24 should remain a non-complying activity rather than changing this to a discretionary activity as sought. We agree that a non-complying status gives effect to Policy 13(1)(a) of the NZCPS, as well as SUB-P6. We recommend the rule is retained as notified.

SUB-R25

533. The Panel agree with Ms Belgrave and Ms Evans that SUB-R25 should be retained on the basis that it is a catch-all intended to cover any subdivision that is not already addressed in another rule. We recommend the rule is retained as notified.

Hearing Panel's Recommendation

534. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recomend changes are made to the **Subdivision Rules** as follows:

Subdivision Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

SUB - R1 **~~General~~ RESZ - Residential Zones and ~~General~~ RURZ - Rural Zones – Boundary adjustments**[109]

Activity Status Permitted

Where:

1. The boundary adjustment did not alter:
   a. The permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under ~~the~~ **all**[110] rules and standards in this Plan; **and**
   b. The extent or degree to which any ~~consented or otherwise~~[111] lawfully established activity occurring on the allotments did not comply with a rule or standard in this Plan.~~; and~~
   ~~c. The ability of an existing permitted activity (including on adjacent lots) to continue to comply with the Plan.~~[112]
2. No new roading or access points are required;

[109] Davis Ogilvie & Partners Ltd S465.013
[110] Westpower Limited S547.356
[111] RMA Schedule 1, clause 16(2) to align with definition of lawfully established activity
[112] Buller District Council S538.245

3. All existing vehicle access points comply with the requirements of Rule TRN - R1;
4. No new Council services are required; and
5. In the GRUZ - General Rural Zone the boundary adjustment did not result in potential additional residential units as a permitted activity.

Activity status where compliance not achieved: Controlled

SUB - R2 All Zones – Subdivision for a Network Utility or ~~Critical~~ Regionally Significant Infrastructure[113]

Activity Status: Permitted

Where:

1. Any new lot created is solely for a network utility or ~~critical~~ **regionally significant** infrastructure[114] which is either a Permitted Activity under the Energy Chapter, Infrastructure Chapter or Transport Chapter or is approved as a result of a land use consent;
2. Any existing buildings comply with the relevant zone Permitted Activity standards **or the conditions of any land use consent**;[115]
3. All existing vehicle access points comply with the requirements of Rule TRN - R1;
4. ~~Where t~~ **T**he site is less than 4ha **and adjoining** ~~adjacent to~~ a river >3m wide or **adjoining**[116] the coast, the provision of an esplanade reserve or strip of 20m;
5. No new roading or access points are required; and
6. No new Council services are required.

Activity status where compliance not achieved: Controlled

Controlled Activities

SUB – R3 All Zones and All Overlays – Boundary Adjustments

Activity Status Controlled

Where:

1. These are not Permitted Activities under Rule SUB - R1;
2. All Subdivision Standards are complied with; and
3. The existing or proposed buildings ~~must~~:[117]
   a. Comply with all permitted activity standards relevant to the zone and any overlays ~~and a building consent has been issued for any proposed buildings~~;[118] or
   b. ~~Be~~ **Are**[119] subject to an approved resource consent for any non-compliances; or

[113] Consequential Plan-wide amendment from Energy, Infrastructures and Transport Recommendation Report
[114] Consequential Plan-wide amendment from Energy, Infrastructures and Transport Recommendation Report
[115] Westpower Limited S547.357
[116] Buller Conservation Group S552.114, Frida Inta S553.114, Buller District Council S538.246
[117] Margaret Montgomery S446.051
[118] Buller District Council S538.247
[119] Margaret Montgomery S446.051

c. Where there is an existing building that did not comply with the current district plan, the subdivision must not increase the extent to which the existing building fails to comply.

Matters of control are:

a. The design and layout of allotments, **including space for a compliant building platform within any vacant allotment**,[120] and the ability to accommodate permitted and/or intended land uses;

b. The design and provision of access;

c. The provision, design and construction of infrastructure and services;

d. Any requirements which arise from the location in relation to natural hazards;

e. Effects of development phase works on the surrounding area; and

f. Protection, ~~maintenance or enhancement~~ of **outstanding** natural features and ~~landforms~~ **landscapes**, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites **natural character of the coastal environment** or any other identified features**; and**[121]

g. The ability to access, operate, maintain, or upgrade lawfully established infrastructure activities is retained.[122]

Activity status where compliance not achieved: Discretionary where Standard 2 is not complied with.

Refer relevant zone and overlay subdivision rules where not compliant with Standard 3.

SUB – R4 All Zones and All Overlays - Subdivision for a Network Utilities, ~~Critical Infrastructure~~ Regionally Significant Infrastructure[123] Access or Reserves

Activity Status Controlled

Where:

1. The Subdivision is not a Permitted Activity under Rule SUB - R2

Matters of control are:

a. The size, design and layout of allotments for the purpose of public network utilities, **regionally significant infrastructure,**[124] reserves or access;

b. Legal and physical access to and from allotments;

c. Protection, ~~maintenance or enhancement~~ of **outstanding** natural features and ~~landforms~~ **landscapes**, natural character, the coastal environment, waterbodies, significant indigenous

[120] Chris & Jan Coll S558.204, Chris J Coll Surveying Limited S566.204, William McLaughlin S567.276, Laura Coll McLaughlin S574.204
[121] Margaret Montgomery S446.051, Director General S602.124
[122] Westpower Limited S547.360
[123] Consequential Plan-wide amendment from Energy, Infrastructures and Transport Recommendation Report
[124] Westpower Limited S547.361, consequential Plan-wide amendment from Energy, Infrastructures and Transport Recommendation Report

biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites **natural character of the coastal environment** or **any other** identified features; [125]

d. Where relevant, compliance with Subdivision Standards; and

e. Any requirements which arise from the location in relation to natural hazards, esplanade reserves or esplanade strips.

Activity status where compliance not achieved: N/A

SUB – R5	**Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones**

Activity Status Controlled

Where:

1. This is not within a Significant Natural Area ~~as identified in Schedule Four~~[126] subject to Rule SUB - R7;
2. This is not within one of the following locations in the coastal environment:
   i. Outstanding Natural Landscape as identified in Schedule Five;
   ii. Outstanding Natural Feature as identified in Schedule Six;
   iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or
3. This is not within an area of:
   i. Outstanding Natural Landscape as identified in Schedule Five;
   ii. Outstanding Natural Feature as identified in Schedule Six;
   iii. Sites of Historic Heritage as identified in Schedule One;
   iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;
4. ~~This only occurs in the following sites and areas of significance to Māori~~ **This is not within a Site or Area of Significance to Māori except those listed below** ~~identified in Schedule Three~~:[127]
   i. SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 56 Māwhera Pā 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; **SASM 62 No.31 Māwhera Native Reserve;**[128] SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 197 Ōkuru;
5. This is not within the Earthquake Hazard Overlay;

[125] Consequential amendment for consistency with SUB-R3
[126] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.267, Director General of Conservation S602.125
[127] Te Tai o Poutini Plan Committee (S171.016)
[128] Consequential amendment Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio 620.184

6. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;
7. All Subdivision Standards are complied with; and
8. The subdivision is in general accordance with any **structure** ~~development~~ plan **or outline development plan** in place for the site.[129]

Matters of control are:

a. The design and layout of allotments, **including space for a compliant building platform within any vacant allotment** and the ability to accommodate permitted and/or intended land uses; [130]

b. The design and provision of roads, pedestrian and cycle ways; and

c. The design and provision of access;

d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. Any requirements arising from meeting the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure;

g. The provision of easements;

h. The provision of local purpose reserves;

i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R1~~2~~**0**;

~~j. Effects of development phase works on the surrounding area;~~ [131]

j. Effects on Poutini Ngāi Tahu values, notable trees or historic heritage within or adjacent to the site;

k. The provision of esplanade reserves or strips;

l. The extent to which any land identified as contaminated is safe for habitation; and

m. Natural hazards ~~or~~ **and** geotechnical ~~constraints~~ **considerations**.[132]

~~n. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~[133]

n. Management of potential reverse sensitivity effects on ~~existing land uses~~ **lawfully established activities**, including **regionally significant infrastructure**, network utilities, rural activities or significant hazardous facilities; **and**[134]

[129] Geoff Volckman (S563.042), Koiterangi Lime Co LTD (S577.053), Karamea Lime Company (S614.070), Peter Langford (S615.070), Catherine Smart-Simpson (S564.048)

[130] Chris J Coll Survey Limited (S566.210), Chris & Jan Coll (S558.210), Catherine Smart-Simpson (S564.049), William McLaughlin (S567.281), Geoff Volckman (S563.043), Laura Coll McLaughlin (S574.210), Koiterangi Lime Co LTD (S577.054), Karamea Lime Company (S614.071), Peter Langford (S615.071)

[131] Chris J Coll Survey Limited (S566.211), Chris & Jan Coll (S558.211), Catherine Smart-Simpson (S564.050), William McLaughlin (S567.282), Laura Coll McLaughlin (S574.211), Koiterangi Lime Co LTD (S577.055) and Peter Langford (S615.072) Karamea Lime Company (S614.072), Peter Langford (S615.071)

[132] Buller District Council S538.252

[133] Chris J Coll Survey Limited S566.209, Chris & Jan Coll S558.209, William McLaughlin S567.280, Laura Coll McLaughlin S574.209

[134] KiwiRail S442.070; Westpower Limited S547.363

o. **The protection, maintenance or enhancement of waterbodies.**[135]

Activity status where compliance not achieved:

Restricted Discretionary where 3 and 4 is not complied with.

Discretionary 2, 6, 7 or 8 is not complied with.

Non-complying where 5 is not complied with.

SUB – R6	Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone

Activity Status Controlled

Where:

1. This is not within a Significant Natural Area **or an area of significant indigenous biodiversity** ~~as identified in Schedule Four and~~[136] subject to Rule SUB - R7;
2. This is not within one of the following locations in the coastal environment:
   i. Outstanding Natural Landscape as identified in Schedule Five;
   ii. Outstanding Natural Feature as identified in Schedule Six;
   iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or
3. This is not within an area of:
   i. Outstanding Natural Landscape as identified in Schedule Five;
   ii. Outstanding Natural Feature as identified in Schedule Six;
   iii. Sites of Historic Heritage as identified in Schedule One;
   ~~iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;~~
   ~~v. This is not within the Earthquake Hazard Overlay;~~ [137]
4. ~~This is not within an area of~~ **It does not create a building platform for a Potentially Hazard Sensitive or Hazard Sensitive Activity in the**:
   i. **Flood Susceptibility, Earthquake Susceptibility, Land Instability, Coastal Alert, or Hokitika Coastal Hazard Overlay**;
   ii. Westport Hazard Overlay
   iii. Flood Severe, Coastal Severe **or Earthquake Severe Overlay** ~~or the Airport Noise Control Overlay~~; [138]
5. **This is not within an Airport Noise Control Overlay;**[139]
6. All Subdivision Standards are complied with; and

[135] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.043
[136] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.523, S560.268
[137] Stemming from the Natural Hazards Recommendation Grey District Council (S608.073)
[138] Stemming from the Natural Hazards Recommendation Grey District Council (S608.073)
[139] John Brazil S360.018, Leonie Avery S507.048, Jared Avery S508.048, Kyle Avery S509.048, Avery Bros S510.048, Bradshaw Farms S511.048, Paul Avery S512.048, Brett Avery S513.048, Chris & Jan Coll S558.216, Chris J Coll Surveying Limited S566.216, William McLaughlin S567.287, and Laura Coll McLaughlin S574.216, Avery Brothers S609.045

7. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.

Matters of control are:

a) The size, design, shape, location and layout of allotments **including space for a compliant building platform within any vacant allotment.**[140]

b) The design and provision of roads, pedestrian and cycle ways;

c) The design and provision of access;

d) Efficient use of land and compatibility with rural character and the role, function and predominant character of the Rural or Māori Purpose Zone in which the subdivision is located;

e) Any requirements arising from meeting the relevant District Council's Engineering Standards, or where no such Standards exist, NZS 4404:2010 Land Development and Subdivision Infrastructure;

f) The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;

g) The adequacy of water supply for firefighting;

h) The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;

i) Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;

j) The provision of esplanade reserves or strips;

k) Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;

~~l) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~[141]

l) Management of potential reverse sensitivity effects on existing land uses, including **regionally significant infrastructure,** network utilities,[142] rural **and rural industry**[143] activities or significant hazardous facilities~~.~~**;**

m) Natural hazards and geotechnical considerations;[144]

n) The provision of easements; and.[145]

o) The protection, maintenance or enhancement of the margins of waterbodies.[146]

Activity status where compliance not achieved:

Restricted Discretionary where 3 **or 4(i)** is not complied with.

Discretionary **where** 2 or ~~5~~**4(ii)** ~~5 7~~**6-8** is not complied with.

Non-complying where **4(iii) and 5** is not complied with.

[140] Chris & Jan Coll S558.217, Chris J Coll Surveying Limited S566.217, William McLaughlin S567.288, and Laura Coll McLaughlin S574.217
[141] Chris J Coll Survey Limited S566.222, Chris & Jan Coll S558.222, William McLaughlin S567.292, and Laura Coll McLaughlin S574.222
[142] KiwiRail S442.071, Westpower Limited S547.365
[143] Silver Fern Farms Limited S441.021
[144] Buller District Council S538.253, S538.255, Toka Tū Ake EQC S612.097
[145] Westpower Limited S547.363
[146] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.043

SUB - R7 Considered in Ecosystems and Biodiversity Recommendation

SUB – R8 **Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard <u>(This does not apply to the National Grid Subdivision Corridor)</u>**[147]

Activity Status Controlled

Where:

~~1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB - R7;~~

~~2. This is not within one of the following locations in the coastal environment:~~

~~i. Outstanding Natural Landscape as identified in Schedule Five;~~

~~ii. Outstanding Natural Feature as identified in Schedule Six;~~

~~iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or~~

~~3. This is not within an area of:~~

~~i. Outstanding Natural Landscape as identified in Schedule Five;~~

~~ii. Outstanding Natural Feature as identified in Schedule Six;~~

~~iii. Sites of Historic Heritage as identified in Schedule One;~~

~~iv. Sites and Areas of Significance to Māori as identified in Schedule Three;~~

~~v. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;~~

~~4. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;~~

~~5. All Subdivision Standards are complied with; and~~

~~6. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.~~

~~7. This is not within the Earthquake Hazard Overlay;~~ [148]

1. Any allotment created can contain a 15x15m area of land which:
   i. Is located entirely outside of the Electricity Transmission and Distribution Yard;
   ii. Has reasonable physical and legal access; and
   iii. Could accommodate a building which can comply with **<u>the standards for a</u>** ~~all~~ Permitted Activity **<u>in the District Plan</u>** ~~standards for the Zone it is located in~~.[149]
2. The subdivision maintains any existing access to Electricity Transmission and Distribution Yard;

[147] Consequential amendment stemming from Transpower (S299.055)
[148] Transpower (S299.055)
[149] Westpower Limited (S547.370)

3. Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission **or Distribution** [150]Operator including any response from the operator; and
4. The minimum lot size for any allotment that contains any part of the Electricity Transmission Corridor shall be 1ha.

Matters of control are:

a. **The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;**[151]

b. **The provision for the on-going efficient operation, maintenance, development and upgrade, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;**[152]

c. The size, design, shape, location and layout of allotments **including the extent to which potential adverse effects are mitigated through the location of building platforms, roads, and reserves;**[153]

d. Management of potential reverse sensitivity effects on existing land uses, including **regionally significant infrastructure** ~~network utilities~~, rural activities or significant hazardous facilities;[154]

e. **Natural hazards and geotechnical considerations; and**[155]

f. **The provision of easements.**[156]

~~a. Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;~~

~~a. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;~~

~~b. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;~~

~~c. The adequacy of water supply for firefighting;~~

~~d. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;~~

~~e. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;~~

~~f. Management of any contaminated land;~~

~~g. Management of reverse sensitivity effects on the national grid;~~

~~h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;~~

~~i. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;~~

[150] Westpower Limited (S547.370)
[151] Transpower (S299.055)
[152] Transpower (S299.055)
[153] Transpower (S299.055)
[154] Westpower Limited (S547.370)
[155] Toka Tū Ake EQC (S612.098)
[156] Westpower Limited (S547.370)

~~j. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~[157]

Advice Note:

1. This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

Activity status where compliance not achieved:

~~Restricted Discretionary where 1, 3 or 4 is not complied with~~

~~Discretionary where 2 or 5 is not complied with~~

Non-complying where **1-4** ~~6-11~~ is not complied with [158]

SUB – R9 Considered in Ecosystems and Biodiversity Recommendation

Restricted Discretionary Activities

SUB – R10 Subdivision of Land to create allotment(s) in Areas of Historic Heritage identified in Schedule One or within Sites or Areas of Significance to Māori identified in Schedule Three not meeting Rule SUB - R5

Activity Status Restricted Discretionary

Where:

1. Written confirmation is provided by the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngati Waewae or Te Rūnanga o Makaawhio, that the activity will not impact on any sites or areas of significance to M~~a~~**ā**ori within Schedule Three **(except for those sites and areas of significance to Māori listed in SUB-R5.4.i. where no written confirmation is required);** and[159]
2. All Subdivision Standards are complied with.

Discretion is restricted to:

a. Ensuring the values for which the area is scheduled or identified in Te Tai o Poutini Plan are maintained and protected;

b. Ensuring sufficient land is provided around the heritage resource to protect associated heritage values including from any potential effects of natural hazards;

c. Measures used to minimise obstruction of views of the heritage resource from adjoining public spaces that may result from any future land use or development;

d. Whether there are any adverse effects on a Notable Tree, that has any associated heritage or Poutini Ngāi Tahu values; and

e. The size, design, shape, location and layout of allotments**, including space for a compliant building platform within any vacant allotment**;[160]

[157] Transpower (S299.055)
[158] Transpower Limited S299.055
[159] Consequential Amendment resulting from Te Tai o Poutini Plan Committee S171.016
[160] Chris & Jan Coll S558.229, Chris J Coll Surveying Limited S566.229, William McLaughlin S567.299, and Laura Coll McLaughlin S574.229

f. Whether the allotments are of a size that will continue to provide the heritage resource with a suitable setting to maintain the associated heritage or Poutini Ngāi Tahu values.

g. The provision of infrastructure and services for **transport,**[161] drinking water, wastewater and stormwater, telecommunications and energy;

h. The adequacy of water supply for firefighting;

i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;

j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

k. Natural hazards and geotechnical considerations; and [162]

l. The provision of easements[163]

Notification:

1. **When making notification decisions in relation to** ~~A~~**a**pplications to subdivide a lot with**in** a Site or Area of Significance to Māori identified in Schedule Three**, the Council will be informed by advice from** ~~will always be limited notified to~~ the relevant rūnanga ~~and may be publicly notified~~.[164]

2. **When making notification decisions in relation to** ~~A~~**a**pplications to subdivide a lot with a Historical Heritage feature**, the Council will be informed by advice from** ~~will always be limited notified to~~ Heritage New Zealand - Pouhere Taonga ~~and may be publicly notified~~.[165]

Advice Note: [166]

~~3~~ **1.** This rule did not apply to subdivisions to create allotments for network utilities, **regionally significant infrastructure**[167] access or reserves which are subject to Rule SUB - R4.

Activity status where compliance is not achieved: Discretionary

SUB–R11 Considered in the Natural Features and Landscapes Recommendation

SUB – R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with.

Discretion is restricted to:

a. The size, design, shape, location and layout of allotments;

[161] Grey District Council S608.640
[162] Buller District Council S538.257
[163] Westpower Limited S547.379
[164] Consequential amendment for consistency with recommended approach to other notification clauses
[165] Consequential amendment for consistency with recommended approach to other notification clauses
[166] RMA Schedule 1, clause 16(2)
[167] Buller District Council S538.263

b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5;

c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;

d. The provision of infrastructure and services for **transport,**[168] drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;

g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;

h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;

~~i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~[169]

i. Management of potential reverse sensitivity effects on ~~existing land uses~~ **lawfully established activities**, including **regionally significant infrastructure** ~~network utilities~~, rural activities or significant hazardous facilities.[170]

Advice Note: This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

Activity status where compliance is not achieved: Non-complying

SUB-R13 Considered in Natural Hazards Recommendation

SUB – R14 Subdivision to create allotment(s) in the National Grid Subdivision Corridor

Activity Status Restricted Discretionary

Where:

1. **All resulting allotments, except allotments for access or a public work, demonstrate they are capable of accommodating a building platform for the principal building or any dwelling or sensitive activity entirely outside of the National Grid Yard; and**
2. **The subdivision maintains any existing access to National Grid support structures.**

Discretion is restricted to:

a. **The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;**

b. **The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;**

[168] Grey District Council S608.642
[169] Laura Coll McLaughlin S574.236
[170] Consequential amendments KiwiRail S442.070 and Westpower Limited S547.363

c. **The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for the principal building or any dwelling or sensitive activity can be located outside of the National Grid Yard for each new allotment;**

d. **The size, design, shape, location and layout of allotments, including the extent to which potential adverse effects, including visual and reverse sensitivity effects on the National Grid and on public safety and property, are mitigated through the location of building platforms, roads, and reserves;**

e. **The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid; and**

f. **The outcome of any consultation with the owner and operator of the National Grid.**

Activity status where compliance not achieved: Non-complying [171]

Discretionary Activities

SUB – R145 **Subdivision to create allotment(s) in the Hospital, Stadium, Mineral Extraction, Buller Coalfield and Airport Special Purpose Zones or in the Māori Purpose Zone where no Iwi/Papatipu Rūnanga Management Plan is in place.**

Activity Status Discretionary

~~Where:~~

~~1. The subdivision is in general accordance with any development plan in place for the site.~~

Activity status where compliance not achieved: ~~Non-complying~~ **N/A**[172]

SUB-R15 Considered in Ecosystems and Biodiversity Recommendation

SUB–R16 Considered in the Natural Features and Landscapes Recommendation

SUB–R17 Considered in the Coastal Environment Recommendation

SUB – R1~~8~~9 **Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, where one or more of the Subdivision Standards are Not Complied With**

Activity Status Discretionary

~~Where:~~

~~1. This is not in an Overlay area subject to Rules SUB - R14, SUB - R15, SUB - R18 or SUB - R20;~~[173]

[171] Transpower Limited S299.055
[172] Geoff Volckman S563.049 S563.050, Catherine Smart-Simpson S564.055, S564.055, Koiterangi Lime Co Ltd S577.060, S577.061, Karamea Lime Company S614.077, S614.078, Peter Langford S615.077, S615.078
[173] Davis Ogilvie & Partners Ltd S465.019, Westpower Limited S547.387

~~2. This is not the subdivision of a minor residential unit from the principal dwelling in the GRUZ - General Rural Zone; and~~

~~3. This is not the subdivision of units within a papākainga development or within the GRUZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met.~~

~~**Actvitiy status where compliance not achieved:**~~

~~Non-complying where 2 or 3 are not complied with.~~[174]

SUB – R~~19~~20	**Subdivision in any OSRZ - Open Space and Recreation Zone**

Activity status Discretionary

Activity status where compliance not achieved: N/A

SUB–R20 Considered in the Natural Hazards Recommendation

SUB–R21 Considered in the Natural Hazards Recommendation

SUB – R2~~2~~3	**Subdivision within the Airport Noise Control Overlay**

Activity status Discretionary

Activity status where compliance not achieved: N/A

SUB – R2~~3~~4	**Subdivision to create Allotments in the Flood Susceptibility, ~~Flood Plain~~, Land Instability, Coastal Alert, and Coastal Setback~~, Lake Tsunami and Coastal Tsunami~~ Overlays not meeting Restricted Discretionary Activity Standards**[175]

Activity status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

SUB – R24	**Considered in the Coastal Environment Recommendation**

SUB – R2~~5~~6	**Subdivision of land not subject to another Rule in this Plan**

Activity status Non-complying

Activity status where compliance not achieved: N/A

SUB – R27	**Subdivision of land separating a minor residential unit from the principal dwelling in the GRUZ – General Rural Zone**

[174] Chris & Jan Coll S558.248, Chris J Coll Surveying Limited S566.248, William McLaughlin S567.316, Laura Coll McLaughlin S574.248
[175] Consequential amendments stemming from Natural Hazards Recommendation

Activity status Non-complying **Activity status where compliance not achieved: N/A**[176]	
SUB – R28	**Subdivision of land within a papākainga development or within the GRUZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met**
Activity status Non-complying **Activity status where compliance not achieved: N/A**[177]	
SUB–R26 Considered in the Natural Hazards Recommendation	
SUB–R27 Considered in the Ecosystems and Biodiversity Recommendation	
SUB–R28 Considered in the Natural Hazards Recommendation	

2.6. Subdivision – Standards

Submissions and Further Submissions

535. Seven submission points and two further submission points relating to the Subdivision Standards (as a whole) were summarised in a Table on page 116-117 of the s42A Report. One submission point sought to retain the eleven standards as notified. The other six submission points sought various amendments to the standards. The two further submissions opposed one of the proposed amendments.

536. The consideration of SUB-S1 is made as part of the respective zone hearing streams.

537. Eleven submission points and one further submission relating to **SUB-S2** were summarised in a Table on pages 118-119 of the s42A Report. Seven submission points supported the retention of the standard as notified. Four submission points sought amendments.

538. Nine submission points relating to **SUB-S3** were summarised in a Table on pages 120-121 of the s42A Report. Three submission points supported the retention of the standard as notified. Six submission points sought amendments.

539. Ten submission points relating to **SUB-S4** were summarised in a Table on pages 122 of the s42A Report. Four submission points supported the retention of the standard as notified. Six submission points sought amendments.

540. Ten submission points relating to **SUB-S5** were summarised in a Table on pages 123-124 of the s42A Report. Two submission points supported the retention of the standard as notified. Eight submission points sought amendments.

[176] Chris & Jan Coll S558.248, Chris J Coll Surveying Limited S566.248, William McLaughlin S567.316, Laura Coll McLaughlin S574.248
[177] Chris & Jan Coll S558.248, Chris J Coll Surveying Limited S566.248, William McLaughlin S567.316, Laura Coll McLaughlin S574.248

541. Thirteen submission points relating to **SUB-S6** were summarised in a Table on pages 125-126 of the s42A Report. Nine submission points supported the retention of the standard as notified. Four submission points sought amendments.

542. Eleven submission points relating to **SUB-S7** were summarised in a Table on pages 126-128 of the s42A Report. Seven submission points supported the retention of the standard as notified. Four submission points sought amendments.

543. Twelve submission points relating to **SUB-S8** were summarised in a Table on pages 129-130 of the s42A Report. Seven submission points supported the retention of the standard as notified. Five submission points sought amendments.

544. Eleven submission points relating to **SUB-S9** were summarised in a Table on pages 131-134 of the s42A Report. Two submission points supported the retention of the standard as notified. Nine submission points sought amendments.

545. Ten submission points relating to **SUB-S10** were summarised in a Table on pages 135-136 of the s42A Report. Three submission points supported the retention of the standard as notified. Seven submission points sought amendments.

546. Nine submission points relating to **SUB-S11** were summarised in a Table on page 137 of the s42A Report. Three submission points supported the retention of the standard as notified. Six submission points sought amendments.

547. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Standards (General)

548. Ms Belgrave and Ms Evans acknowledged the support from the Snodgrass Road submitters that supported the standards as notified.

549. In response to submission points[178] that requested amending references to accommodate pre-existing non-compliance that was not being exacerbated by the proposed activity, Ms Belgrave and Ms Evans did not support the relief sought. This was because the provisions already recognised consented or legally established activities.

550. In response to the submission point from David Ellerm to add a new standard relating to Character Areas, Ms Belgrave and Ms Evans did not support the relief sought. They consider that the matters sought for inclusion did not provide sufficient certainty or assessment. Additionally, they noted that subdivision design and the layout of allotments was a matter for control in SUB-R5. Two further submissions from Davis Ogilvie & Partners and Cashmere Bay Dairy Limited opposed the addition of this standard.

551. Ms Belgrave and Ms Evans recommended no amendments the Subdivision Standards in response to these submissions.

[178] Chris & Jan Coll (S558.272), Chris J Coll Surveying Limited (S566.272), William McLaughlin (S567.338), Laura Coll McLaughlin (S574.272)

SUB-S2 Requirements for building platforms for each allotment

552. Ms Belgrave and Ms Evans acknowledged the support from the submitters that sought to retain the standard as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

553. Ms Belgrave and Ms Evans supported an amendment to the standard in response to the submission point made by Forest and Bird for an indicative building platform and access to be identified on any allotment within an SNA and for this to be confirmed in a covenant on the new titles. Ms Belgrave and Ms Evans acknowledged that the standard only referred to zone standards, therefore excluding the need to comply with district-wide rules. They supported an amendment to delete the words '*underlying zone*' in SUB-S2(2)(b).

554. Forest and Bird sought to delete '*having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety*' from the definition of '*building platform*' and have the same words added in SUB-S2. Ms Belgrave and Ms Evans did not support this submission because they considered the requested wording was too subjective for a standard and the definition was recommended to be amended as part of the Introduction and General Provisions hearing.

555. In response to the submission point made by the Director General to make additions to SUB-S2(2)(a) and SUB-S2(2)(b), Ms Belgrave and Ms Evans did not support the exact relief sought. This was because they considered the recommended amendment responding to the Forest and Bird submission point would address the intent of the Director General's submission.

556. Ms Belgrave and Ms Evans recommended amending SUB-S2 as follows:

> ***SUB-S2 Requirements for building platforms for each allotment***
>
> ~~*1. Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.*~~
>
> *2. On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and:*
>
> *a. Must allow the buildings to comply with the standards for a permitted activity in the ~~underlying zone under this~~ **District Plan**; and*
>
> *b. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and*
>
> *c. Must be outside of any area identified in a Natural Hazard overlay.*

SUB-S3 Water Supply

557. Ms Belgrave and Ms Evans acknowledged the support from three submitters that sought to retain the standard as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

558. In response to the submission point made by Margaret Montgomery to require proposals to state the approximate sizes for self-potable water based on the size of the dwelling, Ms Belgrave and Ms Evans did not support the relief sought. This was because there was no

s32AA evaluation. Additionally, they considered the requirement would add significant cost to a development, and it would require a policy shift under the Plan.

559. Ms Belgrave and Ms Evans supported the relief sought by BDC to make minor amendments to the wording of both clauses to replace '*must be provided with*' to '*must provide*'. They agreed that this would simplify the wording of the standard.

560. In response to submission points[179] that sought amendments to consider the existing system capacity, Ms Belgrave and Ms Evans did not support the relief sought. This was because it was appropriate for a standard to require that a connection to water supply be provided where one was available. They considered any non-compliance with the standard could be assessed on a case-by-case basis.

561. Ms Belgrave and Ms Evans recommend amending SUB-S3 as follows:

SUB-S3 Water Supply

1. *Where a connection to a District Council or Community reticulated water supply system is available, all new allotments must ~~be provided with~~ **provide** a connection at the boundary and net boundary where access is shared (including firefighting water supply).*
2. *Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments must ~~be provided with~~ **provide** access to a self-sufficient potable water supply (including firefighting water supply).*

Advice Notes:

1. *SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.*
2. *Where water is to be taken from ground or surface water, resource consent from West Coast Regional Council may be required.*

SUB-S4 Stormwater

562. In response to the submission point made by Margaret Montgomery to change SUB-S4(1) to a land use condition, Ms Belgrave and Ms Evans did not support the relief sought. They considered it more transparent that stormwater disposal requirements be included as a standard.

563. Ms Belgrave and Ms Evans supported the relief sought by BDC to make minor amendments to the wording of SUB-S4(2) to replace '*must be provided with*' to '*must provide*'. They agreed that this would simplify the wording of the standard.

564. In response to submission points[180] that sought amendments to consider the existing system capacity, Ms Belgrave and Ms Evans reiterated their previous recommendation set out in SUB-S3 and did not support the relief sought. Additionally, they considered Advice Note (2) was a helpful clarification for plan users and did not support its deletion as sought.

[179] Chris & Jan Coll (S558.262), Chris J Coll Surveying Limited (S566.262), William McLaughlin (S567.329), and Laura Coll McLaughlin (S574.262)

[180] Chris & Jan Coll (S558.264), Chris J Coll Surveying Limited (S566.264), William McLaughlin (S567.330), and Laura Coll McLaughlin (S574.264)

565. Ms Belgrave and Ms Evans recommend amending SUB-S4 as follows:

> ***SUB-S4 Stormwater***
>
> 1. *All allotments must provide the means for disposal of stormwater from the roof of all buildings and all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces.*
> 2. *Where a connection to a District Council or Community stormwater management system is available, all new allotments must ~~be provided with~~ **provide** a connection at the boundary or net boundary where access is shared.*
> 3. *Where a connection to a District Council or Community stormwater management system is not available, the applicant shall demonstrate that stormwater will be treated and disposed of in such a way that surface flooding of adjacent properties and roads will not be exacerbated, nor shall there be adverse water quality effects on freshwater.*
> 4. *Where the means of stormwater disposal is to ground, that area shall not be subject to instability, slippage or inundation, or used for the disposal of wastewater.*
> 5. *Where the stormwater discharge is from industrial land or large areas of impervious surface, the applicant shall demonstrate that sufficient treatment is undertaken that adverse effects **on** freshwater and the receiving environment will be mitigated.*

SUB-S5 Wastewater

566. In response to the submission point made by Te Mana Ora, to add a clause to the Standard, Ms Belgrave and Ms Evans did not support the addition as they considered the standard as notified was sufficient to address potential effects associated with wastewater servicing.

567. In response to the submission point made by Margaret Montgomery to remove references requiring sanitary disposal requirements to be demonstrated, Ms Belgrave and Ms Evans did not support the relief sought as they did not consider there was duplication with the Building Code.

568. Ms Belgrave and Ms Evans did not support the relief sought by BDC to amend SUB-S5(1) to require a feasibility report for wastewater disposal because they considered the requested wording read as an information requirement rather than a standard.

569. In response to submission points[181] that sought amendments to consider the existing system capacity, Ms Belgrave and Ms Evans reiterate their previous recommendation set out in SUB-S3 and SUB-S4 and did not support the relief sought.

570. In response to the submission point from EQC, requesting an addition to SUB-S5(1) to consider land instability issues, Ms Belgrave and Ms Evans did not support the relief sought. This was because instability was unlikely to be a potential effect associated with the disposal of wastewater to a reticulated system.

571. Ms Belgrave and Ms Evans supported consequential amendments, as sought by BDC in relation to SUB-S3 and SUB-S4, to change '*must be provided*' to '*must provide*'.

572. Ms Belgrave and Ms Evans recommended amending SUB-S5 as follows:

[181] Chris & Jan Coll (S558.265), Chris J Coll Surveying Limited (S566.265), William McLaughlin (S567.331), and Laura Coll McLaughlin (S574.265)

SUB-S5 Wastewater

1. *All allotments must provide the means for disposal of wastewater from all potential land uses that could be established on the respective allotments that did not involve a direct discharge to fresh or coastal water.*
2. *Where a connection to a District Council or Community wastewater management system is available, all new allotments must ~~be provided with~~ **provide** a connection at the boundary or the net boundary where access is shared.*
3. *Where a connection to a District Council or Community wastewater management system is not available, the applicant shall demonstrate that wastewater will be disposed of in a sanitary manner within the net site area of the allotment with no direct discharge to water.*
4. *For a subdivision where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.*

SUB-S6 Transport and Access

573. In response to the submission point from Te Mana Ora that sought an additional clause to make provision for pedestrians and cyclists as well as public transport links, Ms Belgrave and Ms Evans did not support the relief sought. This was because the proposed provision was not sufficiently clear and was not appropriate as a standard.

574. Ms Belgrave and Ms Evans supported the relief sought by BDC to simplify the wording from '*must be provided with*' to '*must provide*' for the same reasons as set out in the previous standards.

575. In response to the submission points made by Frida Inta and Buller Conservation Group to amend SUB-S6(3) to include '*to provide for safe bicycle and pedestrian use*', Ms Belgrave and Ms Evans did not support the addition. This was because the purpose of the clause is not limited to pedestrian and cyclist safety.

576. Ms Belgrave and Ms Evans recommended amending SUB-S6 as follows:

SUB-S6 Transport and Access

1. *All allotments must ~~be provided with~~ **provide** vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Transport Performance Standards*
2. *In all zones any vehicle rights of way or crossings shall be constructed in accordance with the Transport Performance Standards*
3. *All new roads and upgrades of existing roads shall be constructed in accordance with the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.*

SUB-S7 Energy Supply

577. Ms Belgrave and Ms Evans did not support the relief sought by Davis Ogilvie & Partners to clarify that energy services should be reticulated in residential areas, as the purpose of the standard was to ensure that all allotments could be serviced by electricity generally.

578. In response to the submission point made by BDC to reword the beginning of SUB-S7(1), the Ms Belgrave and Ms Evans support the relief sought and agreed that the amended wording simplified the standard.

579. In response to the submission point made by Westpower to delete the second sentence from SUB-S7(2), Ms Belgrave and Ms Evans supported the relief sought in part. They recommended amending the sentence to change '*may*' to '*will*' so that for any subdivision that created more than 15 lots, consultation with energy network operators would be required.

580. Westpower's submission point also sought to include a new clause as follows:

> *At the time of subdivision the applicant shall supply written confirmation from the energy network utility operator that electricity can be provided to the subdivision and that appropriate easements are proposed to ensure the ongoing ability to access, operate, maintain and upgrade existing and proposed electricity infrastructure. At the time of completion of the subdivision certification shall be provided from the energy network utility operator that electricity is available at the boundary of each newly created lot and the required easements have been granted and reserved on the survey plan.*

581. Ms Belgrave and Ms Evans did not support this addition because they considered this matter was more appropriately managed though conditions of consent.

582. In response to the submission point made by Westpower to amend the wording of SUB-S7(3), Ms Belgrave and Ms Evans recommended accepting the relief in part. They did not consider it necessary to include the words '*existing and proposed*'.

583. Ms Belgrave and Ms Evans did not support the submission point made by Greg Maitland to amend the standard to make it discretionary to supply power to the boundaries of properties in the Rural Lifestyle and General Rural Zones. This was because they considered it appropriate to require these allotments to be serviced by electricity.

584. Ms Belgrave and Ms Evans recommended amending SUB-S7 as follows:

> ***SUB-S7 Energy Supply***
>
> 1. *~~For all~~ **All** new allotments **must** provide electricity services ~~must be provided~~ to the boundary of each new lot or the applicant shall demonstrate that electricity services are able to be provided by alternative means.*
> 2. *At the time of subdivision, sufficient land for transformers and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with energy network utility operators ~~may~~ **will** be required.*
> 3. *All necessary easements for the protection of **and access** to energy network utility services **and infrastructure** must be duly granted and reserved.*

SUB-S8 Telecommunications

585. In response to the submission point made by Margaret Montgomery to make SUB-S8(2) an advice note, Ms Belgrave and Ms Evans supported the relief sought in part. They agreed that the part of the clause relating to consultation was better served as an advice note. Regarding the remaining part of the clause, they recommended including '*required to service the new allotments*' to improve clarity and purpose.

586. In response to the similar submission point made by Davis Ogilvie & Partners on SUB-S7, Ms Belgrave and Ms Evans reiterated that they did not support the relief sought to clarify that telecommunication services should be reticulated in residential areas.

587. Ms Belgrave and Ms Evans reiterated their previous recommendation that they supported the submission point made by BDC to reword the beginning of SUB-S8(1), to simplify the wording.

588. Ms Belgrave and Ms Evans did not support the relief sought by Spark, Chorus & One NZ, which involved replacing SUB-S8(1) with the following two clauses:

> 1. *Provision shall be made for telecommunications connections to an open access fibre network to the boundary of each new lot for all new allotments in the following zones:*
>
>   a. *all CMUZ - Commercial and Mixed Use Zones*
>
>   b. *all INZ - Industrial Zones*
>
>   c. *all RESZ - Residential Zones*
>
>   d. *RLZ - Rural Lifestyle Zone*
>
>   e. *SETZ - Settlement Zone*
>
>   f. *SVZ - Scenic Visitor Zone*
>
> 2. *For all other zones the applicant shall provide written confirmation from a telecommunication network operator confirming that a telecommunications connection (fibre, mobile or wireless including satellite) can be provided to all new allotments and describing how this can be achieved.*

589. The requested amendments to SUB-S8(1) to identify the type of telecommunication network connectivity required, Ms Belgrave and Ms Evans did not support the additions. This was because they considered that the level of detail was not necessary for a standard and that there was opportunity to consider these matters through matters of control and conditions of consent. The relief sought by the telecommunications companies also included replacing '*may*' with '*will*' in clause SUB-S8(2), which was supported on the basis that it provided certainty to the standard.

590. Ms Belgrave and Ms Evans recommended amending SUB-S8 as follows:

> ***SUB-S8 Energy Supply***
>
> 1. *~~For all~~ **All** new allotments **must provide** telecommunication services ~~must be provided~~ to the boundary of each new lot or the applicant shall demonstrate that telecommunication services are able to be provided by alternative means.*
> 2. *At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services **required to service the new allotments** must be set aside.*
>
> ***Advice note:** For a subdivision that creates more than 15 lots, consultation with telecommunications network utility operators ~~may~~ **will** be required.*
>
> 3. *All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved.*

SUB-S9 Requirement for Esplanade Reserves or Esplanade Strips

591. In response to the submission point made by Davis Ogilvie & Partners Ltd to include the minimum area for a lake as set out in s230 of the RMA, Ms Belgrave and Ms Evans supported

the relief sought. This was because it achieved consistency with the requirements of esplanade reserves or strips as set out in the RMA.

592. In response to the submission point made by BDC to amend SUB-S9(1)(c) to include words to explain how to establish the average width of the river, Ms Belgrave and Ms Evans did not support the submission. This was because the measurement of the average width was commonly undertaken nationally and in accordance with surveying best practice.

593. Ms Belgrave and Ms Evans supported the relief sought in submission points from Frida Inta and Buller Conservation Group to add the words '*or greater*' to SUB-S9(1)(c), as it was consistent with s230 of the RMA.

594. In response to submission points[182] that sought the deletion of the notified standard to be replaced by rules 7.9.6.1.1 – 7.9.6.1.3 of the Buller District Plan, Ms Belgrave and Ms Evans did not support the relief sought. They considered the provisions for esplanade reserves and strips in the pTTPP generally achieved the same outcomes as the Buller District Plan.

595. In response to the submission point made by Forest and Bird to add '*or when calculated for the length/distance of the bed adjoining the allotment(s) of the subdivision'* to SUB-S9(1)(c), Ms Belgrave and Ms Evans did not support the relief sought. This was because the requested wording has the potential to create inconsistent and disjointed areas of esplanade reserves or strips.

596. Ms Belgrave and Ms Evans recommend amending SUB-S9 as follows:

> ***SUB-S9 Requirement for Esplanade Reserves or Esplanade Strips***
>
> *1. An esplanade reserve or esplanade strip shall be provided where any subdivision creates an allotment smaller than 4ha where that allotment adjoins any of:*
>
> *a. The coastal marine area;*
>
> *b. A lake **whose bed has an area of 8 hectares or greater**; or*
>
> *c. The bank of a river whose bed has an average width of 3m **or greater**.*

SUB-S10 Easements for Any Purpose

597. In response to the submission point made by Westpower to amend the wording of SUB-S10(1)(a) to refer to '*network utility services and infrastructure (including energy infrastructure)*', Ms Belgrave and Ms Evans supported the relief sought in part. They did not support only adding one type of infrastructure to the standard. However, supported the addition of '*infrastructure*' because this was defined and was sufficiently broad to encapsulate the relief sought by Westpower.

598. In response to the submission point made by Westpower to amend the wording of SUB-S10(2)(ii) to include '*network*' and '*infrastructure*', Ms Belgrave and Ms Evans did not agree that the amendment was necessary subject to the recommended amendments to SUB-S10(2)(iv).

[182] Chris & Jan Coll (S558.269), Chris J Coll Surveying Limited (S566.269), William McLaughlin (S567.335), and Laura Coll McLaughlin (S574.269)

599. In response to a similar submission point made by Westpower to amend wording at SUB-S10(2)(iv) to add *'other'* and '*critical infrastructure'*, Ms Belgrave and Ms Evans supported the relief sought in part. They supported the addition of '*other*' as this was a relevant addition and clarification to ensure that all necessary easements can be required. To be consistent with other recommendations, they recommended '*critical infrastructure*' was replaced with '*regionally significant infrastructure*', and that '*utilities*' was deleted from the standard.

600. In response to submission points[183] that sought to have the reference to centre line easements deleted from SUB-S10(1)(d), Ms Belgrave and Ms Evans did not support the relief sought because the submitters had not provided any justification for the request.

601. Ms Belgrave and Ms Evans recommend amending SUB-S10 as follows:

SUB-S10 Easements for Any Purpose

1. *Easements shall be provided where necessary for:*
    a. *Public works and ~~utility~~ **infrastructure** services;*
    b. *Easements in gross where a service or access is required by the district council;*
    c. *Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title;*
    d. *Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned;*
2. *Easements can also be required for any of the following purposes:*
    i. *Accessways, whether mutual or not;*
    ii. *Stormwater, wastewater disposal, water supply, utilities;*
    iii. *Party walls and floor/ceilings; or*
    iv. *Other ~~utilities~~ **regionally significant infrastructure services**.*

SUB-S11 Point Strips

602. Submission points[184] sought amendments to this standard for general clarification and certainty. Ms Belgrave and Ms Evans addressed the submissions as a group. They understood the standard had rolled over from the Grey District Plan and they agreed that the wording would benefit from amendment to improve its clarity and certainty. Additionally, they agreed an amendment to reference His Majesty the King was appropriate.

603. Ms Belgrave and Ms Evans recommend amending SUB-S11 as follows:

SUB-S11 Point Strips

1. *Point strips shall be provided where in the course of subdivision a new road is constructed and vested that will ~~or could~~ provide frontage to other land **either at the time of subdivision or in***

[183] Chris & Jan Coll (S558.270), Chris J Coll Surveying Limited (S566.270), William McLaughlin (S567.336), and Laura Coll McLaughlin (S574.270)

[184] Margaret Montgomery (S446.074), Chris & Jan Coll (S558.271), Chris J Coll Surveying Limited (S566.271), William McLaughlin (S567.337), and Laura Coll McLaughlin (S574.271) Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.190)

the future. ~~*In this instance an*~~ ***A point strip*** *agreement* ~~***is***~~ ***will be entered*** ~~***into by***~~ ***between*** *the first subdivider* ~~*with*~~ ***and*** *the Council,* ~~*to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road*~~*. The point strip agreement sets the amount to be paid* ***by the subdivider****, which will be updated from the date of signature of the agreement by the Consumers Price Index.*

2. *Point strips* ~~*may*~~ ***will*** *also be required where access to any road* ~~*would*~~ ***is determined to*** *be unsafe* ***by the Council****.*

3. *A point strip of no less than 100mm in width shall be created along the State Highway 7 frontage of any new allotment, or balance allotment created within the Kaiata Park development area and fronting State Highway 7 including any allotment created to contain the wetland area. Such point strip shall vest in* ~~*Her*~~ ***His*** *Majesty the* ~~*Queen*~~ ***King*** *for Use in Connection with a road (point strip).*

Hearing and Submitter Evidence/Statements

604. Ms Hadfield, for Davis Ogilvie & Partners (as a further submitter), supported the s42A Report recommendation to reject the relief sought by David Ellerm to add a new standard about character areas. In relation to SUB-S7, Ms Hadfield encouraged the Panel to give further consideration to the Davis Ogilvie & Partners submission to require subdividers in urban areas to connect to reticulated electricity supply. In relation to SUB-S8, she reiterated that subdividers in urban areas should connect to a reticulated telecommunications supply. She accepted the s42A Report wording for SUB-S9.

605. Ms Young, for the Director General, accepted the recommended amendment in relation to SUB-S2 and she confirmed it satisfied the Director General's submission regarding this standard.

606. Mr Kennedy, for Westpower accepted the amended wording in the s42A Report with respect to SUB-S3. His also discussed the recommended s42A wording for SUB-S7(2) and the new clause set out in the Westpower submission. He noted that the recommended wording for SUB-S7(2) would only require consultation if more than 15 allotments were proposed. He considered the amendments sought by Westpower would solidify existing procedures (particularly in Grey District) where any subdivider consults with the electricity network operator as to their requirements for the subdivision. In his opinion, the relief sought by Westpower would be a useful mechanism for ensuring the coordination of electricity supply.

607. The joint statement of evidence presented on behalf of Spark, Chorus & One NZ reiterated the view that SUB-S8 should set out the detail sought in the original submission. They explained that failing to provide adequate telecommunications infrastructure at the time of subdivision could lead to unnecessary disruptions and increased costs for end-users when installed retrospectively.

Reporting Officer Reply Evidence

608. In relation to SUB-S2 Ms Evans acknowledged that the s42A Report recommended SUB-S2(1) be deleted, but that this was shown in the s42A version of the provisions. She confirmed her recommendation was to delete the clause because it repeated the requirements of the building code. Nevertheless, she also recommended that the appropriateness of this be considered as part of the Natural Hazards Chapter hearing. However, her recommendation for this hearing was that the clause remain as notified.

609. Ms Evans recommended amendments to SUB-S4 changing '*freshwater*' to '*waterbody*' which was consistent with recommendations agreed to in other chapter hearings. Following questioning in the hearing, she also discussed whether the addition of '*coastal water*' would be appropriate in this Standard. Her recommendation was that there was no scope to make this addition, however, she supported the addition if scope was found or the Panel determined it be a clause 16(2) amendment.

610. In response to questions from the Panel, Ms Evans advised she had not been able to find any supporting information regarding the 15 lot trigger in SUB-S7(2). Nevertheless, she did not currently support the amendments proposed by Westpower because they relied on a third party to provide approval/certification. She indicated that it was her understanding that a legal opinion was being sought on this matter.

611. In response to questions from the Panel, Ms Evans advised that it would be her expectation that future lot owners would be aware of any alternative energy supply as it would be recorded on the record of title.

612. In response to the Panel's questions regarding the use of the word '*shall*' and whether '*must'* would be more appropriate, Ms Evans considered that '*must*' was more certain and recommended the change. For consistency, she recommended the same changes throughout the other Standards.

613. Ms Evans reconsidered SUB-S8(1) having heard the evidence from the telecommunication companies' representatives. She acknowledged the concern they had about having to retrospectively install services and the disruption that created. However, she considered the wording sought by the submitters could be problematic where fibre was not yet available. As such she recommended the following amended wording:

> *1. ~~For all~~ **All** new allotments **must provide** telecommunication services**, including to an open access fibre network where it is available,** ~~must be provided~~ to the boundary of each new lot or the applicant ~~shall~~ **must** demonstrate that telecommunication services are able to be provided by alternative means.*

614. Ms Evans reiterated that she did not support the relief sought to require consultation with a third party, for the same reasons she set out in relation to SUB-S7.

615. In response to discussion at the hearing about potential wording improvements for SUB-S9(1)(b), Ms Evans recommended minor edits to improve the clarity.

616. She also commented that a recommendation from the Natural Character and Margins of Waterbodies Chapter hearing was to include the National Planning Standard definition of *'bed'* into the pTTPP. She considered this would assist with addressing the submissions that relate to this matter.

617. Ms Evans also recognised that consequential to the agreement that esplanade reserves and strips were not limited to allotments of 4 ha or less, she recommended deleting the 4 ha reference from the standard.

Hearing Panel's Evaluation

General

618. The Panel notes that no specific amendments were sought in relation to SUB-S1, however, we acknowledge that there are submissions within specific zones seeking changes to the net site area for residential units.

619. The Panel acknowledge that a number of matters stemming from submissions were common to various standards and we therefore address those matters together.

620. The first of those matters related to the BDC submission to amend '*must be provided with*' to '*must provide*' in SUB-S3(1) and (2), SUB-S4(2) and SUB-S6(1). We agree with the Reporting Officers that this will simplify the wording of the standard. We also note that as a consequential amendment the same wording in SUB-S5(2) should be similarly amended for consistency.

621. In response to the Panel's questions regarding the use of the word '*shall*' and whether '*must*' would be more appropriate, Ms Evans considered that '*must*' is more certain and recommends the change. For consistency, she recommended the same changes throughout the other Standards, which include SUB-S4, SUB-S6, SUB-S7, SUB-S8, SUB-S10 and SUB-S11. We consider this to be a minor amendment which can be made under clause 16(2) of Schedule 1 of the RMA.

622. Turning to the submission by David Ellerm (S581.052) requesting the inclusion of a new standard for additional matters relating to character areas, the Panel agree with the Reporting Officers that the matters sought to be included by Mr Ellerm do not provide sufficient certainty to be included within a standard. We also agree that matters related to subdivision design are provided for in SUB-R5.

623. In relation to the remainder of the general submissions seeking changes the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-S2

624. The Panel acknowledges that in Reply, Ms Evans noted that she had recommended that clause (1) of SUB-S2 be deleted in her s42A Report but had not shown the deletion in Appendix 1. She considered there was opportunity to delete this clause because repeated a requirement of the building code but accepted that it related to a requirement for a flood free building platform. We note that this issue was addressed in the Natural Hazards s42A Report where the Reporting Officers recommended a submission by Margaret Montgomery (S446.065) be rejected on the basis that the standard related to a permitted activity and therefore it was appropriate that a resource consent application was elevated in activity status where it could not provide a building platform outside of a Natural Hazard Overlay. The Panel agrees with the Reporting Officer's recommendation in that case. We therefore recommend that no change is made to the existing clause (1).

625. The Panel have considered the submission made by Forest and Bird to include a requirement for an indicative building platform and access to be identified on any allotment within an SNA and for this to be confirmed in a covenant on the new titles. We note that the standard already requires an indicative building platform on each allotment to be identified in subdivision applications on sites less than 4 ha, so the amendment sought in, some regards, would be a duplication. We agree with the Reporting Officers that the standard only refers to zone standards, thus excluding the need to comply with District-wide rules. We therefore consider an amendment to clause (2)(a) to delete the words '*underlying zone*' and instead refer to

'*District Plan*' would ensure that the District-wide rules were considered. We consider to a large degree this would address the concerns of Forest and Bird. We also note that this amendment largely addresses a similar submission by the Director General, and we acknowledge that Ms Young in her evidence indicated she was comfortable that the proposed change addressed the Director Generals concerns on this standard.

626. In relation to the submission by Forest and Bird to delete reference to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity, and health and safety from the definition of building platform and add that to clause (1), the Panel agrees with Ms Belgrave and Ms Evans that the wording proposed is subjective and is not suitable for a standard and that with the above amendment to require compliance with district-wide rules the change sought to clause 1 is not necessary.

SUB-S3

627. The Panel agrees with the Reporting Officers that it is appropriate for a standard to require that a connection to water supply be provided where one is available in response to submitters seeking that existing system capacity be considered on the basis that new allotments should not be required to connect to water supply if a system is in place but cannot accommodate the new allotments. We note that non-compliance with this standard can be assessed on a case by case basis through the resource consent process.

628. In relation to the remainder of the submissions on SUB-S3 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-S4

629. Similar to above, the Panel agrees with the Reporting Officers that it is appropriate for a standard to require that a connection to stormwater be provided where one is available in response to submitters seeking that existing system capacity be considered. Again, we note that non-compliance with this standard can be assessed on a case by case basis through the resource consent process. In relation to the same submitters, we also agree that Advice Note (2) should be retained to provide clear information to plan users.

630. In relation to the remainder of the submissions on SUB-S4 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-S5

631. The Panel have considered the BDC request to amend clause (1) because the wording "*all allotments must provide the means for disposal of wastewater from…*" may be interpretated that the wastewater disposal system must be installed at the time of subdivision. While the Reporting Officers have rejected the amendment proposed, the Panel consider there is some merit in BDC's concern, although we do not agree with the extent of their proposed amendment. The Panel considers that the core of the problem identified by BDC is with the word '*provide*' and we recommend its replacement with '*demonstrate*' to address the issue.

632. Similar to the water and stormwater conclusions, the Panel agrees with the Reporting Officers that it is appropriate for a standard to require that a connection to wastewater be provided where one is available in response to submitters seeking that existing system capacity be considered. Again, we note that non-compliance with this standard can be assessed on a case

by case basis through the resource consent process. In relation to the same submitters, we also agree that Advice Note (2) should be retained to provide clear information to plan users.

633. In relation to the remainder of the submissions on SUB-S4 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-S6

634. The Panel has considered the submissions from Te Mana Ora (Community and Public Health), Buller Conservation Group and Frida Inta that relate to the provision of pedestrian and cyclist facilities, and we agree with the Reporting Officers that further wording is not necessary, and that the purpose of these standards is not limited to pedestrian and cyclist safety.

SUB-S7

635. While the Panel agrees that the beginning of clause (1) could be simplified as sought by BDC, we do not consider their wording is quite correct and we recommend it be amended to read '*All new allotments must **be provided with** electricity …'.* We consider this put the onus on electricity being provided to the allotment and will partially address the concerns of Davis Ogilvie and Partners Ltd.

636. In response to the submission made by Westpower, the Panel has considered the various amendments sought, which primarily relate to, or stem from, clause (2). We acknowledge Ms Evans comments that she has been unable to find any supporting information that indicates why the trigger of 15 lots has been included in the second sentence to initiate consultation with an energy network utility operator. We also acknowledge Mr Kennedy's proposed new clause requiring consultation with the electricity network operator to ensure electricity matters were appropriately provided for through the subdivision process and subsequent certification and his noting that this has been a long-standing procedure, particularly in Grey District, and has worked to ensure the coordination of subdivision and servicing matters. We note, however, that this procedure did not appear to be codified in the Grey District Plan.

637. The Panel consider that the amendment proposed to clause (2) to require consultation with the energy network utility operator would negate the need for Mr Kennedy's new clause, provided the trigger of 15 lots was removed. We consider a consultation process will enable the matters raised by Mr Kennedy and any others to be address and subsequently documented as part of any application. We are somewhat weary of establishing a strict third-party certification process within the Plan, which would apply beyond Westpower (there are other providers within the region covered by the TTPP), and such an approach may necessitate similar consideration in other standards such as telecommunications in this regard. Given this is a standard and not a rule it is unclear to us where the inability to obtain certification would leave the situation and what course of action might follow.

638. Given the above the Panel recommend amending the second sentence of clause (2) to change '*may*' to '*will*' and deleting the reference to 15 lots, which appears to be unjustified, so that for any subdivision consultation with energy network operators will be required. We also acknowledge that such matters may ultimately be more appropriately managed though conditions of consent.

639. The Panel agree with the Reporting Officers recommended amendment to clause (3) in response to a Westpower submission, and we accept that it is not necessary to include the words '*existing and proposed*'. We note Mr Kennedy supports the amendment.

640. The Panel note the submission point made by Greg Maitland to amend the standard to make it discretionary to supply power to the boundaries of properties in the Rural Lifestyle and General Rural Zones. However, we agree with the Reporting Officers that it is appropriate to require these allotments to be serviced by electricity, and we therefore reject the submission but note that an applicant can seek consent not to provide electricity and justify those circumstances.

SUB-S8

641. The Panel notes that submissions on SUB-S8 are similar to those on SUB-S7 and that we have traversed some of the same of similar issues. We consider there is a need for a degree of consistency between these two standards

642. Again, the Panel agrees that the beginning of clause (1) could be simplified as sought by BDC, but we consider their wording is not quite correct and we recommend it be amended to read '*All new allotments must be provided with telecommunications …*' and we note that this will partially address the concerns of Davis Ogilvie and Partners Ltd.

643. Turning to the relief sought by the Telecommunications Companies the Panel understand their concern is the need for stronger direction to guarantee the provision of an appropriate level of telecommunications infrastructure at the time of subdivision. They contend that failing to do so can lead to unnecessary disruptions and increased costs for end-users when installed retroactively. We agree with the sentiments expressed by the Telecommunications companies and consider further amendments are required and we note Ms Evans now supports this position.

644. The Panel considers the amendment now proposed by Ms Evans addresses the issue appropriately without the need for the extended clause proposed by the Telecommunications Companies. As referred to above, we are weary of a third-party certification process given this is a standard and not a rule and do not consider it is appropriate to pursue that approach.

645. The Panel have given consideration as to whether clause (2) in totality should become and advice note as sought by Margaret Montgomery; or that the second sentence of the clause should become an advice note as recommended by Ms Belgrave and Ms Evans. In reviewing this matter, we are also conscious of ensuring a level of consistency with SUB-S7. In our view, the first sentence is clearly a standard and not an advice note. Turning to the second sentence, we consider the recommended amendment from '*may*' to '*will*' sends a different signal and in our view '*will*' requires an action to be undertaken and therefore it should form part of the standard. In regard to the first part of clause (2), we agree that including '*required to service the new allotments*' will improve clarity. We also note that, in line with SUB-S7, we recommend the reference to 15 lots is deleted.

SUB-S9

646. The Panel note that Ms Evans' Right of Reply requires an esplanade reserve or strip to be taken in all circumstances, i.e. it deletes the smaller than 4 ha requirement. As we have commented in relation to SUB-P9 above, we consider there are problems going beyond the

requirements in s230(3) of the RMA for 20m esplanade reserves where an allotment of less than 4 ha is created. To do so, does not meet the requirements of s77(1)(c) or s77(2) of the RMA that a width for any other allotment size must be specified in the rule. As we have noted, no such assessment along these lines has been undertaken. We also note that any rule requiring an esplanade strip must specify the width. Given that 20m is referenced in the policy the Panel recommends that a width of 20m is specified in the standard and that the limit of lots smaller than 4 ha is retained. We consider this also addresses some of the concerns submitters expressed in relation to SUB-P9.

647. The Panel agree with the submission of Buller Conservation Group and Frida Inta to include '*or greater*' in clause (c) as this is consistent with the requirements of s230(4) of the RMA. We also agree that clause (b) should refer to a minimum area of 8 ha or greater for a lake, which is again set out in s230(4) and has been sought by Davis Ogilvie & Partners Ltd.

648. In response to the submission point made by BDC to amend SUB-S9(1)(c) to include words to explain how to establish the average width of the river, Ms Belgrave and Ms Evans do not support the submission. This is because the measurement of the average width is commonly undertaken nationally and in accordance with surveying best practice.

649. In response to a number of submitters seeking the standard be deleted and replaced with provisions which match those in the operative Buller District Plan related to esplanade strips and esplanade reserves, the Panel agrees with the Reporting Officers that the provisions for esplanade reserves and strips in the Plan generally achieve the same outcomes as the Buller District Plan. We note that Ms Hadfield, for Chris J Coll Surveying Limited, supported the changes to SUB-R9. The Panel have, however, further reviewed the Buller District Plan provisions, and we consider it would be appropriate to excluded boundary adjustments from the standard.

650. In response to the submission point made by Forest and Bird to add '*or when calculated for the length/distance of the bed adjoining the allotment(s) of the subdivision'* to SUB-S9.1(c), Ms Belgrave and Ms Evans do not support the relief sought. This is because the requested wording has the potential to create inconsistent and disjointed areas of esplanade reserves or strips.

651. In relation to the remainder of the submissions on SUB-S9 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-S10

652. The Panel agree with the amendments recommended by Ms Belgrave and Ms Evans in response to the submission points by Westpower. We accept that the addition of '*infrastructure*' in SUB-S10(1)(a) is more appropriate as it is defined and is sufficiently broad to encapsulate the relief sought by Westpower. We also agree with the recommendation that utilities in SUB-S10(2)(iv) be replaced with '*regionally significant infrastructure*' and consider this addresses Westpower's submission point on this clause.

653. In relation to the remainder of the submissions on SUB-S10 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

SUB-S11

654. The Panel notes that a number of submitters sought that SUB-S11 be amended to provide more clarity and certainty, which was agreed with by Ms Belgrave and Ms Evans. They pointed to references to '*agreement*' between landowners, and a '*fair share*' of the cost of providing the frontage of the road, and where access to a road may be '*unsafe*' as being unclear and/or subjective. Having considered the recommended rewording by the Reporting Officers, the Panel agree that the changes reduce the level of ambiguity and uncertainty and provide a higher level of clarity and we recommend they are adopted.

655. The Panel agrees with the amendment sought by Poutini Ngāi Tahu to amend the reference in clause (3) to His Majesty the King.

Hearing Panel's Recommendation

656. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend changes are made to the **Subdivision Standards** as follows:

Subdivision Standards

SUB – S2 Requirements for building platforms for each allotment

1. Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.
2. On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and:
    b. Must allow the buildings to comply with the standards for a permitted activity in the ~~underlying zone under this~~ **District Plan**;[185] and
    c. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and
    d. Must be outside of any area identified in a Natural Hazard overlay.

SUB – S3 Water Supply

1. Where a connection to a District Council or Community reticulated water supply system is available, all new allotments must ~~be provided with~~ **provide**[186] a connection at the boundary and net boundary where access is shared (including firefighting water supply).

2. Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments must ~~be provided with~~ **provide**[187] access to a self-sufficient potable water supply (including firefighting water supply).

Advice Notes

[185] Director General of Conservation S602.127
[186] Buller District Council S538.272
[187] Buller District Council S538.272

1. SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.
2. Where water is to be taken from ground or surface water, resource consent from West Coast Regional Council may be required.

SUB – S4 Stormwater

1. All allotments must provide the means for disposal of stormwater from the roof of all buildings and all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces.
2. Where a connection to a District Council or Community stormwater management system is available, all new allotments must ~~be provided with~~ **provide**[188] a connection at the boundary or net boundary where access is shared.
3. Where a connection to a District Council or Community stormwater management system is not available, the applicant ~~shall~~ **must**[189] demonstrate that stormwater will be treated and disposed of in such a way that surface flooding of adjacent properties and roads will not be exacerbated, nor shall there be adverse water quality effects on ~~freshwater~~ **waterbodies**.[190]
4. Where the means of stormwater disposal is to ground, that area ~~shall~~ **must**[191] not be subject to instability, slippage or inundation, or used for the disposal of wastewater.
5. Where the stormwater discharge is from industrial land or large areas of impervious surface, the applicant ~~shall~~ **must**[192] demonstrate that sufficient treatment is undertaken that adverse effects on ~~freshwater~~ **waterbodies**[193] and the receiving environment will be mitigated.

Advice Note:

1. If stormwater disposal to a river, stream, lake or wetland is proposed then a resource consent may be required from West Coast Regional Council.
2. State Highway Infrastructure such as swales or roadside drains is not considered a "Community stormwater management system" and disposal of stormwater to this infrastructure is not an appropriate method of managing stormwater in terms of this standard.

SUB – S5 Wastewater

1. All allotments must ~~provide~~ **demonstrate**[194] the means for disposal of wastewater from all potential land uses that could be established on the respective allotments that did not involve a direct discharge to fresh or coastal water.
2. Where a connection to a District Council or Community wastewater management system is available, all new allotments must ~~be provided with~~ **provide**[195] a connection at the boundary or the net boundary where access is shared.

[188] Buller District Council S538.273
[189] RMA Schedule 1, clause 16(2)
[190] RMA Schedule 1, clause 16(2)
[191] RMA Schedule 1, clause 16(2)
[192] RMA Schedule 1, clause 16(2)
[193] RMA Schedule 1, clause 16(2)
[194] Buller District Council 538.276
[195] Consequential amendment from Buller District Council S538.275

3. Where a connection to a District Council or Community wastewater management system is not available, the applicant shall demonstrate that wastewater will be disposed of in a sanitary manner within the net site area of the allotment with no direct discharge to water.
4. For a subdivision where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.

Advice Note:

On site wastewater systems may require a resource consent from the West Coast Regional Council.

SUB – S6 Transport and Access

1. All allotments must ~~be provided with~~ **provide**[196] vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Transport Performance Standards
2. In all zones any vehicle rights of way or crossings ~~shall~~ **must**[197] be constructed in accordance with the Transport Performance Standards
3. All new roads and upgrades of existing roads ~~shall~~ **must**[198] be constructed in accordance with the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

Advice Note:

SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice ~~shall~~ **must**[199] be consulted to ensure compliance with the access way dimensions required for fire appliances for developments where a fire appliance is not able to reach either the residential house or the source of firefighting water supply from the public road.

SUB – S7 Energy Supply

1. ~~For all new allotments electricity services must be provided~~ **All new allotments must be provided with electricity**[200] to the boundary of each new lot or the applicant ~~shall~~ **must**[201] demonstrate that electricity services are able to be provided by alternative means.
2. At the time of subdivision, sufficient land for transformers and any associated ancillary services must be set aside. ~~For a subdivision that creates more than 15 lots, c~~**C**onsultation with energy network utility operators ~~may~~ **will** be required.[202]
3. All necessary easements for the protection of **and access to** energy network utility services **and infrastructure** must be duly granted and reserved.[203]

SUB – S8 Telecommunications

[196] Buller District Council S538.275
[197] RMA Schedule 1, clause 16(2)
[198] RMA Schedule 1, clause 16(2)
[199] RMA Schedule 1, clause 16(2)
[200] Buller District Council S538.274
[201] RMA Schedule 1, clause 16(2)
[202] Westpower Limited S547.388
[203] Westpower Limited S547.388

1. ~~For all new allotments telecommunication services must be provided~~ **All new allotments must be provided with telecommunication services,**[204] **including to an open access fibre network where it is available**[205] to the boundary of each new lot or the applicant ~~shall~~ **must**[206] demonstrate that telecommunication services are able to be provided by alternative means.
2. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services **required to service the new allotments**[207] must be set aside. ~~For a subdivision that creates more than 15 lots, c~~**C**onsultation with telecommunications network utility operators ~~may~~ **will**[208] be required.
3. All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved.

SUB – S9 Requirement for Esplanade Reserves or Esplanade Strips

1. An esplanade reserve or esplanade strip **of 20 metres in width** shall be provided where any subdivision creates an allotment **(other than an allotment created by boundary adjustment)**[209] smaller than 4ha where that ~~allotment~~[210] adjoins any of:
   a. The coastal marine area;
   b. A lake **with a bed that has an area of 8 hectares or greater**; or[211]
   c. The bank of a river ~~whose~~ **with a** bed **that**[212] has an average width of 3m **or greater**.[213]

SUB – S10 Easements for Any Purpose

1. Easements ~~shall~~ **must**[214] be provided where necessary for:
   a. Public works and ~~utility~~ **infrastructure** services;[215]
   b. Easements in gross where a service or access is required by the district council;
   c. Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title;
   d. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements ~~shall~~ **must**[216] apply when the line is privately owned.
2. Easements can also be required for any of the following purposes:
   i. Accessways, whether mutual or not;
   ii. Stormwater, wastewater disposal, water supply, utilities;

[204] Buller District Council S538.274
[205] Spark NZ Trading Ltd, Vodafone NZ Ltd, Chorus NZ Ltd S541.001
[206] RMA Schedule 1, clause 16(2)
[207] Margaret Montgomery S446.071
[208] Spark NZ Trading Ltd, Vodafone NZ Ltd, Chorus NZ Ltd S541.001
[209] Chris & Jan Coll S558.269, Chris J Coll Surveying Limited S566.269, William McLaughlin S567.335, Laura Coll McLaughlin S574.269
[210] RMA Schedule 1, clause 16(2)
[211] Davis Ogilvie & Partners Ltd S465.023
[212] Consequential amendment for consistency with clause b.
[213] Buller Conservation Group S552.123, Frida Inta S553.123
[214] RMA Schedule 1, clause 16(2)
[215] Westpower Limited S547.391
[216] RMA Schedule 1, clause 16(2)

iii. Party walls and floor/ceilings; or

iv. ~~Other utilities~~ **Regionally significant infrastructure**.[217]

SUB – S11 Point Strips

1. Point strips ~~shall~~ **must**[218] be provided where in the course of subdivision a new road is constructed and vested that will ~~or could~~ provide frontage to other land **either at the time of subdivision or in the future**. ~~In this instance an~~ **A point strip** agreement ~~is~~ **will be** ~~into by~~ **between** the first subdivider ~~with~~ **and** the Council, ~~to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road~~. The point strip agreement sets the amount to be paid **by the subdivider**, which will be updated from the date of signature of the agreement by the Consumers Price Index.[219]
2. Point strips ~~may~~ **will** also be required where access to any road ~~would~~ **that is determined to** be unsafe **by the Council**.[220]
3. A point strip of no less than 100mm in width ~~shall~~ **must**[221] be created along the State Highway 7 frontage of any new allotment, or balance allotment created within the Kaiata Park development area and fronting State Highway 7 including any allotment created to contain the wetland area. Such point strip ~~shall~~ **must**[222] vest in ~~Her~~ **His** Majesty the ~~Queen~~ **King**[223] for Use in Connection with a road (point strip).

3. FINANCIAL CONTRIBUTIONS

3.1. FC General/Whole Chapter

Submissions and Further Submissions

657. Fifteen submissions points and 10 further submission points relating to general matters or the whole Financial Contributions (**FC**) Chapter were summarised in a Table on pages 138-140 of the s42A Report. The Panel has considered the relevant submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report and Addendum

658. In response to the two submission points and two further submission points[224] that sought to remove the FC provisions from the SUB Chapter, Ms Belgrave and Ms Evans supported the relief sought. They note that the National Planning Standards did not direct where the FC Chapter should be in a plan. Therefore, as the FC provisions were broader in scope than simply subdivision, they recommended the FC chapter should sit within the General District-Wide Matters.

659. Ms Belgrave and Ms Evans did not initially support the submission point made by the TTPP Committee to include a separate discretionary activity rule when a permitted activity standard was not met. This was because they considered a separate rule was unnecessary, noting that

[217] Westpower Limited S547.393
[218] RMA Schedule 1, clause 16(2)
[219] Chris & Jan Coll S558.271, Chris J Coll Surveying Limited S566.271, William McLaughlin S567.337, Laura Coll McLaughlin S574.271
[220] Chris & Jan Coll S558.271, Chris J Coll Surveying Limited S566.271, William McLaughlin S567.337, Laura Coll McLaughlin S574.271
[221] RMA Schedule 1, clause 16(2)
[222] RMA Schedule 1, clause 16(2)
[223] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.190
[224] Manawa Energy (S438.113), Buller District Council (S538.230) and Kāinga Ora (FS58.048 and FS58.099)

s108 of the RMA provided for conditions to be included in resource consents in accordance with the requirements of the rules in the FC Chapter. However, Ms Evans reconsidered her position in her Addendum Report having considered Ms Styles' evidence for Manawa that raised similar concerns about a lack of activity status. As a result, Ms Evans supported the inclusion of a non-compliance status (discretionary activity) where the rules were not complied with. She considered this would ensure that there was a consenting pathway to consider circumstances where a financial contribution may not be required or was not proposed.

660. In response to the submission point made by Manawa and the four supporting further submissions[225] that opposed the FC Chapter for the management of the adverse effects relating to land use consents and sought the deletion of various provisions, Ms Belgrave and Ms Evans did not support the relief sought. Nevertheless, they supported in part the alterative relief sought by Manawa to make amendments to the provisions to improve clarity as to when financial contributions were required. The recommended amendments to address these matters are set out in subsequent and relevant parts of this Report and include:

a) Clarification that financial contributions relate to the management of residual effects through offset and compensation rather than to avoid, remedy, and mitigate adverse effects generally;

b) Deletion of references to '*works*' as this form of financial contribution is not provided for under s108 of the RMA; and

c) Amendments to FC-R3 to improve clarity and interpretation.

661. In her Addendum Report, Ms Evans reconsidered these matters having considered evidence prepared by Ms Whitney (for Transpower) and Ms Styles (for Manawa). She recognised that the provisions created the potential for uncertainty and ambiguity in terms of determining the amount of financial contribution required to offset or compensate. She considered the plan rule could not objectively set or quantify what was required. On this basis, Ms Evans revised her opinion and recommended that any notified provisions in the FC Chapter that relate to offset and compensation be deleted.

662. Ms Belgrave and Ms Evans supported the relief sought by Westland District Council to amend wording throughout the chapter to remove the subjective '*may*' wording from the provisions for more clear and certain language. This submission point was supported by GDC and opposed by Westpower.

663. In response to the submission point made by Westpower to amend the provisions to specify a minimum contribution, Ms Belgrave and Ms Evans did not support the relief sought. This was because it had potential to increase uncertainty for plan users. Furthermore, they considered the financial contributions required by conditions of consent should be the amount necessary to sufficiently address infrastructure provision and/or any offset and compensation as determined under the FC Chapter rules.

664. In response to the submission point made by Forest and Bird that sought to delete provisions that provide for financial contribution *in lieu* of appropriately managing effects on biodiversity, Ms Belgrave and Ms Evans did not support the relief sought. Westpower also opposed the submission point by Forest and Bird. Ms Belgrave and Ms Evans consider that

[225] Kāinga Ora (FS58.049; FS58.0100; FS58.0107) Westpower (FS222.0194)

the WCRPS anticipated offset and compensation in relation to indigenous biodiversity and as such they considered the FC Chapter was generally consistent with the WCRPS and the NPSIB.

665. As set out in previous paragraphs, Ms Evans reconsidered the matter of compensation and offsetting in her Addendum Report and revised her recommendation to support the deletion of provisions relating to these matters. She acknowledged that deleting these provisions did not preclude the ability to offset or compensate via provisions in other chapters where appropriate through the resource consent process. She considered this addressed the concerns of Manawa and Forest and Bird.

666. In response to a similar submission point also made by Forest and Bird that sought to make it clear that the obligation to manage adverse effects lies with the applicant, Ms Belgrave and Ms Evans did not consider that the relief sought was necessary. However, to improve plan clarity, and in accordance with FC-R12, a cross reference in the Overview text to the Ecosystems and Indigenous Biodiversity Chapter and the Natural Features and Landscapes Chapter was initially recommended. However, on reconsideration of the matter in her Addendum Report she no longer recommended the cross-reference.

667. In response to submission points[226] that sought the addition of an advice note to explain how a mediation process could be used to resolve disputes regarding financial contributions, Ms Belgrave and Ms Evans did not support the relief sought. This was because it was non-statutory information that could be provided through other council documents or websites.

668. Ms Belgrave and Ms Evans did not support the relief sought by Greg Maitland to delete the whole chapter on the basis that landowners should not have to gift land or make a cash payment. This was because s108 of the RMA empowered councils to impose financial contributions on resource consents.

669. In response to the submission point made by Poutini Ngāi Tahu that sought to amend the FC Chapter to ensure that there was consideration of '*Poutini Ngāi Tahu values*', Ms Belgrave and Ms Evans (consistent with the approach taken in other hearings), raised concerns about how these considerations would work in practice and they invited the submitter to provide further information regarding the practicalities of implementing the relief sought.

670. Ms Belgrave and Ms Evans recommended amendments as follows:

a) That the FC chapter be relocated to the General District Wide Matters section of the pTTPP.

b) The following was initially recommended to be included in the Overview of the FC chapter (responding to the submission point from Forest and Bird), but then it was subsequently recommended to be removed as part of Ms Evans's recommendation in her S42A addendum report:

Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, offset and compensation actions are also subject to additional provisions in a number of Part 2: District-Wide Matters chapters, including:

- *Overlay Chapters – Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes*

[226] Chris & Jan Coll (S558.176), Chris J Coll Surveying Limited (S566.176), William McLaughlin (S567.250) and Laura Coll McLaughlin (S574.176)

Hearing and Submitter Evidence/Statements

671. Ms Styles presented evidence on behalf of Manawa and reiterated their fundamental concerns with the FC provisions, specifically in relation to land use activities. She maintained that references to land use activities should be deleted from the FC Chapter. Her opinion was explained as follows:

    a) The full effects management hierarchy could not be appropriately applied to residual adverse environmental effects on values such as ONL, ONF and natural character.

    b) The inconsistent use of terminology did not equate to the terms used on other chapters, schedules or maps of the pTTPP.

    c) The potential for 'double-dipping' by taking a financial contribution to address a residual effect that had also been addressed by mitigation.

    d) Conflict with the requirements of higher-level policy documents that require plans to recognise the benefits of and provide for renewable energy generation activities, which could require the payment of financial contributions associated with the upgrading or maintenance of existing assets.

    e) The potential for inconsistent administration across the three Councils.

    f) The rules were unlawful as they were unclear and uncertain in terms of their implications, and the parameters of any discretion were not clear.

672. Ms Styles' evidence set out some key matters of relief if the Panel decided to retain the financial contribution provisions in the Plan. These were:

    a) Ensuring the consistent use of terminology relating to regionally significant infrastructure (not critical infrastructure), and renewable electricity generation activities (not energy activities); and

    b) The location of the Financial Contribution Chapter in a stand-alone chapter within the pTTPP. Ms Styles acknowledged that the Reporting Officers recommended the chapter be located in the General District Wide Matters, and she supported this recommendation.

Reporting Officer Reply Evidence

673. Ms Evans did not make any specific comments in her Right of Reply that addressed matters raised generally in this chapter, except to note that the word '*shall*' should be replaced by '*must*', for clarity and consistency throughout the Plan.

Hearing Panel's Evaluation

Location of Chapter

674. The Panel acknowledge the concerns expressed by submitters regarding the FC Chapter and the responses from Ms Evans. While we note that FC Chapters in district plans are not prevalent throughout the country, as we understand it, the three West Coast District Councils currently use financial contributions under the RMA as their sole mechanism in providing for the costs and impacts of development on Council infrastructure. We acknowledge that the provisions associated with the FC Chapter have been developed on the basis of that approach continuing, even though the Councils are exploring the potential to move to a Development

Contributions regime. We therefore accept that the FC Chapter needs to remain in the Plan and that should a Development Contributions regime be introduced in the future a plan change would be necessary to remove the FC Chapter.

675. At a high level, the Panel agree with BDC (S538.230) and Manawa (S438.113) that the FC Chapter should be relocated into the General District-Wide Matters section and we note this is where other district plans such as Whakatane and Southland have placed the chapter. We accept that the provisions associated with a FC Chapter are broader than simply relating to subdivision and also apply to development and land. We also accept that there is a need for consistent terminology throughout the chapter and we have addressed this throughout our recommendations below.

'*May*' versus '*Shall*'

676. Turning to the more generic submissions on Financial Contributions, the Panel has initially addressed the issue of replacing '*may*' with '*shall*' in a number of key provisions in the rules. We consider we need to address this matter at this point because it potentially impacts on the following issue of an activity status.

677. The Reporting Officers have supported a change from '*may*' to '*shall*' in FC-R1 as proposed by Westland District Council, as in their view, the notified wording referencing '*may*' carries a higher risk in interpretation and the potential for discretion by applicants as to whether financial contributions will be imposed and that amending it to shall would provide greater certainty and direction to plan users. In Reply, Ms Evans recommended that the words '*unless determined otherwise by the council*' which was also sought by Westland District Council not be included, as this determination would be provided for in the consenting process now proposed i.e. the activity status referred to below.

678. Both Manawa and Westpower have opposed the change. Ms Styles for Manawa considered the change to the wording would appear to require that all land use consent applications must be imposed with financial contributions. She considered it was not appropriate for such a requirement to be applied in all cases without due consideration. Mr Kennedy for Westpower said that there was a need for decisions makers to consider whether a financial contribution is appropriate or required in the circumstances. He said it may not be appropriate or required in every instance to provide offsetting or compensation, and this would depend on the circumstances at the time.

679. The Panel have reviewed the existing operative plans across the district and we note that both Grey and Buller District Plans use the word '*may*', while the Westland District Plan uses both '*may*' and '*shall*' in the key provisions. In terms of other plans around New Zealand that were identified in the s32 Report as using financial contributions, the Opotiki and Southland District Plans use '*may*', while the Whakatane, South Waikato and Hamilton District Plans use '*shall*' or in Hamilton's case '*will*'. We also make the point that in all these Plans financial contribution are associated with a consent being sought for some other purpose and that there is no activity status associated with financial contributions themselves. This is perhaps best articulated in the Buller and Whakatane District Plans which respectively state:

Buller District Plan

8.1.1 Financial contributions as outlined in Part 8.3 ***may*** *be required on land use and subdivision consents for controlled, discretionary and non-complying activities.*

Whakatane District Plan

> *Financial contributions are required as part of the resource consent process and not subject to an activity rule on their own accord, for this reason there is no activity status for any of the rules in this chapter.*

680. For the sake of completeness, the Panel notes the Buller District Plan may also require financial contributions for permitted activities which are '*developments*', which is defined. This appears to be limited in its extent, and we assume it is utilised at the building consent or service connection stage. We note that we address the issue of '*development*' under FC-R1.

681. Having considered the various issues involved here, the Panel have some concerns with the change proposed. We agree that using '*shall*' on its own takes away any form discretion and as Ms Evans suggested any 'non-compliance' would be then addressed, with a newly added activity status, by way of a resource consent at the discretionary level should an applicant wish to 'challenge' the outcome. It seems to us, that this places a reasonably high threshold on applicants which would limit opportunity to discuss or address alternative options. It also raises a question as to whether there remains available to an applicant an objection to conditions pathway.

682. The Panel have also considered the Westland District Council's additional wording of '*unless determined otherwise by the council*'. That seems to us to be little different from the notified situation of having '*may*' in the rule. In other words, the Councils would already have discretion in the rule as notified.

683. While the use of '*shall*' is appropriate for the finer grained provisions such as "*the financial contribution **shall** only be spent by Council on*" we have reached a conclusion that we do not believe it is appropriate at the initial instigation of financial contributions level. In short, we agree with the evidence of Ms Styles and Mr Kennedy that it is not appropriate for such a requirement to be applied in all cases without due consideration and that there was a need for decisions makers to consider whether a financial contribution is appropriate or required in the circumstances. While we acknowledge that around the country it appears different approaches have been taken to this issue, we are mindful that the current approach on the West Coast favours a '*may*' rather than a '*shall*' and in any event the discretion remains with the Council. What we are enabling is at least an ability for consideration of individual circumstances should that be required.

Introduction of an Activity Status

684. In relation to the issue of activity status, as can be seen from our analysis above, the Panel have been unable to identify any district plans which currently have an activity status as part of the financial contribution provisions; and indeed, some Plans actively indicate that there is no activity status for any of the financial contribution rules. In our view, having an activity status is unnecessary as the proposal concerned is (aside from permitted activities) already seeking consent at a particular activity status. The way forward in this situation, for an applicant dissatisfied with an outcome on financial contributions, is an objection to conditions. We therefore see no reason to include an activity status as we consider it would complicate the situation.

Offsetting and Compensation

685. The Panel has considered the issues associated with the offsetting and compensation provisions. Having reviewed the evidence of Ms Styles and the response from Ms Evans, we agree with the recommendation that any notified provisions in the FC Chapter that relate to offsetting and compensation are deleted. We consider that having offsetting and compensation provisions in the FC Chapter detracts from their intended purposes and raises broader issues about the actual avoidance or mitigation of adverse effects, which is appropriately dealt with in other chapters.

686. In reaching the above conclusion, we note that the deletion of these provisions will not preclude the ability to offset or compensate via provisions in other chapters through applicable resource consent process in order to manage residual effects, or the inclusion of appropriate consent conditions to secure these outcomes where they form part of a proposal and are provided in accordance with relevant National Policy Statements, noting that the NPSIB and NPSREG recognise environmental offset and/or compensation.

687. The Panel considers that the deletion of the offset and compensation provisions from the FC Chapter addresses the concerns expressed by Manawa and Forest & Bird in terms of the potential for the provisions as notified to enable offset and compensation in place of appropriately avoiding and mitigating adverse effects.

688. Other submission points covered in the s42A Report under the heading Financial Contributions – General have been addressed in relation to specific provisions below.

Hearing Panel's Recommendation

689. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the FC Chapter is relocated into the General District-Wide Matters section of the TTPP and a discretionary activity status is established for situations where there is a non-compliance with any of the provisions.

3.2. FC Overview

Submissions and Further Submissions

690. Three submissions points and one further submission point relating to the Overview were summarised in a Table on page 143 of the s42A Report. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report and Addendum

691. Ms Belgrave and Ms Evans did not support the relief sought by Frida Inta and Buller Conservation Group to add the words '*development of*' before '*infrastructure*' in the first sentence of the Overview. They considered the addition would narrow the interpretation of financial contributions in relation to infrastructure.

692. In response to the submission point made by the Director General to delete references to offsetting and instead refer to compensation, Ms Belgrave and Ms Evans initially considered it appropriate to refer to both methodologies. However, in her Addendum Report, following the review of evidence prepared for the hearing, Ms Evans revised her recommendation to support the deletion of all provisions relating to these matters and rejected the relief sought.

693. Ms Belgrave and Ms Evans initially recommended the following in the s42A Report:

> *This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure and for their use to offset* ***or compensate*** *adverse effects on the environment of the West Coast/Te Tai o Poutini.* ***Financial contributions shall be required in accordance with rules unless determined otherwise by Council.***

694. This recommendation was subsequently changed in the Addendum Report as follows:

> *This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure ~~and for their use to offset adverse effects on the environment of the West Coast/Te Tai o Poutini~~.*

Hearing and Submitter Evidence/Statements

695. No submitter evidence was presented specifically relating to the Overview of the FC chapter. However, the evidence summarised in the section of this Report that considered the chapter as a whole had consequential implications for the Overview.

Reporting Officer Reply Evidence

696. Ms Evans made no specific comments on the Overview in her Right of Reply.

Hearing Panel's Evaluation

697. As noted above, the Panel recommends deleting references to offsetting within the provisions and therefore, we agree with the amendment to the first paragraph in this regard. On this basis, we reject the amendment sought by the Director General to refer to compensation.

698. The Panel agree with the reasoning of the Reporting Officers to not add '*development of*' before '*infrastructure*' as sought by Frida Inta and Buller Conservation Group.

Hearing Panel's Recommendation

699. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Financial Contributions Overview** as follows:

Overview
This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure ~~and for their use to offset adverse effects on the environment of the West Coast/Te Tai o Poutini~~.[227] Currently the three District Councils on the West Coast/Te Tai o Poutini use financial contributions under the RMA as the sole mechanism to provide for the costs and impacts of development on Council infrastructure and these draft provisions have been developed on the basis of that approach continuing. However, the District Councils are exploring the potential to move to a Development Contributions regime under the Local Government Act 2002 (LGA). If the Councils do introduce

[227] Manawa Energy Limited S438.114, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.026

Development Contributions under the LGA then these provisions will be amended by Variation or Plan Change to reflect the updated regime.

3.3. Financial Contributions Objectives

Submissions and Further Submissions

700. Five submission points and one further submission point relating to **FC-O1** were summarised in a Table on pages 144-145 of the s42A Report. One submission point supported the retention of the objective as notified. Four submission points sought amendments.

701. Nine submissions points and four further submission point relating to **FC-O2** were summarised in a Table on pages 144-145 of the s42A Report. Six submission points supported the retention of the objective as notified. Three submission points sought amendments.

702. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

FC-O1

703. In relation to FC-O1, Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that seeks to retain the standard as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

704. In response to the four submission points[228] and the further submission point from Alex Wood that sought minor drafting amendments to FC-O1, Ms Belgrave and Ms Evans support the amendments in part. They do not agree to adding '*remedy*' or '*mitigate*' to the objective as they consider those terms to be more appropriate for a policy.

705. Ms Belgrave and Ms Evans recommend that FC-O1 be amended as follows:

> ***FC-O1***
>
> *Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it did not adversely affect natural and physical resources, or compromise the quality of service provided to existing users~~, through the use of financial contributions~~.*

FC-O2

706. Ms Belgrave and Ms Evans acknowledged the support from six submitters that sought to retain the standard as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

707. The submission points from Manawa, Westpower and the Director General sought various amendments to the objective, ranging from its entire deletion (Manawa), the addition of references to enable compensation, and the management or minimising of adverse effects.

[228] Chris & Jan Coll S558.145, Chris J Coll Surveying Limited S566.145, William McLaughlin S567.222, Laura Coll McLaughlin S567.145

Manawa also offered an alternative option to amend the objective if deletion was not supported.

708. Ms Belgrave and Ms Evans initially supported some amendment to the objective as follows:

> *To ensure that new activities and development contributes fairly and equitably towards the costs of ~~avoiding, remedying, mitigating or offsetting~~ **managing** adverse effects on the environment ~~and infrastructure resources~~ of the West Coast/Te Tai o Poutini.*

709. However, Ms Evans revised her opinion following her review of the evidence from Ms Whitney (for Transpower) and Ms Styles (for Manawa) and recommended deleting the objective entirely, which was shown as struck out in Appendix 1 of the Addendum Report.

Hearing and Submitter Evidence/Statements

710. Ms Hadfield, Ball Developments Limited, noted that despite the submitter supporting FC-O2 as notified, the amendments proposed to FC-O2 in the s42A Report (prior to the Addendum) were supported by the submitter.

711. Mr Kennedy, for Westpower, accepted the amendments proposed to FC-O2 in the s42A Report (prior to the Addendum).

712. No other submitter evidence was presented specifically relating to the objectives of the FC chapter. However, the evidence summarised in the section of this Report that considered the chapter as a whole had consequential implications particularly for FC-O2.

Reporting Officer Reply Evidence

713. Ms Evans made no specific comments in her Right of Reply about the objectives.

Hearing Panel's Evaluation

714. The Panel agree with the Reporting Officers that the inclusion of '*remedy*' or '*mitigate*' in FC-O1 as sought by submitters is not appropriate within an objective. Further, we do not consider the deletion of '*that it did not adversely affect'* and its replacement with '*adverse effects on*' adds any clarity to the objective. We do, however, recommend that the second reference in the objective to financial contributions is deleted as sought as this seems to double up on the first part of the objective.

715. In relation to FC-O2, as noted above, the Panel is recommending deleting references to offsetting within the provisions and we therefore agree with the removal of reference to offsetting from the objective. We have also considered whether as recommended by Ms Evans the whole objective itself should be deleted.

716. It is not clear to the Panel why Ms Evans' Appendix 1 to the Right of Reply deleted FC-O2, as the Right of Reply itself refers (at paragraph 70) to the objective collectively with the policies to provide flexibility to consider resource consents that go above and beyond what is required and thus seek a financial contribution waiver. We also note that in the s42A Report the amendments proposed by Manawa (in the alternative to the deletion of the objective) were supported by the Reporting Officers.

717. The Panel consider FC-O2 has an important role to play in the FC Chapter, and we recommend it is retained. However, we agree that the wording proposed by Manawa, which deletes reference the '*avoiding, remedying, mitigating or offsetting*' and replaces it with '*manage*', is more appropriate at this level and streamlines the objective. We also agree that reference to '*infrastructure resources*' should be deleted as this is covered in FC-O1.

718. On the basis of the above, we reject the amendments sought by the Director General to refer to '*minimising*' and '*compensation*'; and those of Westpower to refer to '*offsetting or compensation*'.

Hearing Panel's Recommendation

719. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Financial Contributions Objectives** as follows:

FC – O1	Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it did not adversely affect natural and physical resources, or compromise the quality of service provided to existing users~~, through the use of financial contributions~~.[229]
FC – O2	To ensure that new activities and development contributes fairly and equitably towards the costs of ~~avoiding, remedying, mitigating or offsetting~~ **managing** adverse effects on the environment ~~and infrastructure resources~~ of the West Coast/Te Tai o Poutini.[230]

3.4. Financial Contributions Policies

Submissions and Further Submissions

720. Two submissions points relating generally to the policies were summarised in a Table on page 148 of the s42A Report. Both submissions supported the retention of the policies either in full or in part.

721. Six submission points relating to **FC-P1** were summarised in a Table on page 148 of the s42A Report. Two submission points supported the retention of the policy as notified. Four submission points sought amendments. The Panel notes here that we have also considered the submissions of Frida Inta (S553.103) and Buller Conservation Group (S552.103), which were incorrectly summarised as referred to earlier.

722. Seven submission points and three further submission points relating to **FC-P2** were summarised in a Table on pages 149-150 of the s42A Report. Five submission points supported the retention of the policy as notified. Two submission points sought amendments. One of these submission points was supported by the three further submission points.

[229] Chris & Jan Coll S558.145, Chris J Coll Surveying Limited S566.145, William McLaughlin S567.222, Laura Coll McLaughlin S567.145
[230] Manawa Energy Limited S438.115

723. Six submission points relating to **FC-P3** were summarised in a Table on pages 150-151 of the s42A Report. Two submission points supported the retention of the policy as notified. Four submission points sought amendments.

724. Eight submission points relating to **FC-P4** were summarised in a Table on pages 151-152 of the s42A Report. Six submission points supported the retention of the policy as notified. Two submission points sought amendments.

725. Six submission points relating to **FC-P5** were summarised in a Table on page 153 of the s42A Report. Two submission points supported the retention of the policy as notified. Four submission points sought amendments.

726. Eleven submission points and two further submission points relating to **FC-P6** were summarised in a Table on pages 154-155 of the s42A Report. Two submission points supported the retention of the policy as notified. Three submission points, and the two further submissions sought the deletion of the policy, which the remaining submission points sought amendments.

727. Nine submission points and three further submission points relating to **FC-P7** were summarised in a Table on page 157 of the s42A Report. Seven submission points supported the retention of the policy as notified. Two submission points sought the deletion of the policy. The three further submissions supported one of the submissions to delete the policy.

728. The Panel adopts these summaries and has considered the relevant submissions and further submissions

Section 42A Report

Policies (General)

729. In response to the submission points from BDC and WDC that support the FC policies generally, Ms Belgrave and Ms Evans acknowledged the support of the submissions and note that they were subject to recommended amendments that arose from other more specific submission points.

FC-P1

730. Ms Belgrave and Ms Evans acknowledged the support from the two submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

731. Ms Belgrave and Ms Evans supported the submission points[231] that sought to add '*land*' to the policy as this ensured consistency of language.

732. Ms Belgrave and Ms Evans recommended amending FC-P1 as follows:

> ***FC-P1***
>
> *To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or*

[231] Chris & Jan Coll (S558.147), Chris J Coll Surveying Limited (S566.147), William McLaughlin (S567.224) and Laura Coll McLaughlin (S574.147)

*upgrade public infrastructure, reserves and community facilities as a result of the subdivision, **land** use or development*

FC - P2

733. Ms Belgrave and Ms Evans acknowledged the support from five submitters that sought to retain the policy as notified.

734. Ms Belgrave and Ms Evans did not support the following additions to clauses (a) and (d) as set out in the submission point from Manawa Energy:

Financial contributions shall be applied in a fair and equitable manner that:

*a) Is financially transparent **reasonable and appropriate to the circumstances**;*

b) Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development;

c) Is complementary to the Council's other financial management policies; and

*d) Takes into account any costs incurred **and financial benefits associated with the** ~~in~~ taking, holding and allocating the financial contributions.*

735. The Reporting Officers did not consider the additional words were necessary to achieve the objectives. They also considered that the additions to clause (a) would result in inefficiencies necessitated by the case by case assessment.

736. Ms Belgrave and Ms Evans did not support the following additions sought by David Ellerm:

e. That the spending of any financial contribution are applied within the locality of the subdivision, use or land development; and

*f. **Agreement is reached as to the most beneficial use of those monies with the developer**.*

737. The Reporting Officers did not support these additions because they considered they would unnecessarily constrain the spending of financial contributions resulting in inefficiencies in achieving the objectives, particularly with regard to being able to meet the demands generated by new subdivision, land uses and activities.

738. Ms Belgrave and Ms Evans recommended FC-P2 was retained as notified.

FC - P3

739. Ms Belgrave and Ms Evans acknowledged the support from two submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended minor amendments that arose from other submission points.

740. In response to submission points[232] that sought to delete the words '*but at the final discretion of the Council*', Ms Belgrave and Ms Evans did not support the relief sought. They considered it was an unnecessary change and that the policy as notified was in accordance with s108 of the RMA.

[232] Chris & Jan Coll (S558.149), Chris J Coll Surveying Limited (S566.149), William McLaughlin (S567.226) and Laura Coll McLaughlin (S574.149)

741. In response to the submission point made by Manawa Energy (S438.114) that sought to improve clarity across the FC Chapter, the Reporting Officers recommended deleting the word '*works*' from FC-P3 as a financial contribution in the form of works was not provided for under s108 of the RMA. They recommended amending FC-P3 as follows:

> ***FC-P3***
>
> *Financial contributions may be taken in the form of cash, **or** land, ~~works~~ or a combination of these in discussion with the applicant but at the final discretion of the Council.*

FC - P4

742. Ms Belgrave and Ms Evans acknowledged the support from six submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended minor amendments that arose from other submission points.

743. Ms Belgrave and Ms Evans did not support the relief sought by Ball Developments Limited to add additional words to the policy. They considered the additional wording which sought to take into account the value of any work necessary to make land suitable for its intended use was unnecessary.

744. In response to the submission point made by BDC to improve clarity of the policy, Ms Belgrave and Ms Evans agreed that the policy could be simplified and recommended amended wording as follows:

> ***FC-P4***
>
> ***Ensure that*** ~~*Where*~~ *land ~~is~~ provided by way of a financial contribution ~~to ensure that such land shall be~~ **is** suitable for the intended use bearing in mind the community to be served.*

FC - P5

745. Ms Belgrave and Ms Evans acknowledged the support from two submitters that sought to retain the policy as notified.

746. Ms Belgrave and Ms Evans did not support the relief sought by submission points that sought to change the word '*shall*' to '*can*' to retain consistent terminology throughout the FC Chapter.

747. Ms Belgrave and Ms Evans recommend retaining FC-P5 as notified.

FC - P6

748. Ms Belgrave and Ms Evans acknowledged the support from the two submitters that sought to retain the policy as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

749. In response to the submission point made by Transpower to either delete the policy or amend it so that it did not apply to the National Grid, the Reporting Officers did not initially support the relief sought. This was on the basis that infrastructure activities have the potential to generate adverse effects that cannot be avoided, remedied, minimised, or mitigated, and therefore it would be appropriate to offset these effects through financial contributions.

750. Ms Belgrave and Ms Evans also initially did not support the relief sought by Forest and Bird to delete the policy. Forest and Bird sought that the policy be deleted because they considered it to be contrary to the WCRPS and the RMA regarding effects management.

751. In response to the submission point made by Manawa to either delete the policy or to make amendments to ensure that it be directed at the management of effects and that it not be in relation to offsetting or compensation, Ms Belgrave and Ms Evans also did not initially support the relief sought.

752. As set out above in paragraphs related to the FC Chapter generally, Ms Evans reconsidered the matter of compensation and offsetting in her Addendum Report and revised her recommendation to support the submissions made by Transpower, Manawa and Forest & Bird to delete FC-P6 in its entirety.

753. Ms Belgrave and Ms Evans also initially supported the relief sought by the Director General to amend the policy so that financial contributions required to address any effects on significant values and areas should only be applied to residual adverse effects along with other minor amendments. They did not support the deletion of mineral extraction but supported the replacement of '*critical infrastructure'* with '*regionally significant infrastructure*'.

754. In response to submission points[233] that sought the addition of the words '*but not limited to*' after '*such as*' to the policy, Ms Belgrave and Ms Evans did not support the relief sought because the activities which were relevant to FC-P6 could be readily identified.

755. In response to the submission point made by BDC to simplify the policy, the Reporting Officers recommended reworded the policy to respond to the submission and the relief sought.

756. In her Addendum Report, Ms Evans recommended deleting FC-P6.

FC - P7

757. In response to submission points[234] that sought to delete FC-P7, Ms Belgrave and Ms Evans supported the relief sought. They agreed with the submitters that the policy lacked clarity and was ambiguous. They also agreed that the proposed provisions did not clearly identify how the benefits of a proposed activity were to be quantified.

758. In response to the submission point made by Transpower, that sought the retention of FC-P7, if FC-P6 was to be retained, the Reporting Officers recommended rejecting the submission. However, as noted Addendum Report changed the recommendation with regard to FC-P6.

759. In response to submission points[235] that supported the retention of FC-P7, Ms Belgrave and Ms Evans did not support the submissions, for the reasons set out above.

760. Ms Belgrave and Ms Evans recommended deleting FC-P7.

Hearing and Submitter Evidence/Statements

[233] Chris & Jan Coll (S558.152), Chris J Coll Surveying Limited (S566.152), William McLaughlin (S567.229) and Laura Coll McLaughlin (S574.152)
[234] Manawa Energy (S438.118) and Director General of Conservation (S602.115)
[235] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.387), Westpower (S547.336), Chris & Jan Coll (S558.154), Chris J Coll Surveying Limited (S566.154), William McLaughlin (S567.230) and Laura Coll McLaughlin (S574.154)

761. Ms Hadfield, for Ball Developments Limited (who supported FC-P1 as notified), confirmed she accepted the recommendation in relation to FC-P1, FC-P3 and FC-P4. She also acknowledged that no amendment was recommended to FC-P5, which was consistent with the submission point.

762. Ms Styles, for Manawa, noted the s42A Report had not accepted the relief sought to FC-P3(d) and considered the Reporting Officers had misunderstood the intention of the suggested wording. She clarified that a district council should not hold financial contributions for long periods of time without using the funds, and that the benefits of such holding of funds (i.e. interest incurred) should also be taken into account. She reiterated that for transparency the wording suggested should be included in FC-P3.

763. Ms Whitney's addendum to her evidence on behalf of Transpower confirmed and accepted the recommendation to delete FC-P6.

764. Mr Kennedy, for Westpower, responded to the s42A recommendation prior to Ms Evans's Addendum recommendation to delete the policy. He did not support proposed FC-P6(b), and if it was to be retained, he suggested it be reworded. He also commented on the recommendation to delete FC-P7 and considered it should be retained as notified because there may be instances where a decision maker may wish to consider the benefits of a proposal when calculating any financial contribution.

Reporting Officer Reply Evidence

765. Ms Evans reviewed the recommended wording for FC-P3 following the hearing and in light of proposed changes to the rule framework. Based on this, she considered the words *'in discussion with the applicant but at the final discretion of the Council'* were superfluous as this was what happened as part of a resource consent process. Her recommendation was to delete this from the policy, which she considered gave partial relief to the submission points[236] made with respect to this policy.

766. Ms Evans reconsidered the relief sought by the submission points regarding FC-P5 to change '*shall*' to '*can*'. She changed her recommendation to support the submission points recognising that the list in the policy was not exhaustive.

Hearing Panel's Evaluation

FC–P1

767. The Panel agree with the inclusion of '*land*' in the policy as sought by a group of submitters as it ensures consistency of language.

768. The Panel notes that Ms Inta and the Buller Conservation Group sought to delete this policy because they consider FC-P2 adequately covers what FC-P1 is trying to say. We note that Ms Inta in her statement did not comment on this further. In the Panel's view the two policies are quite different with the first being about the requirement for financial contributions and the second about how they are to be applied. We have therefore rejected the submissions.

[236] Chris & Jan Coll (S558.149), Chris J Coll Surveying Limited (S566.149), William McLaughlin (S567.226) and Laura Coll McLaughlin (S574.149)

FC-P2

769. The Panel has considered the differing views between the Reporting Officers and Ms Styles in terms of the additional wording sought by Manawa. The Panel have some sympathy for Manawa's position, and we agree that there is a need for transparency in relation to financial contributions. We consider the wording proposed by Manawa ensures there is an onus on the Councils to appropriately deal with financial contributions reasonable manner, taking into account the relevant context. We therefore recommend that the wording proposed by Manawa is included in the Policy.

770. The Panel agree with the Reporting Officers that the additional clauses proposed by Mr Ellerm would potentially constrain the spending of financial contributions and thus result in inefficiencies in achieving the objectives. We therefore reject this submission.

FC-P3

771. The Panel acknowledge Ms Evans revised position on FC-P3, and we agree the words '*in discussion with the applicant but at the final discretion of the council*' are, given our recommendation to include a discretionary activity status, superfluous as this is what would essentially occur as part of any resource consent process. We recommend these words are deleted.

772. We agree with the Reporting Officers' recommendation to delete the word '*works*' from FC-P3 in response to a submission from Manawa given that a financial contribution in the form of works is not provided for under s108 of the RMA.

FC-P4

773. The Panel agrees with Ms Belgrave and Ms Evans that the additional words to the policy sought by Ball Developments Limited to take into account the value of any work necessary to make land suitable for its intended use is unnecessary. Nevertheless, we accept that improvements to the clarity of the policy, as sought by BDC, are necessary and we agree with the revised wording proposed by the Reporting Officers, noting that Ms Hadfield's evidence for Ball Developments Limited accepts this wording.

FC-P5

774. The Panel notes that Ms Belgrave and Ms Evans did not initially support the relief sought by the submission points to change the word '*shall*' to '*can*'. However, in her Right of Reply, Ms Evans changed he view and indicated that she now recommended amending '*shall*' in this policy to '*can*' to recognise that this list is not exhaustive, and not all of the infrastructure and facilities listed will be provided in every scenario. The Panel agrees and recommends this change.

FC-P6

775. The Panel recommends deleting FC-P6 in accordance with our recommendation to remove references to offsetting and compensation from the FC Chapter.

FC-P7

776. The Panel have considered the submission to delete FC-P7, which was support by Ms Belgrave and Ms Evans. We accept that policy lacks clarity and is somewhat ambiguous. Further, it does not identify how the benefits of an activity are to be quantified in the decision-making process. We have considered whether the policy could be redrafted to better articulate the intent in assessing benefits, however, in our view, ultimately this would be difficult to provide clear guidance. We therefore recommend deleting the policy.

Hearing Panel's Recommendation

777. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Financial Contributions Policies** as follows:

FC – P1	To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or upgrade public infrastructure, reserves and community facilities as a result of the subdivision, **land**[237] use or development.
FC – P2	Financial contributions ~~shall~~ **must**[238] be applied in a fair and equitable manner that: a) Is financially transparent **reasonable and appropriate to the circumstances**;[239] b) Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development; c) Is complementary to the Council's other financial management policies; and d) Takes into account any costs incurred **and financial benefits associated with the** ~~in~~[240] taking, holding and allocating the financial contributions.
FC – P3	Financial contributions may be taken in the form of cash, land, ~~works~~[241] or a combination of these ~~in discussion with the applicant but at the final discretion of the Council~~.[242]
FC – P4	**Ensure that** ~~Where~~ land ~~is~~ provided by way of a financial contribution ~~to ensure that such land shall be~~ **is** suitable for the intended use bearing in mind the community to be served.[243]
FC – P5	To use financial contributions in money to provide additional capacity, and to meet the need for community infrastructure and facilities that arise from the activity. This ~~shall~~ **can**[244] include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and community facilities.

[237] Chris & Jan Coll S558.147, Chris J Coll Surveying Limited S566.147, William McLaughlin S567.224 and Laura Coll McLaughlin S574.147
[238] RMA Schedule 1, clause 16(2)
[239] Manawa S438.116
[240] Manawa Energy Limited S438.116
[241] Manawa Energy Limited S438.114
[242] Chris & Jan Coll S558.149, Chris J Coll Surveying Limited S566.149, William McLaughlin S567.226 and Laura Coll McLaughlin S574.149
[243] Buller District Council S538.229
[244] Chris & Jan Coll S558.151, Chris J Coll Surveying Limited S566.151, William McLaughlin S567.228 and Laura Coll McLaughlin S574.151

~~**FC – P6**~~	~~To provide for the use of financial contributions for managing adverse environmental effects, including those on significant indigenous biodiversity and outstanding natural landscapes where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and critical infrastructure.~~[245]
~~**FC – P7**~~	~~When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.~~[246]

3.5. Financial Contribution Rules

Submissions and Further Submissions

778. Nineteen submission points and two further submission points relating to **FC-R1** were summarised in a Table on pages 158-160 of the s42A Report. One submission point supported the retention of the rule as notified. The other 18 submission points sought amendments.

779. Thirteen submission points relating to **FC-R2** were summarised in a Table on pages 163-164 of the s42A Report. One submission point supported the retention of the rule as notified. The other 12 submission points sought amendments.

780. Seven submission points and four further submission points relating to **FC-R3** were summarised in a Table on page 166 of the s42A Report. One submission point supported the retention of the rule as notified. The other six submission points sought amendments.

781. Seven submission points and one further submission point relating to **FC-R4** were summarised in a Table on page 169 of the s42A Report. Five submission points supported the retention of the rule as notified. Two submission points sought amendments.

782. Ten submission points and two further submission points relating to **FC-R5** were summarised in a Table on pages 170-171 of the s42A Report. Two submission points supported the retention of the rule as notified. Eight submission points sought amendments.

783. Six submission points relating to **FC-R6** were summarised in a Table on page 172 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.

784. Eleven submission points and two further submission points relating to **FC-R7** were summarised in a Table on pages 173-174 of the s42A Report. One submission point supported the retention of the rule as notified. Ten submission points sought amendments.

785. Eleven submission points and four further submission points relating to **FC-R8** were summarised in a Table on pages 175-176 of the s42A Report. One submission point supported the retention of the rule as notified. Ten submission points sought amendments.

[245] Manawa Energy Limited S438.117, Transpower NZ Ltd S299.086, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.261
[246] Manawa Energy Limited S438.118, Director General of Conservation S602.115

786. Eleven submission points and one further submission point relating to **FC-R9** were summarised in a Table on pages 177-178 of the s42A Report. One submission point supported the retention of the rule as notified. Ten submission points sought amendments.

787. Ten submission points and two further submission points relating to **FC-R10** were summarised in a Table on page 179 of the s42A Report. Two submission points supported the retention of the rule as notified. Eight submission points sought amendments.

788. Eleven submission points and three further submission points relating to **FC-R11** were summarised in a Table on pages 180-181 of the s42A Report. Three submission points supported the retention of the rule as notified. Seven submission points sought amendments.

789. Sixteen submission points relating to **FC-R12** were summarised in a Table on pages 182-184 of the s42A Report. Five submission points supported the retention of the rule as notified. Two sought it be deleted, while nine submission points sought amendments.

790. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

FC-R1 Financial Contributions as Conditions of Consent

791. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

792. In response to the submission point made by WDC to amend the wording of FC-R1(1), (as set out below), Ms Belgrave and Ms Evans supported the relief sought as it provides greater certainty and direction to plan users. Westpower opposed this amendment in a further submission.

793. In response to the submission point from Transpower that sought to delete the rule as it relates to the National Grid due to a lack of policy direction and guidance as to the circumstances for requiring a contribution, Ms Belgrave and Ms Evans did not support the relief sought. This was because they disagreed there was uncertainty and pointed to the list of purposes under FC-R1(1).

794. In response to the similar submission points[247] that sought additional exclusions be added to FC-R1(2) in relation to any allotment vested in Council or the Crown or when a subdivision results in reduction or amalgamation in the total number of allotments or records of title, Ms Belgrave and Ms Evans supported the relief sought.

795. In response to the submission point made by the BDC to add '*development*' to FC-R1(1), the Reporting Officers did not support the addition, as the notified language referred to '*subdivision and land use*' which was consistent with the types of consents under the RMA. BDC also sought to reword clause (3) of the rule and add '*resilience initiatives*' and '*Water Entities*'. Ms Belgrave and Ms Evans did not support the additional words due to the ambiguity of '*resilience initiatives'* and the government direction on Three Waters.

[247] Ball Developments Ltd (S453.013) and Davis Ogilvie & Partners Ltd (S465.010) Chris & Jan Coll (S558.155), Chris J Coll Surveying Limited (S566.155), William McLaughlin (S567.231), Laura Coll McLaughlin (S574.155), and Ball Developments Ltd (S453.014)

796. In response to the similar submission points[248] that sought to improve the wording of FC-R1(3), Ms Belgrave and Ms Evans agreed that it could be amended to improve clarity.

797. The submission points made by the Director General, Westpower and Forest and Bird sought to make amendments to FC-R1(1)(ii) to either add reference to offsetting (in the case of Director General and Westpower), or to delete it entirely in the case of Forest and Bird. As set out previously, Ms Evans considered the matter of offsetting and compensation in her Addendum Report and ultimately recommended any provisions relating to this be deleted.

798. With respect to the other elements of the submission points made by these submitters, Ms Belgrave and Ms Evans did not support the addition of words '*including but not limited to*' in FC-R1(1), as sought the Director General, because they considered it would create uncertainty. They did support the deletion of FC-R1(1)(i), as sought by Forest and Bird, as it created duplication with other clauses and ambiguity.

799. In her Addendum Report, Ms Evans reconsidered the submission made by the TTPP Committee to include a non-compliance activity status when a rule was not complied with after consideration of Ms Styles' evidence for Manawa. She considered her revised recommendation to include a discretionary activity status when the rule was not complied with would ensure a consenting pathway was provided for.

800. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R1 as follows:

> 1. *A condition ~~may~~ **shall** be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purpose **(unless determined otherwise by Council)**:*
>
> i. *~~The management of potential adverse effects arising from the activity;~~*
>
> ii. *~~Securing environmental offsetting or compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, minimised, remedied or otherwise mitigated;~~*
>
> iii. *Providing and/or upgrading public network utility services and transport infrastructure;*
>
> iv. *Providing and/or upgrading public reserves, public access and community ~~-~~facilities; and*
>
> 2. *No financial contribution is payable for:*
>
> i. *Additions and alterations to residential buildings;*
>
> ii. *A residential building replacing one previously on the site;*
>
> iii. *An approved boundary adjustment;*
>
> iv. *An approved subdivision creating a certificate of title solely for a utility;*
>
> v. *An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; ~~and~~*
>
> vi. *Infrastructure for which a financial contribution has been made previously;*
>
> vii. ***Any allotment that is vested in the Council or the Crown; and***
>
> viii. ***An approved subdivision resulting in the amalgamation of or a reduction in the number of titles.***

[248] Buller District Council (S538.231) Chris & Jan Coll (S558.155), Chris J Coll Surveying Limited (S566.156), William McLaughlin (S567.232), and Laura Coll McLaughlin (S574.155)

3. *Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed landuse, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:*

   i. *The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;*

   ii. *Agreements shall be made in writing between the developer and the relevant District Council, and shall state the amount of the financial contribution and timing of any payments to be made **by the relevant District Council**;*

   iii. *In the event that the relevant District Council did not contribute to the funding at ~~that~~ **the** time **the infrastructure is required by the proposed land-use, subdivision or development**, the developer will be reimbursed by the **relevant District** Council;*

   iv. *Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in **relevant District** Council's Long Term Plan; and*

   v. *Reimbursement will not include interest additional to that which would have been payable by the relevant District Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.*

Activity status where compliance not achieved: Discretionary

FC-R2 Nature of Financial Contributions

801. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

802. In response to the submission points made by Westpower and BDC to make minor amendments to the wording of various parts of FC-R2, Ms Belgrave and Ms Evans supported the changes as they improved the clarity of the rule.

803. Ms Belgrave and Ms Evans supported the intent of the amendment sought by Westpower but recommended different wording as follows:

> *FC-R2.3(c)(ii) - In the case of land use, **the time of payment as specified in the conditions** at the time of issuing of the resource consent*

804. Ms Belgrave and Ms Evans did not support the relief sought by submission points[249] to add *'within the land being subdivided or under application'* to the end of FC-R2(4)(a) as a land contribution may not be located within the subject site, and the addition would restrict the rule.

805. Ms Belgrave and Ms Evans supported submission points[250] that sought to retain references to a '*registered valuer*' in the rule.

[249] Chris & Jan Coll (S558.157), Chris J Coll Surveying Limited (S566.157), William McLaughlin (S567.233), Laura Coll McLaughlin (S574.157)
[250] Chris & Jan Coll (S558.158), Chris J Coll Surveying Limited (S566.158), William McLaughlin (S567.234), Laura Coll McLaughlin (S574.158)

806. In response to submission points[251] that sought to include additional clauses relating to where a financial contribution was or included works, Ms Belgrave and Ms Evans did not support the additions. They note that under s108(9) of the RMA, a financial contribution may include money or land, or a combination of money and land. Consequentially, they recommended the deletion of '*works*' from FC-R2 to improve the clarity of the rule.

807. The recommended amendments to this rule also included the following:

a) Minor consequential amendments resulting from earlier submissions from WDC to change '*may*' to '*shall*' in FC-R2.1.

b) The addition of a discretionary activity status when the rule was not complied with to ensure a consenting pathway was provided for, as set out in the Addendum Report.

808. In the Addendum Report, Ms Belgrave and Ms Evans recommend amending FC-R2 as follows:

> ***1.*** *Financial contributions ~~may~~* ***shall****, at the relevant District Council's discretion, take the form of money or land ~~or works~~ or any combination of money~~,~~* ***and land*** *~~and works~~;*
>
> *2. Financial contributions shall not be imposed on a use, development or subdivision for the same purpose as a development contribution that is* ***already*** *required, or has already been paid in relation to that use, development or subdivision;*
>
> *3. Where a financial contribution is, or includes the payment of money, the relevant District Council may specify any one or more of the following in the conditions of the resource consent;*
>
> *a. The amount to be paid by the consent holder;*
>
> *b. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into;*
>
> *c. When the payment is to be made:*
>
> *i. In the case of subdivision, generally before* ***issuing*** *~~uplifting~~ the section 224 certificate;*
>
> *ii. In the case of land use,* ***the time of payment as specified in the conditions*** *at the time of issuing of the resource consent;*
>
> *d. If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted; and*
>
> *e. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.*
>
> *4. …*
>
> ***Activity status where compliance not achieved: Discretionary***

FC-R3 Calculation of Financial Contributions - Roads

809. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

810. Ms Belgrave and Ms Evans did not support the submission point made by David Ellerm that sought to include a distance from a proposed subdivision or development that Council can require road upgrades from. This was because no specific wording was provided with the

[251] Ball Developments Ltd (S453.015) and Davis Ogilvie & Partners Ltd (S465.011)

submission and an assessment of traffic effects was dependent on individual applications, so it would not be efficient or effective to include a distance in the rule.

811. In response to submission points[252] that sought to amend FC-R3 to ensure that an applicant did not bear the full cost of upgrading a road that was already below an appropriate of service, Ms Belgrave and Ms Evans supported the relief sought.

812. Due to a lack of specific amendments relating the to the submission point made by BDC and the supporting further submissions from Kāinga Ora to 'road test' the formula at FC-R3(3), the Reporting Officers did not support the relief sought.

813. In response to the submission point made by Manawa on the whole of the FC Chapter that sought clarity on how contributions would be applied, Ms Belgrave and Ms Evans considered that submission in light of FC-R3. They reviewed the formulae in FC-R3(3) with Mr Collins (a Transportation Engineer from Abley) and found that it contained a gap relating to intersections. Given this, and the overall confusing nature of the rule, the Reporting Officers recommended amendments to the rule to simplify the formulae and address the gap relating to intersections.

814. The recommended amendments to this rule also included the following:

a) Minor consequential amendments resulting from earlier submissions from WDC to change '*may'* to *'shall'* in FC-R2.1.

b) The addition of a discretionary activity status when the rule was not complied with to ensure a consenting pathway was provided for, as set out in the Addendum Report.

815. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R3 as follows:

1. *The maximum contribution required for the ~~development~~, maintenance and upgrading of roads **including intersections** that serve a subdivision, land use or development shall be 100% of the ~~estimated~~ cost **calculated in FC-R3(3); and***

2. *Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road , the financial contribution shall be calculated as the cost of upgrading the road **from the level of service required for existing land uses** to the ~~required~~ level of service **required for the development or subdivision** specified in the relevant Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.*

3. *Financial contributions for roading will be calculated in accordance with the following formulae ~~based on the number of new allotments created~~:*

    i. *Financial contribution for subdivision – based on number of new allotments created:*

    CP = LG x D1 x Rc + Ic

    CP = Value of contribution ($)

    LG = Number of new allotments created in the proposed subdivision

    D1 = Length of road frontage (km) along the application site. If the subdivision is on both sides of the road the length shall be added together

    Rc = Cost ($/km) determined by the council based on the road hierarchy

[252] Chris & Jan Coll (S558.159), Chris J Coll Surveying Limited (S566.159), William McLaughlin (S567.235) and Laura Coll McLaughlin (S574.159)

Ic = Cost ($/m2) to upgrade the intersection as determined by the council (if required)

~~*Contribution = Cost of forming or upgrading road to the nearest Allotment boundary of the site + Cost of upgrading road along the frontage of the site*~~

$$Cp = \frac{D1 \times Rc \times Lg}{Le + Lg} + \frac{D2 \times Rc}{2}$$

~~*Where*~~

~~*Cp = Value of contribution ($)*~~

~~*D1 = Length of road (km) required to be upgraded to the closest boundary of the site*~~

~~*D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together*~~

~~*Le = Total number of existing allotments fronting to the road to be upgraded measured as D1*~~

~~*Lg = Number of new allotments created in the proposed subdivision*~~

~~*Rc = Cost ($/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.*~~

ii. Financial Contribution for Land-use and Development – Based on traffic generation:

Cp = Rc x Tg + Ic

Cp = Value of contribution ($)

Rc = Cost ($/vehicle movement) determined by the council based on the road hierarchy and activity

Tg = Total amount of traffic generated by the development (annual average daily traffic)

Ic = Cost ($/m2) to upgrade the intersection as determined by the council (if required)

~~*Contribution = Cost of upgrading road to the nearest boundary of the site multiplied by the total traffic to be generated by the proposal + cost of upgrading road along the frontage of the site*~~

$$Cp = \frac{D1 \times Rc \times Tg}{Te + Tg} + \frac{D2 \times Rc}{2}$$

~~*Where:*~~

~~*Cp = Value of contribution ($)*~~

~~*D1 = Length of road (km) required to be upgraded to the closest boundary of the site*~~

~~*D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.*~~

~~*Te = Total amount of traffic currently using this road (as vehicles per day, AADT)*~~

~~*Tg = Total amount of traffic generated by the development (as vehicles per day, AADT)*~~

~~*Rc = Cost ($/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.*~~

4. Financial contributions do not apply to the forming of new roads and intersections. These will form part of resource consent condition and vesting under section 224c of the RMA.

Activity status where compliance not achieved: Discretionary

FC-R4 Full Cost Financial Contribution for Roads

816. Ms Belgrave and Ms Evans acknowledged the support from submitters that sought to retain the rule as notified. However, as set out below, they recommend deleting the rule.

817. Ms Belgrave and Ms Evans did not support the submission point from David Ellerm that sought to have Lake View Terrace, Iveah Bay added as a road that was at capacity. Their opinion was supported by advice from Mr Collins (Transportation Engineer) who did not agree that the road was at capacity with respect to traffic movements.

818. As part of his advice, Mr Collins identified that the wording of FC-R4 was ambiguous, particularly in terms of determining when a road was 'at capacity'. Based on submissions that sought clarity in the FC Chapter, the Reporting Officers recommended deleting FC-R4 in its entirety, as financial contributions required in relation to roads were managed by FC-R3.

819. Ms Belgrave and Ms Evans acknowledge the amendments sought by BDC to delete words from the rule.

820. In the Addendum Report, Ms Belgrave and Ms Evans recommend deleting FC-R4.

FC-R5 Financial Contributions for Vehicle Parking

821. Ms Belgrave and Ms Evans acknowledged the support from submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

822. In response to submission points[253] that sought to improve the clarity, transparency and certainty of this rule, in the absence of any specific amendments Ms Belgrave and Ms Evans did not support the relief sought.

823. In response to submission points[254] that sought amendment to FC-R5.1 to change the '*and*' to an '*or*' at the end of the rule, the Reporting Officers supported the amendment as it improved the clarity of the rule.

824. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R5 as follows:

> 1. *A financial contribution for vehicle parking ~~may~~ **shall** be required where the on – site accessible parking, on - site bicycle parking, on - site trailer/boat parking or EV charging requirements cannot be achieved as required for the activity in the zone in accordance with the Transport Performance Standards. The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site ~~and~~ **or** for every 5 bicycle parks not provided.*
> 2. *…*
>
> ***Activity status where compliance not achieved: Discretionary***

[253] Chris & Jan Coll (S558.162), Chris J Coll Surveying Limited (S566.162), William McLaughlin (S567.238) and Laura Coll McLaughlin (S574.162)

[254] Chris & Jan Coll (S558.161), Chris J Coll Surveying Limited (S566.161), William McLaughlin (S567.237) and Laura Coll McLaughlin (S574.161)

FC-R6 Financial Contributions for Service Lanes

825. Ms Belgrave and Ms Evans acknowledged the support from submitters that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

826. In response to submission points[255] that sought to replace '*development*' with '*land use*', Ms Belgrave and Ms Evans supported an amendment to refer to '*subdivision and land use consent*' as this was consistent with the language used elsewhere in the FC Chapter.

827. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R6 as follows:

> *1. Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, or the upgrading of a service lane, a ~~development or~~ subdivision **or land use consent** ~~of the land~~ shall include a condition requiring the land to be formed to the standards specified in the relevant district Council Engineering Standards or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.*
>
> ***Activity status where compliance not achieved: Discretionary***

FC-R7 Financial Contributions for Water Supply

828. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

829. Ms Belgrave and Ms Evans support the relief sought by BDC to add an advice note following FC-R7(1) because it would improve plan clarity and efficiency.

830. In response to the submission point made by David Ellerm to replace '*may*' with '*are*' In FC-R7(1), Ms Evans and Ms Belgrave supported the amendment. However, they recommended replacing '*may*' with '*shall*' to achieve consistency with other recommended amendments.

831. In response to submission points[256] that sought to improve the fairness, transparency and certainty for an applicant, in the absence of any specific amendments Ms Belgrave and Ms Evans did not support the relief sought.

832. In response to submission points[257] that sought amendments to ensure that an applicant was not responsible for bearing the cost of any upgrade that was due to Council not adequately undertaking its responsibilities, Ms Belgrave and Ms Evans did not support the relief sought. This was because it was unclear how the matter would be clearly assessed or determined.

833. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R7 as follows:

[255] Chris & Jan Coll (S558.163), Chris J Coll Surveying Limited (S566.163), William McLaughlin (S567.239) and Laura Coll McLaughlin (S574.163)
[256] Chris & Jan Coll (S558.165), Chris J Coll Surveying Limited (S566.165), William McLaughlin (S567.240) and Laura Coll McLaughlin (S574.165)
[257] Chris & Jan Coll (S558.166), Chris J Coll Surveying Limited (S566.166), William McLaughlin (S567.241) and Laura Coll McLaughlin (S574.166)

> 1. *Financial contributions ~~may~~ **shall** be required **(unless determined otherwise by Council)** to ensure a supply of:*
>
> i. *Potable drinking water for human consumption (complying with the NZ Standard for Drinking Water);*
>
> ii. *Water for industrial and commercial activities;*
>
> iii. *Water for fire fighting and irrigation; and*
>
> iv. *Where proposed allotments, sites or buildings are intended for human habitation or occupation.*
>
> ***Advice note: It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.***
>
> …
>
> ***Activity status where compliance not achieved: Discretionary***

FC-R8 Financial Contributions for Wastewater Treatment and Disposal

834. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

835. Similar to FC-R7, Ms Belgrave and Ms Evans supported the relief sought by BDC to add an advice note following FC-R8(1) to improve plan clarity and efficiency.

836. Similar to FC-R7, in response to the submission point made by David Ellerm to replace '*may*' with '*are*' In FC-R8(1), Ms Evans and Ms Belgrave supported the amendment. However, they recommended replacing '*may*' with '*shall*' to achieve consistency with other recommended amendments.

837. In response to submission points[258] that sought to improve the fairness, transparency and certainty for an applicant, Ms Belgrave and Ms Evans reiterated their recommendation on the same matter from FC-R7, and in the absence of any specific amendments they did not support the relief sought.

838. In response to submission points[259] that sought amendments to ensure that an applicant was not responsible for bearing the cost of any upgrade that was due to Council not adequately undertaking its responsibilities, Ms Belgrave and Ms Evans reiterated their recommendation on the same matter from FC-R7 and did not support the relief sought.

839. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R8 as follows:

> 1. *Financial contributions ~~may~~ **shall** be required **(unless determined otherwise by Council)** to maintain the health and public safety and amenity of inhabitants or occupants and to protect the natural environment from harmful disposal of wastewater where new allotments, sites or buildings are intended for human habitation or occupation.*

[258] Chris & Jan Coll (S558.167), Chris J Coll Surveying Limited (S566.167), William McLaughlin (S567.242) and Laura Coll McLaughlin (S574.167)

[259] Chris & Jan Coll (S558.168), Chris J Coll Surveying Limited (S566.168), William McLaughlin (S567.243) and Laura Coll McLaughlin (S574.168)

Advice note: It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.

…

Activity status where compliance not achieved: Discretionary

FC-R9 Financial Contributions for Stormwater Treatment and Disposal

840. Ms Belgrave and Ms Evans acknowledged the support from Te Mana Ora that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

841. Similar to FC-R7 and FC-R8, Ms Belgrave and Ms Evans supported the relief sought by BDC to add an advice note following FC-R9(1) to improve plan clarity and efficiency.

842. Similar to FC-R7 and FC-R8, in response to the submission point made by David Ellerm to replace '*may*' with '*are*' in FC-R9(1), Ms Evans and Ms Belgrave supported the amendment. However, they recommended replacing '*may*' with '*shall*' to achieve consistency with other recommended amendments.

843. In response to submission points[260] that sought to improve the fairness, transparency and certainty for an applicant, Ms Belgrave and Ms Evans reiterated their recommendation on the same matter from FC-R7 and FC-R8, and in the absence of any specific amendments they did not support the relief sought.

844. In response to submission points[261] that sought amendments to ensure that an applicant was not responsible for bearing the cost of any upgrade that was due to Council not adequately undertaking its responsibilities, Ms Belgrave and Ms Evans reiterated their recommendation on the same matter from FC-R7 and FC-R8 and did not support the relief sought.

845. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R9 as follows:

*1. Financial contributions ~~may~~ **shall** be required **(unless determined otherwise by Council)** to prevent damage and loss of property and amenity from uncontrolled run-off and to protect the natural environment from harmful disposal of stormwater where new allotments, roads and/or other impervious surface are created by subdivision or land use and create a need for stormwater treatment and disposal.*

Advice note: It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.

…

Activity status where compliance not achieved: Discretionary

FC-R10 Financial Contributions for Reserves and Community Facilities

[260] Chris & Jan Coll (S558.169), Chris J Coll Surveying Limited (S566.169), William McLaughlin (S567.244) and Laura Coll McLaughlin (S574.169)

[261] Chris & Jan Coll (S558.170), Chris J Coll Surveying Limited (S566.170), William McLaughlin (S567.245) and Laura Coll McLaughlin (S574.170)

846. Ms Belgrave and Ms Evans acknowledged the support from submission points that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

847. In response to submission points[262] that sought to delete the five year timeframe from FC-R10(2)(ii) and FC-R10(2)(iii), Ms Belgrave and Ms Evans did not initially support the relief sought. However, in the Addendum Report, Ms Evans revised her opinion after having considered Ms Hadfield's evidence. Nevertheless, she did not consider the rule would result in double dipping as in her opinion it would not apply to a building consent for a single residential unit on a new lot, as it referred to '*additional*' residential units. She recommended increasing the five year timeframe to eight years.

848. Similar to previous rules, in response to the submission point made by David Ellerm to replace '*may*' with '*are*' in FC-R10(1), Ms Evans and Ms Belgrave supported the amendment. However, they recommended replacing '*may*' with '*shall*' to achieve consistency with other recommended amendments.

849. In response to the submission point made by David Ellerm to set the financial contribution at a flat rate of 3.5%, Ms Belgrave and Ms Evans did not support the relief sought as the submitter had not provided sufficient evidence to demonstrate that a rate of 3.5% would provide a sufficient level of funding to provide recreational and community facilities that would meet the needs of the community.

850. In response to submission points[263] that sought to amend the '*and*' to an '*or*' at the end of FC-R10(2)(ii), Ms Belgrave and Ms Evans did not support the relief sought as this would change the intention and application of the rule.

851. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R10 as follows:

> 1. *Financial contributions ~~may~~ **shall** be required **(unless determined otherwise by Council)** to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.*
> 2. *The maximum contribution shall be required as follows:*
>
> *i. 7.5% of the additional allotments at the time of subdivision consent (either in cash or land equivalent, at Council's discretion) except that in the case of subdivisions where allotments are greater than 4000 m², the value of the rural allotment for this purpose shall be the proportional value of a house site of 1,000m² within each allotment;*
>
> *ii. Cash equivalent of the value of 20m² of land for each additional residential unit created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding ~~five~~ **eight** years; and*
>
> *iii. Cash equivalent of the value of 4m² of land for each additional 100m² of net, non-residential building floor area created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding five years.*
>
> ***Activity status where compliance not achieved: Discretionary***

[262] Ball Developments Ltd (S453.016) and Davis Ogilvie & Partners Ltd (S465.012)
[263] Chris & Jan Coll (S558.171), Chris J Coll Surveying Limited (S566.171), William McLaughlin (S567.246) and Laura Coll McLaughlin (S574.171)

FC-R11 Financial Contributions for Shared Pathways

852. Ms Belgrave and Ms Evans acknowledged the support from three submission points that sought to retain the rule as notified. The acknowledgement was subject to recommended amendments that arose from other submission points.

853. Ms Belgrave and Ms Evans supported the relief sought by submission points[264] that sought an amendment to ensure that an applicant did not bear the full cost of upgrading footpaths, walkways, or cycle lanes that have an inadequate level of service before making an application or undertaking an activity.

854. In response to submission points[265] that sought to improve the fairness, transparency and certainty for an applicant, Ms Belgrave and Ms Evans reiterated their recommendation on the same matter from previous rules, and in the absence of any specific amendments they did not support the relief sought.

855. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending FC-R10 as follows:

> 1. *The maximum contribution required for the development and upgrading of shared pathways that serve a subdivision, land use or development shall be 100% of the estimated cost.*
> 2. *Where a development or subdivision will generate effects that require the creation or upgrading of a footpath, walkway or cycleway access, the financial contribution shall be calculated as:*
>
> ***i.*** *the cost of building* ***the footpath, walkway or cycleway access;*** *or*
>
> ***ii.*** ***the cost of*** *upgrading* ***the*** ~~*pedestrian/cycle access*~~ ***footpath, walkway or cycleway access from the level of service required for existing land uses*** *to the* ~~*required*~~ *level of service* ***required for the subdivision, land use or development*** *specified in the relevant district Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.*

FC-R12 Financial Contributions for Offsetting and Compensating for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values

856. Ms Belgrave and Ms Evans acknowledged the support from three submission points that sought to retain the rule as notified. However, as set out below, they ultimately recommended deleting the rule.

857. In response to the two submission points from Forest & Bird and Manawa that sought the deletion of FC-R12, Ms Belgrave and Ms Evans initially did not support the relief sought. However, in her Addendum Report, Ms Evans recommended deleting FC-R12, which supported the relief sought by Forest and Bird and Manawa.

858. In response to the second submission point from Forest and Bird that sought amendment to delete provisions relating to non-biodiversity offsetting, given the recommendation of the Addendum Report to delete all matters relating to compensation and offsetting, the Reporting Officers did not support the relief sought in this submission point.

[264] Chris & Jan Coll (S558.170), Chris J Coll Surveying Limited (S566.170), William McLaughlin (S567.245) and Laura Coll McLaughlin (S574.170)
[265] Chris & Jan Coll (S558.172), Chris J Coll Surveying Limited (S566.172), William McLaughlin (S567.247) and Laura Coll McLaughlin (S574.172)

859. Ms Belgrave and Ms Evans did not support the relief sought by BDC to include esplanade reserves and strips as a financial contribution because they were managed separately to financial contributions.

860. In response to the two submission points made by Westpower to change the title of the rule and to amend FC-R12(1), the Reporting Officers did not support changing the title of the rule. They initially supported making minor amendments to FC-R12(1), however, as set out in the Addendum Report, Ms Evans revised this and recommended deleting the rule entirely.

861. In response to the two submissions from NZ Energy Limited and Inchbonnie Hydro Limited that sought to remove provisions relating to financial contributions on land use consents to remedy or mitigate effects, Ms Belgrave and Ms Evans initially supported the submissions in part. They recommended additions to the rule to make it clear that it only related to residual adverse environmental effects. However, as set out in the Addendum Report, Ms Evans revised the recommendation to delete the rule entirely.

862. In response to the submission made by Transpower that sought to amend FC-R12 to remove reference to the National Grid, the Reporting Officers initially did not support the relief sought as it was considered that the amendments to clarify the consenting process addressed the Transpower submission. However, as set out in the Addendum Report, Ms Evans revised the recommendation to delete the rule, which supported the submission in part.

863. Ms Belgrave and Ms Evans initially did not support the relief sought by GDC to remove the references to network utility operators and/or requiring authorities. However, as set out in the Addendum Report, Ms Evans revised the recommendation to delete the rule, which supported the submission in part.

864. In response to the submission point made by the Director General to replace '*maximum*' with '*minimum*', Ms Belgrave and Ms Evans initially supported the amendment on the basis that a financial contribution to offset or compensate environmental effects may be greater than the minimum required. However, as set out in the Addendum Report, Ms Evans revised the recommendation to delete the rule, which did not support the submission.

865. In the Addendum Report, Ms Belgrave and Ms Evans recommended deleting FC-R4.

Hearing and Submitter Evidence/Statements

866. Ms Whitney, for Transpower, reiterated the submission point to delete FC-R1 as it related to the National Grid. She did not initially support the s42A Report recommendation. However, after having reviewed the Addendum Report that recommended deleting FC-R1(1)(ii), Ms Whitney accepted in her addendum statement that while no exemption was provided for the National Grid, that relief sought was no longer required. She accepted the Addendum Report recommended wording of FC-R1. Ms Whitney's addendum statement also accepted the recommended deletion of FC-R12.

867. In Mr Kennedy, for Westpower, reiterated the relief sought by the further submission (FS222.044) that opposed changing '*may*' to '*shall*' in FC-R1(1). He considered there was a need for decision makers to consider whether it was appropriate or required in the circumstances to impose a financial contribution, and '*may*' was better suited to that context. He did not support the s42A recommendation to delete FC-R1(1)(i) on the basis that it potentially created an additional requirement and was inconsistent with the provisions of the

WCRPS (Chapter 6, Policy 5 and Chapter 7, Policies 3-5) which were based on actions to "*avoid, remedy or mitigate*" effects. Mr Kennedy accepted the recommended wording for FC-R2.3(c)(ii).

868. Mr Kennedy reiterated that the rule heading should be amended to add '*proposed*' to it. He also did not accept the initial recommendation to reword the rule and while he accepted that '*works*' should not be included in the rule, he drew attention to '*land*' not being included. He did not support the Director General's submission point to change '*maximum*' for '*minimum*' with reference to a contribution and sought alternate wording.

869. Ms Styles, for Manawa, commented on changing '*may*' to '*shall*' in FC-R1(1) and noted that while Manawa did not make a submission specifically on this matter, their general submission provided scope. She did not support the proposed change and was of the view that '*must*' would require financial contributions to be imposed on all land use consents, which she did not agree with. She also raised concerns as to how an applicant could determine whether they require resource consent under the provisions of the rules, and if so, how the activity status would be determined.

870. Ms Styles reiterated her opinion that FC-R12 should be deleted because it dealt with offsetting and compensating residual adverse effects and had been inappropriately applied in the context of this rule. She considered this was one of the provisions which did not meet the requirements of sections 76 (2), 77E or 108 of the RMA or basic plan drafting requirements.

871. Ms Hadfield, for Ball Developments, advised she supported the recommended wording of FC-R1. She acknowledged the s42A recommendation to delete reference to '*works*' in the rule. Nevertheless, she raised questions about the *suitability* of any land vested as a financial contribution, drawing the Panel's attention to FC-P4 that indicated vested land should be suitable for the intended use., which may require works to make land suitable. She pointed to FC-P5 to conclude that she considered it was a reasonable expectation that the costs of providing additional community facilities could be offset against the total monetary financial contributions payable. In support of her position, Ms Hadfield directed the Panel to rules in the Tasman Resource Management Plan that provided for the waiver or reduction in financial contributions where work has been undertaken that was greater than necessary to manage the adverse effects of the subdivision.

872. in relation to FC-R10, Ms Hadfield raised concern that the notified rule required a financial contribution to be paid on additional lots at the time of subdivision and an additional contribution to be paid at the time of building consent if that is more than five years following subdivision. She contended that the five year period was too short, especially during periods when the housing market is slow. She also drew attention to the subdivision timeframe set out in the RMA, which provided three years between s223 approval and the issue of titles. Furthermore, she considered that regardless of the time that had elapsed since subdivision, no further financial contribution should be payable at the time of building consent. She considered that this resulted in 'double-dipping' with councils effectively taking the same contribution twice for the same parcel of land.

Reporting Officer Reply Evidence

873. Having reconsidered the wording of FC-R1 following the hearing, Ms Evans recommended deleting the words '*unless determined otherwise by the council*' from the end of FC-R1(1) as this determination is provided for in the consenting process. The deletion of these words was

consequential to the recommendation to include an activity status for non-compliance with the rules in this chapter.

874. In response to Ms Hadfield's evidence, Ms Evans did not support the addition of a rule similar to that in the Tasman Resource Management Plan. She considered that this matter was best considered through a resource consent process. In response to the Panel's questions as to whether the policy direction was satisfactory to allow consideration of the matters outlined by Ms Hadfield, Ms Evans was of the view that it did. She considered that FC-O2 and the financial contributions policies collectively provide for this through directions to remedy or mitigate adverse effects resulting from the proposal (FC-P1), applying financial contributions in a fair and equitable manner (FC-P2), and by providing for either cash or land or a combination (FC-P3).

875. Minor amendments throughout the rules to replace '*shall*' with '*must*' were recommended for clarity and consistency.

Hearing Panel's Evaluation

FC-R1

876. The Panel considers that in response to the submission made by the BDC to add '*development*' to FC-R1.1, the Reporting Officers have misunderstood both the reasoning from BDC and the requirements of s77E of the RMA. BDC have sought that the rule aligns with FC-P1, which already refers to '*development*', while we note s77E enables a local authority to make a rule requiring a financial contribution for any class of activity other than a prohibited activity. Therefore, financial contribution can apply to permitted activities and would have to be associated with development consents i.e. building consents or servicing connections. On this basis, we recommend '*development*' is included in FC-R1.

877. BDC also sought to reword clause (3) of the rule and add '*resilience initiatives'* and '*Water Entities'* which was not supported by Ms Belgrave and Ms Evans. The Panel agree with their conclusions that '*resilience initiatives*' is undefined as to what would qualify in terms of a financial contribution and is thus uncertain. We therefore agree that inclusion of Water Entities is unnecessary.

878. The Panel agrees with the Reporting Officers that the Director General's request to '*including but not limited to*' in clause (1) would create uncertainty and we note that financial contributions are subject to s77E(2) of the RMA, which requires the purpose for which the financial contribution is required to be specified.

879. The Panel agree with Forest and Bird that FC-R1(1)(i) and FC-R1(1)(ii) should be deleted. We consider FC-R1(1)(i) is ambiguous and, as per our recommendation on compensation overall, we recommend that FC-R1(1)(ii) is deleted.

880. The Panel agrees with submitters that a financial contribution should not apply to land to be vested or to subdivisions resulting in amalgamations or a reduction the number of titles. We recommend the further exclusions proposed by the Reporting Officers are included in clause (2).

881. The Panel have considered a number of submissions on clause (3), which include seeking for it to be fairer to applicants and providing some certainty, and we accept that the wording

could be clearer in that regard. The Reporting Officers have recommended a series of amendments which we consider are appropriate and we recommend these are included.

882. In relation to the remainder of the submissions on FC-R1 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

FC-R2

883. The Panel have considered the terms '*works*' in FC-R2(1) and we acknowledge the Reporting Officers recommend its deletion on the basis that s108(9) defines financial contribution as meaning a contribution of '*money or land* or *a combination of money and land*'. While we note submitters have sought to further include '*works*' in the rule, in our view, this would be inconsistent with the RMA and likely *ultra vires*. We acknowledge Ms Hadfield's concerns and her suggestion to include a rule similar to that in the Tasman Resource Management Plan. However, we consider by both maintaining the word '*may*' and the guidance provided by the policies and clauses in FC-R2, there is sufficient ability to consider situations where an applicant has gone beyond the simple provision of land without adding further clauses. We recommend deleting the reference to '*works*' under RMA Schedule 1, clause 16(2).

884. The Panel agrees the minor amendment to FC-R2(2) proposed by Westpower will improve clarity. We have also considered Westpower's proposed amendment to FC-R2(3)(c)(ii) and while we understand the concern regarding the clause being interpretated as a financial contribution being payable at the time of issue, irrespective of whether the resource consent will be implemented, we are not convinced that Westpower proposed wording of "*prior to giving effect to or implementing the resource consent*" improves the situation or provides any further certainty. The Panel agrees with the Reporting Officers that the time of payment should be specified in conditions, and we recommend this amendment is made. We note Mr Kennedy accepted the revised wording.

885. The Panel agrees with the submission by BDC to amend '*uplifting*' to '*issuing*' in FC-R2(3)(c)(i).

886. In relation to the remainder of the submissions on FC-R2 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

FC-R3

887. The Panel agrees with the Reporting Officers and submitters that the existing condition of a road is a relevant consideration to the calculation of financial contributions. We have considered the rewording proposed by the Reporting Officers, which requires a consideration of the cost of upgrading the road from the level of service required for existing land uses to the level of service required for the development or subdivision specified in the relevant Council Engineering Standards, and recommend this amendment is made.

888. A general submission by Manawa (S438.114), supported by Kāinga Ora and Westpower, sought, as an alternative to deletion of a number of FC provisions, that, amongst other things, a clear methodology for how contribution will be calculated, over which period of time, and who is responsible for such a calculation. The Panel accepts that the submission provides broad scope.

889. In discussing FC-R4 with Mr Collins, a traffic engineer, the Reporting Officers found that the formulae in FC-R3(3) as notified includes a gap relating to intersections and would not allow

for the collection of financial contributions in relation to intersection upgrades and maintenance as part of the road. Mr Collins considered the current wording of the rule was confusing, lacked clarity and was difficult to interpret. Ms Evans reviewed the operative approaches to financial contributions of the three councils and the s32 Report, she noted the s32 Report referenced the ambiguity and difficulties collecting financial contributions currently with an ongoing issue of undercharging. She therefore recommended amendments to the rule to simplify the formulae and address the gap relating to intersections. The Panel accept these amendments and recommend they are adopted.

890. In relation to the submissions of David Ellerm and BDC on FC-R2 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans, noting that neither party took up the opportunity offered to provide further information on their submission points.

FC-R4

891. The Panel notes that as part of his advice, Mr Collins identified that the wording of FC-R4 was ambiguous, particularly in terms of determining when a road was '*at capacity*'. As a result, the Reporting Officers, based on the scope provided by the Manawa submission seeking clarity of the FC Chapter, recommended deleting FC-R4 in its entirety, noting that financial contributions required in relation to roads are managed by FC-R3. The Panel accepts the reasoning of the Reporting Officers and recommend deleting FC-R4

892. In relation to the remainder of the submissions on FC-R4 seeking changes, the Panel agree that these are now accepted in part due to the deletion of the rule altogether.

FC-R5

893. The Panel agrees with submissions seeking an amendment to FC-R5(1) to change the '*and*' to an '*or*' at the end of the rule to improve clarity.

894. In relation to the remainder of the submissions on FC-R5 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

FC-R6

895. The Panel agrees with submissions seeking an amendment to FC-R6(1) to replace '*development*' with '*land use*', which is consistent with the language used in the FC Chapter.

FC-R7

896. The Panel agree with BDC that an advice note following FC-R7(1) stating that even though existing three waters infrastructure may be located in an area, it may not be available, will provide clarity on this situation for Plan users. We recommend an advice note is included.

897. The Panel notes that a submission by David Ellerm to replace '*may*' with '*are*' in FC-R7(1) was partially supported by Ms Evans and Ms Belgrave who recommended replacing '*may*' with '*shall*'. As discussed previously, the Panel do not recommend this amendment.

898. In relation to the remainder of the submissions on FC-R7 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

FC-R8

899. Similar to FC-R7, the Panel agree with the relief sought by BDC to add an advice note addressing the availability of three waters infrastructure and recommend this is included.

900. Again, similar to FC-R7, in response to the submission by David Ellerm seeking to replace '*may*' with '*are*' in FC-R8(1), the Panel do recommend this amendment.

901. In relation to the remainder of the submissions on FC-R8 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

FC-R9

902. Similar to FC-R7, the Panel agree with the relief sought by BDC to add an advice note addressing the availability of three waters infrastructure and recommend this is included.

903. Again, similar to FC-R7, in response to the submission by David Ellerm seeking to replace '*may*' with '*are*' in FC-R9.1, the Panel do not recommend this amendment.

904. In relation to the remainder of the submissions on FC-R9 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

FC-R10

905. The Panel have considered submissions seeking to delete the five-year timeframe from FC-R10(2)(ii) and FC-R10(2)(iii). We acknowledge that Ms Evans revised her opinion after having considered Ms Hadfield's evidence. We also not Ms Evans did not consider the rule would result in 'double dipping' as contended by Ms Hadfield because she noted it would not apply to a building consent for a single residential unit on a new lot given it refers to '*additional*' residential units. We agree with the recommendation to now increase the five year timeframe to eight years to enable extensions of time that may be granted for the issue of a s224(c) certificate. We accept that this is an appropriate timeframe to recognise any recent and relevant contributions that have been made to reserves and community facilities. The Panel notes that this amendment should be made to both FC-R10(2)(ii) and FC-R10(2)(iii).

906. Again, similar to FC-R7, in response to the submission by David Ellerm seeking to replace '*may*' with '*are*' in FC-R10(1), the Panel do not recommend this amendment.

907. The Panel note that we recommend an amendment under RMA Schedule 1, clause 16(2) to FC-R10(2)(i) to add the words '*of the value*' to clarify the rule, as the notified wording makes little sense.

908. In relation to the remainder of the submissions on FC-R10 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

FC-R11

909. The Panel notes that the Reporting Officers support submitters that sought to ensure that an applicant did not bear the full cost of upgrading footpaths, walkways, or cycle lanes that have an inadequate level of service before making an application or undertaking an activity. We agree that the existing condition of a shared footpath, walkway or cycleway is a relevant consideration to the calculation of financial contributions, and we recommend FC-R11 is

amended to differentiate between the provision of new shared pathways and upgrade of existing shared pathways and recognising their existing condition.

910. In relation to the remainder of the submissions on FC-R11 seeking changes, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Belgrave and Ms Evans.

RC-R12

911. The Panel recommends deleting the provisions in the FC Chapter that relate to offsetting and compensation and therefore recommend deleting FC-R12.

Hearing Panel's Recommendation

912. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Financial Contributions Rules** as follows:

Financial Contribution Rules

FC – R1 Financial Contributions as Conditions of Consent

1. A condition may be imposed on a subdivision**, development**[266] or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes:
   - ~~i. The management of potential adverse effects arising from the activity;~~[267]
   - ~~ii. Securing environmental compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, remedied or otherwise mitigated;~~[268]
   - i. Providing and/or upgrading public network utility services and transport infrastructure;
   - ii. Providing and/or upgrading public reserves, public access and community facilities; and
2. No financial contribution is payable for:
   - i. Additions and alterations to residential buildings;
   - ii. A residential building replacing one previously on the site;
   - iii. An approved boundary adjustment;
   - iv. An approved subdivision creating a certificate of title solely for a utility;
   - v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; ~~and~~
   - vi. Infrastructure for which a financial contribution has been made previously;
   - **vii. Any allotment that is vested in the Council or the Crown; and**[269]

[266] Buller District Council S538.231
[267] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.262
[268] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.262
[269] Ball Developments Ltd S453.013, Davis Ogilvie & Partners Ltd S465.010

viii. An approved subdivision resulting in the amalgamation of, or a reduction in, the number of titles.[270]

3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:

   i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;

   ii. Agreements ~~shall~~ **must**[271] be made in writing between the developer and the relevant District Council, and ~~shall~~ **must**[272] state the amount of the financial contribution and timing of any payments to be made **by the relevant District Council**;[273]

   iii. In the event that the relevant District Council does not contribute to the funding at ~~that~~ **the** time **the infrastructure is required by the proposed land-use, subdivision or development**, the developer will be reimbursed by the **relevant District** Council;[274]

   iv. Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in **relevant District** Council's Long Term Plan; and[275]

   v. Reimbursement will not include interest additional to that which would have been payable by the relevant District Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.

FC – R2 Nature Of Financial Contributions

1. Financial contributions may at the relevant District Council's discretion, take the form of money or land ~~or works~~ or any combination of money~~,~~ **and** land ~~and works~~;[276]
2. Financial contributions ~~shall~~ **must**[277] not be imposed on a use, development or subdivision for the same purpose as a development contribution that is **already**[278] required, or has already been paid in relation to that use, development or subdivision;
3. Where a financial contribution is, or includes the payment of money, the relevant District Council may specify any one or more of the following in the conditions of the resource consent;
   a. The amount to be paid by the consent holder;
   b. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into;

[270] Chris & Jan Coll S558.155, Chris J Coll Surveying Limited S566.155, William McLaughlin S567.231, Laura Coll McLaughlin S574.155, Ball Developments Ltd S453.014
[271] RMA Schedule 1, clause 16(2)
[272] RMA Schedule 1, clause 16(2)
[273] Chris & Jan Coll S558.155, Chris J Coll Surveying Limited (S566.156), William McLaughlin S567.232, Laura Coll McLaughlin S574.155
[274] Buller District Council S538.231 Chris & Jan Coll S558.155, Chris J Coll Surveying Limited S566.156, William McLaughlin S567.232, Laura Coll McLaughlin S574.155
[275] Chris & Jan Coll S558.155, Chris J Coll Surveying Limited S566.156, William McLaughlin S567.232, Laura Coll McLaughlin S574.155
[276] Ball Developments Ltd (S453.015), Davis Ogilvie & Partners Ltd (S465.011)
[277] RMA Schedule 1, clause 16(2)
[278] Westpower Limited S547.338

c. When the payment is to be made:

i. In the case of subdivision, generally before ~~uplifting~~ **issuing**[279] the section 224 certificate;

ii. In the case of land use, **the time of payment as specified in the conditions**[280] at the time of issuing of the resource consent;

d. If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted; and

e. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.

4. Where a financial contribution is, or includes land, the relevant District Council may specify any one or more of the following in the conditions of the resource consent:

a. The location and area of the land **within the land being subdivided or under application**;

b. The state the land is to be in before vesting in or transferring to the Council; and

c. The purpose of the land if it is to be classified under the Reserves Act 1977, or the general purpose of the land.

5. When and how the land is to be vested in, or transferred to the relevant District Council or other infrastructure provider. In the case of subdivision consent the land ~~shall~~ **must**[281] be vested on the deposit of the survey plan under section 224 of the Act, or transferred as soon as legal certificate of title is available; and

6. Where any land is to be vested in the relevant District Council or other infrastructure provider as part of a financial contribution a registered valuer ~~shall~~ **must**[282] determine its market value at the date on which the resource consent (imposing the financial contribution condition) commenced under section 116 of the Resource Management Act 1991.

For the purposes of this rule, 'market value' has the same meaning as defined in the International Valuation Standard, as adopted by Australian Property Institute 2008 and Property Institute of New Zealand 2009, which is as follows:

'Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.'

This rule does not apply to land that is to be vested in Council as a financial contribution in circumstances where the value of the land does not need to be determined.

FC – R3 Calculation of Financial Contributions - Roads

1. The maximum contribution required for the ~~development~~,[283] maintenance and upgrading of roads **including intersections**[284] that serve a subdivision, land use or development ~~shall~~ **must**[285] be 100% of the ~~estimated~~ cost **calculated in FC-R3(3); and**[286]

[279] Buller District Council S538.232
[280] Westpower Limited S547.338
[281] RMA Schedule 1, clause 16(2)
[282] RMA Schedule 1, clause 16(2)
[283] RMA Schedule 1, clause 16(2
[284] Manawa Energy Limited S438.114
[285] RMA Schedule 1, clause 16(2)
[286] Manawa Energy Limited S438.114

2. Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road **or intersection**,[287] the financial contribution ~~shall~~ **must**[288] be calculated as the cost of upgrading the road **from the level of service required for existing land uses** to the ~~required~~ level of service **required for the development or subdivision**[289] specified in the relevant Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Financial contributions for roading will be calculated in accordance with the following formulae ~~based on the number of new allotments created~~:[290]
   i. Financial contribution for subdivision - based on number of new allotments created:

      Cp = Lg x D1 x Rc + Ic

      Cp = Value of contribution ($)

      Lg = Number of new allotments created in the proposed subdivision

      D1 = Length of road frontage (km) along the application site. If the subdivision is on both sides of the road the length must be added together

      Rc = Cost ($/km) determined by the Council based on the road hierarchy

      Ic = Cost ($/m^2) to upgrade the intersection as determined by the Council (if required)

      ~~Contribution = Cost of forming or upgrading road to the nearest Allotment boundary of the site + Cost of upgrading road along the frontage of the site~~

      ~~$Cp = \frac{D1 \times Rc \times Lg}{Le + Lg} + \frac{D2 \times Rc}{2}$~~

      ~~Where~~

      ~~Cp = Value of contribution ($)~~

      ~~D1 = Length of road (km) required to be upgraded to the closest boundary of the site~~

      ~~D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.~~

      ~~Le = Total number of existing allotments fronting to the road to be upgraded measured as D1~~

      ~~Lg = Number of new allotments created in the proposed subdivision~~

      ~~Rc = Cost ($/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.~~ [291]

   ii. Financial Contribution for Land-use and Development - Based on traffic generation:

      Cp = Rc x Tg + Ic

      Cp = Value of contribution ($)

      Rc = Cost ($/vehicle movement) determined by the council based on the road hierarchy and activity

[287] Manawa Energy Limited S438.114
[288] RMA Schedule 1, clause 16(2)
[289] Chris & Jan Coll S558.159, Chris J Coll Surveying Limited S566.159, William McLaughlin S567.235, Laura Coll McLaughlin S574.159
[290] Manawa Energy Limited S438.114
[291] Manawa Energy Limited S438.114

Tg = Total amount of traffic generated by the development (annual average daily traffic)

Ic = Cost ($/m^2) to upgrade the intersection as determined by the council (if required)

~~Contribution = Cost of upgrading road to the nearest boundary of the site multiplied by the total traffic to be generated by the proposal + cost of upgrading road along the frontage of the site~~

~~$Cp = \frac{D1 \times Rc \times Tg}{Te + Tg} + \frac{D2 \times Rc}{2}$~~

~~Where:~~

~~Cp = Value of contribution ($)~~

~~D1 = Length of road (km) required to be upgraded to the closest boundary of the site~~

~~D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.~~

~~Te = Total amount of traffic currently using this road (as vehicles per day, AADT)~~

~~Tg = Total amount of traffic generated by the development (as vehicles per day, AADT)~~

~~Rc = Cost ($/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.~~[292]

4. Financial contributions do not apply to the forming of new roads and intersections. These will form part of resource consent and vesting under section 224c of the RMA.[293]

~~FC – R4 Full Cost Financial Contribution for Roads~~

~~1. Roads outlined in 2 below which are at capacity for their structure are unable to accommodate additional loadings. The financial contribution for these roads shall be the full cost to accommodate the additional loadings and to bring the road up to the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code standard for its place in the road hierarchy or where no such Code of Practice exists, the standards in NZS 4404:2010 Land Development and Subdivision Infrastructure.~~

~~2. This rule applies to the following roads:~~

~~i. No roads have been identified in the proposed Plan.~~[294]

FC – R~~5~~4 Financial Contributions for Vehicle Parking

1. A financial contribution for vehicle parking may be required where the on - site accessible parking, on - site bicycle parking, on - site trailer/boat parking or EV charging requirements cannot be achieved as required for the activity in the zone in accordance with the Transport Performance Standards. The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site ~~and~~ **or**[295] for every 5 bicycle parks not provided.

Contribution = value of land required + Cost of construction

[292] Manawa Energy Limited S438.114
[293] Manawa Energy Limited S438.114
[294] Manawa Energy Limited S438.114
[295] Chris & Jan Coll S558.161, Chris J Coll Surveying Limited S566.161, William McLaughlin S567.237, Laura Coll McLaughlin S574.161

Cp = (VI x A) + (D x A)

Where:

Cp = Value of contribution ($)

VI = Value of 35m^2 of land in the vicinity of the off-site vehicle parking area as determined by an independent registered valuer

A = Number of vehicle parks required to make up the on-site shortfall where 5 bicycle parks equate to 1 carpark

D = cost of construction of 35m^2 of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage, electricity connection and charge station for EV charging and marking determined either by an independent cost assessment or from the current Construction Price Index.

2. The financial contributions taken by the Council in lieu of the on-site vehicle parking ~~shall~~ **must**[296] be used to provide, upgrade or extend public vehicle parking/EV charging in the vicinity of the location from which it is collected. It may also be used to contribute towards the cost of vehicle parking/EV charging facilities that have already been constructed.
3. The relevant District Council may reduce the value or waive the contribution in one or more of the following circumstances:
   i. The Council has not provided or did not intend to provide additional off-site vehicle parking/EV charging in the vicinity of the site;
   ii. The Council has provided vehicle parking/EV charging or intends to do so, but this has been or will be funded through a different funding source in the Council's Long Term Plan, such as user fees and charges; or
   iii. The site contains a Historic Heritage resource scheduled in this plan and the reduction will enable the continued use of the building and support its protection or conservation.

FC – R~~6~~5 Financial Contributions for Service Lanes

1. Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, or the upgrading of a service lane, a ~~development or~~ subdivision **or land use consent** ~~of the land shall~~[297] **must**[298] include a condition requiring the land to be formed to the standards specified in the relevant district Council Engineering Standards or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

FC – R~~7~~6 Financial Contributions for Water Supply

1. Financial contributions may be required to ensure a supply of:
   i. Potable drinking water for human consumption (complying with the NZ Standard for Drinking Water);
   ii. Water for industrial and commercial activities;
   iii. Water for fire fighting and irrigation; and

[296] RMA Schedule 1, clause 16(2)
[297] Chris & Jan Coll S558.163, Chris J Coll Surveying Limited S566.163, William McLaughlin S567.239, Laura Coll McLaughlin S574.163
[298] RMA Schedule 1, clause 16(2)

iv. Where proposed allotments, sites or buildings are intended for human habitation or occupation.

Advice Note: It shall be noted that even though existing three waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.[299]

2. The maximum contribution required for the development and upgrading of water supply infrastructure that services a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

3. Where an existing potable drinking water supply is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to serve the proposed allotments, sites and buildings.

4. Where no supply is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of providing a supply and/or increasing the capacity, if necessary, together with the cost of reticulation within the subdivision or land use.

FC – R~~8~~7 Financial Contribution for Wastewater Treatment and Disposal

1. Financial contributions may be required to maintain the health and public safety and amenity of inhabitants or occupants and to protect the natural environment from harmful disposal of wastewater where new allotments, sites or buildings are intended for human habitation or occupation.

Advice Note: It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.[300]

2. The maximum contribution required for the development and upgrading of wastewater treatment and disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

3. Where an existing wastewater treatment system is available and has adequate capacity within it's operational limits and environmental compliance requirements to meet the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to connect the proposed allotments, sites and buildings.

4. Where no wastewater system is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of treatment and disposal and/or increasing the capacity, including design and investigation, acquiring sufficient land for on-site land-based treatment and disposal of wastewater likely from the activities on the site, together with the cost of reticulation within the subdivision or land use.

FC – R~~9~~8 Financial Contribution for Stormwater Treatment and Disposal

[299] Buller District Council S538.238
[300] Buller District Council S538.239

1. Financial contributions may be required to prevent damage and loss of property and amenity from uncontrolled run-off and to protect the natural environment from harmful disposal of stormwater where new allotments, roads and/or other impervious surface are created by subdivision or land use and create a need for stormwater treatment and disposal.

Advice Note: It shall be noted that even though existing three waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.[301]

2. The maximum contribution required for the development and upgrading of stormwater treatment and disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Stormwater reticulation and any stormwater treatment devices shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing stormwater piped outfall or stormwater treatment system is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing for the conveyance of stormwater to the outfall or treatment system.
4. Where there is no stormwater piped outfall or treatment system (and treatment is required), or the capacity of the piped outfall or treatment system is inadequate, the financial contribution shall be the full and actual costs of providing for the stormwater treatment and disposal and/or increasing the existing stormwater system capacity, together with the cost of reticulation within the subdivision or land use.

FC – R~~10~~9 Financial Contribution for Reserves and Community Facilities

1. Financial contributions may be required to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.
2. The maximum contribution shall be required as follows:
   i. 7.5% **of the value**[302] of the additional allotments at the time of subdivision consent (either in cash or land equivalent, at Council's discretion) except that in the case of subdivisions where allotments are greater than 4000m², the value of the rural allotment for this purpose shall be the proportional value of a house site of 1,000m² within each allotment;
   ii. Cash equivalent of the value of 20m² of land for each additional residential unit created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding ~~five~~ **eight** years; and[303]
   iii. Cash equivalent of the value of 4m² of land for each additional 100m² of net, non-residential building floor area created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding ~~five~~ **eight** years.[304]

FC – R1~~1~~0 Financial Contribution for Shared Pathways

[301] Buller District Council S538.240
[302] RMA Schedule 1, clause 16(2)
[303] Ball Developments Ltd S453.016, Davis Ogilvie & Partners Ltd S465.012
[304] Ball Developments Ltd S453.016, Davis Ogilvie & Partners Ltd S465.012

1. The maximum contribution required for the development and upgrading of shared pathways that serve a subdivision, land use or development shall be 100% of the estimated cost.
2. Where a development or subdivision will generate effects that require the creation or upgrading of a footpath, walkway or cycleway access, the financial contribution shall be calculated as**:**
   - **i.** the cost of building **the footpath, walkway or cycleway access;** or
   - **ii.** **the cost of** upgrading the ~~pedestrian/cycle access~~ **footpath, walkway or cycleway access from the level of service required for existing land uses** to the ~~required~~ level of service **required for the subdivision, land use or development** specified in the relevant district Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.[305]

~~**FC – R12 Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscapes Values or Biodiversity Values**~~

~~1. The maximum financial contribution for offsetting or compensation for adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, remedied or mitigated.~~

~~2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO – P9 will be adhered to.~~[306]

4. PUBLIC ACCESS

4.1. PA General/Whole Chapter

Submissions and Further Submissions

913. Five submission points and five further submission points relating to the Public Access (**PA**) Chapter general matters were summarised in a Table on pages 185-186 of the s42A Report. One submission sought to retain the chapter in its entirety, one sought to delete the chapter, and the three further submission points sought amendments.

914. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

915. Ms Belgrave and Ms Evans acknowledged the support from Herenga ā Nuku Aotearoa that sought to retain the PA chapter as notified. This acknowledgement was subject to recommended amendments that arose from other submission points.

916. In response to the submission point made by the Director General (opposed by a further submission from Herenga ā Nuku Aotearoa and supported by a further submission point from BDC) to delete the PA chapter in its entirety, Ms Belgrave and Ms Evans did not support the

[305] Chris & Jan Coll S558.170, Chris J Coll Surveying Limited S566.170, William McLaughlin S567.245, Laura Coll McLaughlin S574.170
[306] Manawa Energy Limited S438.119

relief sought. The Director General's submission considers that the public access matters were sufficiently addressed elsewhere in the Plan. However, the s42A Report highlights that a separate PA Chapter was in accordance with the National Planning Standard.

917. Ms Belgrave and Ms Evans did not support the relief sought by GDC to remove all references to '*Sites or Areas of Significance to Māori*' because no justification had been provided to support the submission point. Poutini Ngāi Tahu opposed this relief by way of further submission.

918. In response to the two submission points made by GDC that sought to amend the chapter to include provisions to manage the construction, design and approval of unformed legal roads, Ms Belgrave and Ms Evans did not support the relief sought. They considered the relief was unnecessary because the matter was addressed in the Transport Chapter.

919. Ms Belgrave and Ms Evans recommended no amendments to the chapter based on these submissions.

Hearing and Submitter Evidence/Statements

920. Ms Young, for the Director General, advised the submission point on this chapter was withdrawn when a further submission was made.

Reporting Officer Reply Evidence

921. Ms Evans's Right of Reply addressed various matters that were raised at the hearing. The specific matters are summarised in the relevant sections.

Hearing Panel's Evaluation

922. The Panel agree with the Reporting Officers that a Public Access Chapter is a requirement of the National Planning Standards and we acknowledge the Director General withdrew the submission on this matter.

923. The Panel agree that there is no justification to remove reference to Site or Area of Significance to Māori given the requirements of the RMA and WCRPS. We agree that the construction, design and approval of unformed legal roads is covered in the Transport Chapter. We recommend the GDC submission points are rejected.

Hearing Panel's Recommendation

924. The Panel recommends no amendments in response to the submissions.

4.2. PA Overview

Submissions and Further Submissions

925. Eleven submission points and five further submission points relating to the Overview were summarised in a Table on pages 187-188 of the S42A Report. Eight submission points supported retention of the wording as notified and three sought amendments. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

926. Ms Belgrave and Ms Evans acknowledged the support from the submission points that sought retain the PA Overview text as notified. This acknowledgement was subject to recommended amendments that arose from other submission points.

927. In response to the submission made by Herenga ā Nuku Aotearoa that sought to amend the wording to include the specific purpose of the Walking Access Act 2008, Ms Belgrave and Ms Evans initially supported the relief sought on the basis that it would improve plan clarity and because the Walking Access Act was referenced. However, in the Addendum Report, Ms Evans revised her view, having heard the evidence of Mr Sutherland and Mr O'Conner (for Federated Farmers) and recommended deleting all references to the Walking Access Act in recognition that the scope of the chapter was limited to RMA s6(d) and not public access more generally.

928. Ms Belgrave and Ms Evans supported the relief sought by Frida Inta to include a cross-reference to NC-P5 because this policy related to enabling reductions in public access to waterways when natural hazard works were required. They therefore considered it was appropriate to include a cross-reference as follows:

> *Objectives, policies, rule requirements, and matters for control or discretion for all esplanade reserves, esplanade strips and access strips are located in the Subdivision Chapter **and Natural Character and Margins of Waterbodies Chapter**.*

929. There were a number of submission and further submission points that relate to Unformed Legal Roads section of the Overview. Lyn McIntosh (S469.001) supported the wording, Herenga ā Nuku Aotearoa (S274.003 and FS53.20) opposed it in part, and the Fish and Game (S302.004) sought minor amendments. Ms Belgrave and Ms Evans agreed with the further submission point that unformed legal roads were located adjacent to or were separate to areas of private land. They also noted that the formation of an unformed legal road was provided for as a permitted activity under Rule TRAN-R3 within the Transport chapter, which did not include a cross reference to the PA Chapter. Having considered these matters, the Reporting Officers recommend deleting this part of the Overview because they considered it was unnecessary in this part of the plan.

930. In the Addendum Report, Ms Belgrave and Ms Evans recommended amending the PA Overview as follows:

> *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is a matter of national importance provided for under Section 6 of the Resource Management Act. ~~Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008, which is to provide the New Zealand public with free, certain, enduring and practical access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.~~*
>
> *…*
>
> *Objectives, policies, rule requirements, and matters for control or discretion for all esplanade reserves, esplanade strips and access strips are located in the Subdivision Chapter **and Natural Character and Margins of Waterbodies Chapter**.*
>
> *~~Unformed Legal Roads~~*
>
> *~~Unformed legal roads provide a valuable network of public access opportunities to the outdoors with many allowing access to and along the coast, freshwater bodies and other public resources. Many also cross private land or traverse sensitive ecological environments and careful decision~~*

> ~~*making is needed to ensure that any new provision for public access through unformed legal roads is undertaken in a way that the impacts on natural resources and the safety and security of private landowners are well managed to avoid adverse effects on those resources and private landowners.*~~

Hearing and Submitter Evidence

931. Mr Dean Kelly provided a statement of evidence for Fish and Game reiterating the relief sought in the submission to more accurate reference to unformed legal roads '*bisecting*' private land rather than '*crossing*' it. He pointed out the importance of unformed legal roads to provide public access to waterways and wetlands for fishing and hunting. He noted that there was no private ownership of the land underlying unformed legal roads and that the neighbouring landowners had no more privilege to use this land than the general public.

932. Mr Dean van Mierlo presented legal submissions on behalf of Fish and Game questioning whether the Reporting Officers had fully understood the nature of the submission due to what appeared to be errors in the recommended amendments to the part of the Overview relating to unformed legal roads. He reiterated the importance of unformed legal roads in providing public access, particularly to fresh waterbodies. He considered it was relevant to reference unformed legal roads in this Chapter and did not support the deletion of the entire wording, as set out in the s42A Report. He requested retaining the first sentence, so it reads as follows:

> *Unformed Legal Roads*
>
> *Unformed legal roads provide a valuable network of public access opportunities to the outdoors with many allowing access to and along the coast, freshwater bodies and other public resources.*

933. In Ms Inta did not support deleting the references to the Walking Access Act. She considered the PA Chapter was an appropriate place to refer to unformed legal roads and supported the Fish and Game position that they are an important way of providing public access to fresh waterbodies.

934. Ms Inger Perkins spoke at the hearing on of behalf of Herenga ā Nuku Aotearoa, the Outdoor Access Commission. She was concerned with the removal of the reference to the Walking Access Act, which emphasised the value of public access to the outdoors and was entirely appropriate for this chapter. She noted that the network of unformed legal roads across the region were a critical component of public access and strongly recommended that they were included in the Public Access Chapter, noting they were referenced in the Transport Chapter. She considered that there needed to be a brief paragraph about unformed legal roads in the introductory text and provided associated wording. She also referred to health and safety advice for farmers in regard to public access and provided a website link to that advice.

Reporting Officer Reply Evidence

935. Ms Evans reconsidered the s42A Addendum Report recommendations relating to unformed legal roads, having heard from submitters at the hearing. Ms Evans advised she remained neutral whether it was appropriate to retain the reference to unformed legal roads in the Overview but accepted there was a general preference for the first sentence to be retained for context and updated her recommendation accordingly.

936. In response to questions from the Panel about the management of unformed legal roads beyond the requirements of the Transport Chapter, Ms Evans identified reference to them in

Rule INF-R12, which provided for new telecommunications poles and new antenna. She noted it did not cross reference the PA Chapter.

937. In response to whether the PA chapter was located in the right part of the pTTPP, Ms Evans advised that she had reviewed other district plans for comparison. She noted that it was common for a PA chapter to be located in the Natural Environment Values section.

Hearing Panel's Evaluation

938. The Panel initially considers the reference to the Walking Access Act 2008 in the Overview. We tend to agree with Ms Evan the Act's relevance in a district plan context is limited to access to and along the coast, lakes and rivers. However, we do not consider there is a now scope to delete reference to it given that the Director General's submission, which Ms Evans relied upon, has been withdrawn. As might be expected from these considerations, we do not consider there is any benefit to adding reference to the specific purpose of the Walking Access Act in the Overview, as sought by Herenga ā Nuku Aotearoa. We therefore recommend no amendments to the first paragraph of the Overview.

939. The Panel notes that Ms Belgrave and Ms Evans supported the relief sought by Frida Inta to include a cross-reference to NC-P5, which relates to enabling reductions in public access to waterways when natural hazard works are required. They had recommended adding reference to the Natural Character and Margins of Waterbodies Chapter in the paragraph referring to esplanade reserves, esplanade strips and access strips, however, that wording did not flow through into Appendix 1 of the Right of Reply. The Panel as examined this further and noted that NC-P5 does not reference esplanade reserves, esplanade strips and access strips and therefore consider adding Natural Character and Margins of Waterbodies Chapter to this paragraph is inappropriate. Further, we note reference to the Natural Character Chapter is already contained within the PA Overview, although the wording needs to be corrected to '*Natural Character and ~~Activities Adjacent to~~ the Margins of Waterbodies'*. As a result, other than this correction, the Panel do not recommend any further changes.

940. The Panel acknowledges the submissions related to the unformed legal roads section of the Overview. We acknowledge that unformed legal roads are separate to areas of private land. We also acknowledge that the formation of an unformed legal road is a permitted activity under Rule TRAN-R3. The question is whether it is necessary within the PA Chapter to be referring to unformed legal roads. Having considered the views of submitters, the Panel accept that the first sentence is appropriate and should be retained. It is simply stating what unformed legal roads are able to provide which appropriate for an overview. In terms of the second sentence while we have some reservations about its contents, in that it appears to go beyond the purpose of an overview in referring to '*careful decision making*', there are now no submissions seeking deletion of this part of the overview. We have considered the amendment sought by Herenga ā Nuku Aotearoa, however, we consider these would also go beyond the purpose of an overview. We therefore recommend the paragraph be retained with the minor amendment sought by Fish and Game to replace '*cross*' with '*bisect*' to be more precise.

Hearing Panel's Recommendation

941. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend amending the **Public Access Overview** as follows:

Overview

The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is a matter of national importance provided for under Section 6 of the Resource Management Act. Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008.

Being able to access these areas is an important facet of our well-being providing opportunities for the re-establishment of cultural connection to waterbodies as well as supporting recreation and relaxation. This is recognised and provided for in the New Zealand Coastal Policy Statement and the West Coast Regional Policy Statement and West Coast Regional Plans.

The majority of the plan provisions to support this Chapter have been woven through other chapters including; Poutini Ngāi Tahu, Sites and Areas of Significance to Māori, Subdivision, Natural Character and ~~Activities Adjacent to~~ **and the Margins of**[307] Waterbodies, Activities on the Surface of the Water and the Coastal Environment.

Esplanade Reserves, Esplanade Strips and Access Strips

Esplanade reserves can be created through subdivision, when land is reclaimed, when a road is stopped, or can be created voluntarily.

Esplanade strips and access strips can be created either through subdivisions, or at any other time by agreement between the land owner and Council. The creation of strips outside of subdivision uses the process set out in s235 RMA (for esplanade strips) or in s237B RMA (for access strips).

Objectives, policies, rule requirements, and matters for control or discretion for all of esplanade reserves, esplanade strips and access strips are located in the Subdivision Chapter.

Unformed Legal Roads

Unformed legal roads provide a valuable network of public access opportunities to the outdoors with many allowing access to and along the coast, freshwater bodies and other public resources. Many also ~~cross~~ **bisect**[308] private land or traverse sensitive ecological environments and careful decision making is needed to ensure that any new provision for public access through unformed legal roads is undertaken in a way that the impacts on natural resources and the safety and security of private landowners are well managed to avoid adverse effects on those resources and private landowners.

4.3. PA Objectives & Policies

Submissions and Further Submissions

942. Nineteen submission points and two further submission points relating to **PA-O1** were summarised in a Table on pages 189-190 of the s42A Report. Seventeen submissions sought to retain the provision as notified and two sought amendments. Both further submissions opposed the submissions that sought amendment.

943. Three submission points and one further submission point relating to the addition of a policy were summarised in a Table on page 191 of the s42A Report. The three submissions sought the addition of a policy, while the further submission opposed one of them.

[307] RMA Schedule 1, clause 16(2)
[308] West Coast Fish and Game Council (S302.004)

944. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

PA - O1

945. Ms Belgrave and Ms Evans acknowledged the support from 17 submission points that sought to retain the PA-O1 as notified. This acknowledgement was subject to recommended amendments that arose from other submission points.

946. In response to the submission points made by Federated Farmers and Westpower that both sought to change the wording of PA-O1, Ms Belgrave and Ms Evans did not support the amendments. Herenga ā Nuku Aotearoa opposed both submissions by way of further submission.

947. Federated Farmers sought amendments as follows:

> ~~*To maintain and enhance*~~ ~~*c*~~***C****ustomary and public access to and along the coastal marine area, waterbodies and public resources* ***is provided for, maintained and enhanced where the access did not create adverse effects on the natural character, indigenous biodiversity, cultural values or the rights and obligations of private property owners****.*

948. Westpower sought amendments as follows:

> ~~*To maintain and enhance*~~ ***The maintenance and enhancement of*** *customary and public access to and along the coastal marine area, waterbodies and public resources* ***where is contributes to the economic, social and cultural wellbeing of people and communities is promoted.***

949. Ms Belgrave and Ms Evans did not consider the Westpower revision gave appropriate effect to RMA s6(d) or NZCPS Objective 4. They also did not consider it was necessary to duplicate the wording of the WCRPS. They also did not support the Federated Farmers revision because they considered economic, social and cultural wellbeing was already covered in PA-O1 in addition to other provisions in the Plan.

950. Initially, no amendments were recommended to PA-O1. However, in the Addendum Report, Ms Evans recommended deleting '*public resources*' from the objective to align the language with the Walking Access Act 2008, as follows:

> *To maintain and enhance customary and public access to and along the coastal marine area,* ***and*** *waterbodies* ~~*and public resources.*~~

New Policy

951. In response to the submission point made by Manawa that sought to add a new policy to the PA Chapter, Ms Belgrave and Ms Evans did not support the relief sought. Manawa sought the following policy be added:

> *To maintain and enhance public access to and along the coastal marine area and waterbodies, while taking into account the need to ensure public safety and maintenance of the operational functional needs of infrastructure.*

952. Herenga ā Nuku Aotearoa opposed the addition of the new policy by way of further submission on the basis that the policy sought was similar to PA-O1 and that other policies throughout the Plan provided for the maintenance of infrastructure. The Reporting Officers agreed with Herenga ā Nuku Aotearoa and recommended rejecting the Manawa submission.

953. In response to submission points made by Buller Conservation Group and Frida Inta that sought to add a new policy to the PA Chapter to cover the purpose of esplanade strips, the Reporting Officers considered it was unnecessary and they did not support the relief sought.

954. Ms Belgrave and Ms Evans recommended not adding any new policies to the PA Chapter.

Hearing and Submitter Evidence/Statements

955. Mr Sutherland and Mr O'Connor, for Federated Farmers, reiterated support in principle for the objective. However, they set out concerns that without clarification, it could result in adverse effects on private landowners. They advised that the Walking Access Act provided for public access over private land and therefore they consider that PA-O1 failed to adequately take into account the range of potential adverse effects associated with the public using private land for access. The noted health and safety was a primary concern and maintained their view that the objective should be amended as set out in their submission.

956. Mr Kennedy, for Westpower, disagreed with the s42A recommendation that the requested wording did not give effect to the NZCPS or did not recognise that public access as a matter of national importance. He considered the wording of the objective as notified was inconsistent with the WCRPS. Additionally, he did not consider that the other policies identified by the Reporting Officers fully give effect to the wording sought by Westpower's submission in relation to PA-O1. He maintained his view that the objective should be amended as set out in the submission.

957. Ms Inta did not support deleting '*public resources*' from PA-O1 and suggested it could be changed to '*public amenity*'.

958. Ms Styles, for Manawa, reiterated that it was appropriate to include a policy that related to public access. While she acknowledged that the wording was similar to the objective but pointed out that it also acknowledged the need to take into account public safety and maintenance activities through the provision of public access.

959. Mr van Mierlo, for Fish and Game, stated that he was not opposed to a new policy but considered health and safety reasons should not be overstated to preclude use or public access. Mr Kelly considered the policy should acknowledge unformed paper roads have public value and amenity.

960. Ms Perkins, for Herenga ā Nuku Aotearoa did not oppose a new policy but considered tow may be more appropriate to separate the maintaining and enhancing public access and health and safety aspects from safety. She acknowledged health and safety issues had been an issue in the past but considered this had been addressed in publication available to farmers.

Reporting Officer Reply Evidence

961. Discussion at the hearing raised questions as to whether the chapter should contain provisions relating to health and safety. Ms Evans reviewed other district plans for

comparison. She noted some plans included provisions that identify where it was not appropriate to provide public access for health and safety reasons, such as where the access was along and adjacent to waterbodies and not in the context of providing public access over privately owned land more generally.

962. In Reply, Ms Evans reflected on the discussion at the hearing and whether the public safety aspect of a new policy as requested by Manawa should be included in the Chapter. She considered that health and safety was a relevant consideration for the provision of public access, including influencing decisions on esplanade reserves or strips. She did not consider it necessary to include the reference to maintaining infrastructure as this was addressed elsewhere in the Plan. She recommended adding a new policy as follows:

> *Maintain and enhance public access to and along the coastal marine area and waterbodies, while having regard to public safety.*

963. In response to questions from the Panel, Ms Evans also investigated whether a policy or policies are required to give effect to the objective, or whether it is adequately given effect to by other pTTPP provisions. She identifies the provisions in the subdivision chapter that relate to esplanade reserves and strips and ASW-P2 that enables motorise watercraft where it did not impact on public access.

964. Due to the limited scope relating to this Chapter, Ms Evans did not consider that any policy amendments beyond that relating the health and safety could be recommended.

Hearing Panel's Evaluation

PA-O1

965. The Panel have reviewed the revised wording of PA-O1 by both Federated Farmers and Westpower. We do not consider either amendment enhances the objective and we agree with the Reporting Officers that they do not appropriately recognise public access as a matter of national importance in accordance with section 6(d) of the RMA or give effect to Objective 4 of the NZCPS, which seeks to maintain and enhance to the public open space and recreation opportunities of the coastal environment by maintaining and enhancing public walking access. The Panel notes that with the withdrawal of the Director General's submission there is not scope within submissions to amend the objective, as proposed by Ms Evans in the Right of Reply. We therefore recommend that the objective remain unamended.

New Policy

966. In terms of the Manawa submission to introduce a new policy, the Panel have considered the wording proposed and the revised recommended wording of Ms Evans. We agree that addressing health and safety is a relevant consideration for the provision of public access. However, we consider both the Manawa version and Ms Evans' recommendation are framed more as an objective rather than a policy. We note that Policy PA-P2, which is amended and transferred from the Natural Character and Margins of Waterbodies Chapter addresses restricting public access to waterbodies when natural hazard mitigation works are required or when required for public safety due to the operational requirements of regionally significant infrastructure. We consider this partly addresses Manawa's concerns.

967. Notwithstanding this, the Panel agree that a broader policy on health and safety is appropriate, and we recommend the policy proposed by Ms Evans amended to refer to begin '*Provide for…*'.

968. In terms of the submission of Buller Conservation Group and Frida Inta, we agree with the Reporting Officers that a new policy on esplanade strips is not needed as they are addressed in the Subdivision Chapter.

969. Policy PA-P2 (notified as Policy NC-P5), which was considered in the Natural Character and Margins of Waterbodies Chapter hearing, is included below. We consider is aligns with the PA-O1 and PA-P1. The evaluation of the Panel's recommended changes to this policy are in the Natural Character and Margins of Waterbodies Chapter Recommendation Report.

Hearing Panel's Recommendation

970. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part, recommend adding a new policy PA-P1 and transferring NC-P5 as PA-P2, as follows:

Public Access Objective	
PA - O1	To maintain and enhance customary and public access to and along the coastal marine area, waterbodies and public resources.
Public Access Policies	
PA – P1	**Provide for public access to and along the coastal marine area and waterbodies, while having regard to public safety.**[310]
~~**NC-P5**~~**PA-P2**[309]	Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat **or when required for public safety due to the operational requirements of regionally significant infrastructure.**[311] When assessing proposals ~~for natural hazard structures~~,[312] effects on public access should be considered and ways to minimise them found, including: a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

[309] Rule NC-P5 as notified transferred to Public Access Chapter from Natural Character and Margins of Waterbodies Chapter Recommendation Report
[310] Manawa Energy Limited S438.102
[311] Manawa Energy Limited S438.107, Westpower Limited S547.317
[312] Consequential amendment to Buller Conservation Group S552.098 and Frida Inta S553.098



Dean Chrystal

Hearings Panel - Chair



Sharon McGarry

Hearings Panel Member



Anton Becker

Hearings Panel Member

Date: 10 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISION

Subdivision Chapter

Overview

Subdivision is the process of dividing an allotment of land or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but it also impacts on adjacent sites and the future use of land. Subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed. **Subdivision should include the provision of infrastructure services**. Subdivision should also provide for good connectivity and integration which incorporates multi-modal transport opportunities.

Subdivision will be assessed against Te Tai o Poutini Plan objectives, policies, rules and standards and any relevant development plans.

Additional provisions apply for ~~S~~**s**ubdivision of land that contains an ~~identified~~ **outstanding natural** feature, ~~**and/or**~~ **an outstanding natural landscape, an area of significant indigenous biodiversity, a** site or area of **historic heritage, an area of high** natural **character, a site or area of significant to Māori**, ~~cultural, historical or ecological significance~~, or where there are ~~significant~~ natural hazards will be subject to additional provisions - and assessment against the objectives and policies in the relevant Overlay chapter concerning the feature, site or area. Subdivision applications involving **these** ~~identified~~ features, sites or areas may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature, site or area. **These sites, areas and features include those identified in schedules and overlays, and may also include those identified through other methods, for example the resource consent process.**

The provisions in this chapter should be read in conjunction with district-wide provisions, including hazards and risks and natural environment values.

Māori land is exempt from the subdivision provisions of the Act. It is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.

SUB – O1	Subdivision achieves patterns of land development that are compatible with the purpose, character and qualities of each zone.
SUB – O2	Subdivision occurs in locations and at a rate that: a. Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan; b. Facilitates the **safe, efficient and effective** operation of ~~critical~~ **regionally significant** infrastructure; c. Enables access and connectivity; d. Provide**s** for the health, wellbeing and safety of the West Coast/Te Tai o Poutini community; e. Provides for growth and expansion of West Coast/Te Tai o Poutini settlements ~~and~~ businesses**, and industry**; ~~and~~

	f. Avoids significant **risk from** natural hazards and **builds community resilience** ~~are built to be resilient~~ to natural hazards; **g. Protects highly productive land as defined by the NPS-HPL and** **h. Maintains and enhances amenity values.**
SUB – O3	Subdivision design and development: **a.** Protects significant **indigenous biodiversity, natural character, the** coastal **environment** ~~natural, ecological~~, **outstanding natural landscapes and outstanding natural features, areas of** historic~~al~~ **heritage** and Poutini Ngāi Tahu **values** ~~features and resources~~ **from adverse effects; and** **b.** Responds to the physical characteristics and constraints of the site and surrounding environment.
SUB – O4	Subdivision within the FUZ - Future Urban Zone does not result in the fragmentation of sites that would compromise the potential of land within the FUZ - Future Urban Zone to accommodate integrated and serviced urban development.
SUB – O5	Esplanade reserves and strips created through subdivision contribute to the protection of **natural values** ~~identified significant natural heritage~~ and Poutini Ngāi Tahu values, provide natural hazard mitigation, support good water quality and provide for public access to and along **waterbodies** ~~rivers~~ and the coastal marine area.
SUB – O6	Where subdivision occurs, sufficient provision is made for the additional community need for open space **taking into account demand generated by the subdivision**.

SUB – P1	Enable subdivision that creates allotments that: a. Are consistent with the purpose, character, and qualities of the applicable zone; b. Maintain~~s~~ the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses; c. Minimise~~s~~ natural hazard risk to people's lives and properties; d. Protect~~s~~ **areas of** significant **indigenous biodiversity, outstanding natural features and landscapes,** cultural **values**, **areas of** historic~~al~~ **heritage**, natural **character of the coastal environment** ~~and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan~~; e. **Maintains indigenous biodiversity;** [313] f. Have legal, physical and safe access to each allotment created by the subdivision; **f. Are integrated and connected to the immediately surrounding area and road network; and** **g. Protect the safe and efficient operation and maintenance of infrastructure.**

[313] Buller Conservation Group S552.109, Frida Inta 553.109

SUB – P2 Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and coordinated manner by ensuring:

a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision;

b. Infrastructure is installed at the time of subdivision, except for on-site infrastructure that cannot be determined until the allotment is developed;

c. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision;

d. Provision of safe**,** ~~and~~ efficient **and effective transport connections and linkages, including pedestrian, cycling linkages, public transport and** vehicle access;

e. Provision for open space and reserves, including pedestrian and cycle linkages;

f. **Provision of** ~~D~~**d**rinking water compliant with New Zealand Drinking Water Standards;

g. Adequate water supply for firefighting;

h. Treatment and safe disposal of stormwater that did not result in increased flooding and erosion risk;

i. Treatment and safe disposal of wastewater with a preference for land-based treatment where no reticulated network is in place;

j. Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal;

k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite ~~where deemed reasonable by the Council~~;

l. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; and

m. Where new community infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance;

n. In all RESZ - Residential, INZ - Industrial and CMUZ - Commercial and Mixed Use Zones requir**e**~~ing~~:

v. Roads to a sealed standard;

vi. Underground reticulation of services;

vii. Sealed footpaths;

viii. Streetlights in urban areas; and

	o. Financial contributions are provided where additional or upgraded network utility infrastructure is required to service development. Advice Note: The standards for road construction can be found in Appendix One: Transport Performance Standards.
SUB – P3	~~Provide for t~~ **T**he subdivision of land ~~within or~~vcontaining riparian margins, outstanding natural features and landscapes, the coastal environment, areas of significant indigenous biodiversity, sites and areas of significance to Māori or historic heritage settings, ~~where it can be demonstrated~~ **must demonstrate** that the design and layout of allotments and the location of any building platforms will: a. Not compromise the identified characteristics and values of the Overlay ~~Chapter~~ it is located within; and b. Achieve the relevant objectives and policies for the Overlay Chapter.
SUB – P4	Considered in Natural Hazards Recommendation.
SUB – P5	**Unless subdivision occurs in accordance with a Structure Plan adopted by the relevant District Council** ~~A a~~**a**void subdivision within the FUZ - Future Urban Zone that may result in one or more of the following: a. ~~A c~~ **C**ompromise in the **safe,** efficient and effective operation of the local and wider transport network; b. The need for significant upgrades, provisions or extensions to the reticulated wastewater, reticulated water supply or stormwater networks, or other infrastructure ~~in advance of integrated urban development~~; c. **Compromise of** ~~T~~**t**he efficient provision of **or access to proposed or operating** infrastructure ~~being compromised~~; d. Reverse sensitivity effects when urban development occurs; e. Reverse sensitivity effects on existing rural activities or infrastructure; or f. Fragmentation of sites in a manner that may compromise the appropriate form or nature of future urban development.
SUB – P6	Avoid subdivision: a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement**, unless the subdivision is to establish papakāinga by Poutini Ngāi Tahu**; b. In the Earthquake Hazard Overlay that could result in the creation of new allotments; c. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity; d. Where this could create ~~significant~~ reverse sensitivity issues in relation to **lawfully established activities** in the MINZ - Mineral Extraction Zone**,** ~~or Energy Activities~~ **activities in the GRUZ – General Rural Zones or INZ – Industrial Zones or regionally significant infrastructure**;

	e. In **unmodified areas of** the Coastal environment ~~outside of areas that are already modified~~ unless adverse effects on the natural character of the coastal environment can be avoided, **remedied** or mitigated; ~~and~~
	f. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities**; and**
	g. Of Highly Productive Land as defined under the National Policy Statement for Highly Productive Land, unless the requirements of clause 3.8 of the NPS-HPL are met.
SUB – P7	Allow subdivision in the RESZ - Residential Zones that did not comply with the minimum lot design and parameters when:
	~~a. The site size and configuration is appropriate for development intended by the zone;~~
	a. The subdivision design maintains residential character and amenity;
	b. The increased density did not create adverse effects on ~~critical~~ **regionally significant** infrastructure; and
	c. It can be demonstrated that it is consistent with the quality and types of development envisaged by RESZ - Residential Zone Objectives and Policies and any residential or medium density housing design guides in place for the zone.
SUB – P8	Provide for subdivision around existing or approved residential development where it enables creation of sites for uses that are in accordance with an approved land use consent or building consent.
SUB – P9	To require esplanade reserves or esplanade strips for allotments of less than 4 ha ~~to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values~~, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:
	a. ~~The natural values~~ **The protection of conservation values, or the enabling of public access or public recreational use that is compatible with conservation values, or reduction of natural hazard risk** warrant a ~~wider or~~ narrower esplanade strip or esplanade reserve; or
	b. Topography, or the siting of any building or other feature, renders the 20-metre width ~~inadequate or~~ excessive; or
	c. The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of ~~greater or~~ lesser width than 20 metres; or
	d. The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of ~~greater or~~ lesser than 20 metres; or
	e. The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).

Subdivision Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

SUB - R1 ~~General~~ Residential Zone<u>s</u> and ~~General~~ Rural Zone<u>s</u> – Boundary adjustments

Activity Status Permitted

Where:

1. The boundary adjustment did not alter:
    a. The permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under ~~the~~ **<u>all</u>** rules and standards in this Plan; **<u>and</u>**
    b. The extent or degree to which any ~~consented or otherwise~~ lawfully established activity occurring on the allotments did not comply with a rule or standard in this Plan.~~; and~~
    ~~c. The ability of an existing permitted activity (including on adjacent lots) to continue to comply with the Plan.~~
2. No new roading or access points are required;
3. All existing vehicle access points comply with the requirements of Rule TRN - R1;
4. No new Council services are required; and
5. In the GRUZ - General Rural Zone the boundary adjustment did not result in potential additional residential units as a permitted activity.

Activity status where compliance not achieved: Controlled

SUB - R2 All Zones – Subdivision for a Network Utility or ~~Critical~~ <u>Regionally Significant</u> Infrastructure

Activity Status: Permitted

Where:

1. Any new lot created is solely for a network utility or ~~critical~~ **<u>regionally significant</u>** infrastructure which is either a Permitted Activity under the Energy Chapter, Infrastructure Chapter or Transport Chapter or is approved as a result of a land use consent;
2. Any existing buildings comply with the relevant zone Permitted Activity standards **<u>or the conditions of any land use consent</u>**;
3. All existing vehicle access points comply with the requirements of Rule TRN - R1;
4. ~~Where t~~ **<u>T</u>**he site is less than 4ha **<u>and adjoining</u>** ~~adjacent to~~ a river >3m wide or **<u>adjoining</u>** the coast, the provision of an esplanade reserve or strip of 20m;
5. No new roading or access points are required; and
6. No new Council services are required.

Activity status where compliance not achieved: Controlled

Controlled Activities

SUB – R3 All Zones and All Overlays – Boundary Adjustments

Activity Status Controlled

Where:

1. These are not Permitted Activities under Rule SUB - R1;
2. All Subdivision Standards are complied with; and
3. The existing or proposed buildings ~~must~~:
   a. Comply with all permitted activity standards relevant to the zone and any overlays ~~and a building consent has been issued for any proposed buildings~~; or
   b. ~~Be~~ **Are** subject to an approved resource consent for any non-compliances; or
   c. Where there is an existing building that did not comply with the current district plan, the subdivision must not increase the extent to which the existing building fails to comply.

Matters of control are:

a. The design and layout of allotments, **including space for a compliant building platform within any vacant allotment**, and the ability to accommodate permitted and/or intended land uses;
b. The design and provision of access;
c. The provision, design and construction of infrastructure and services;
d. Any requirements which arise from the location in relation to natural hazards;
e. Effects of development phase works on the surrounding area; and
f. Protection, ~~maintenance or enhancement~~ of **outstanding** natural features and ~~landforms~~ **landscapes**, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites **natural character of the coastal environment** or any other identified features**; and**

g. The ability to access, operate, maintain, or upgrade lawfully established infrastructure activities is retained.

Activity status where compliance not achieved: Discretionary where Standard 2 is not complied with.

Refer relevant zone and overlay subdivision rules where not compliant with Standard 3.

SUB – R4 All Zones and All Overlays - Subdivision for a Network Utilities, ~~Critical Infrastructure~~ Regionally Significant Infrastructure Access or Reserves

Activity Status Controlled

Where:

1. The Subdivision is not a Permitted Activity under Rule SUB - R2

Matters of control are:

a. The size, design and layout of allotments for the purpose of public network utilities, **regionally significant infrastructure,** reserves or access;
b. Legal and physical access to and from allotments;

c. Protection, ~~maintenance or enhancement~~ of **outstanding** natural features and ~~landforms~~ **landscapes**, natural character, the coastal environment, waterbodies, significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites **natural character of the coastal environment** or **any other** identified features;

d. Where relevant, compliance with Subdivision Standards; and

e. Any requirements which arise from the location in relation to natural hazards, esplanade reserves or esplanade strips.

Activity status where compliance not achieved: N/A

SUB – R5	**Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones**

Activity Status Controlled

Where:

1. This is not within a Significant Natural Area ~~as identified in Schedule Four~~ subject to Rule SUB - R7;
2. This is not within one of the following locations in the coastal environment:
   i. Outstanding Natural Landscape as identified in Schedule Five;
   ii. Outstanding Natural Feature as identified in Schedule Six;
   iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or
3. This is not within an area of:
   i. Outstanding Natural Landscape as identified in Schedule Five;
   ii. Outstanding Natural Feature as identified in Schedule Six;
   iii. Sites of Historic Heritage as identified in Schedule One;
   iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;
4. ~~This only occurs in the following sites and areas of significance to Māori~~ **This is not within a Site or Area of Significance to Māori except those listed below** identified in Schedule Three:
   i. SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 56 Māwhera Pā 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; **SASM 62 No.31 Māwhera Native Reserve;** SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 197 Ōkuru;
5. This is not within the Earthquake Hazard Overlay;
6. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;
7. All Subdivision Standards are complied with; and

8. The subdivision is in general accordance with any **structure** ~~development~~ plan **or outline development plan** in place for the site.

Matters of control are:

a. The design and layout of allotments, **including space for a compliant building platform within any vacant allotment** and the ability to accommodate permitted and/or intended land uses;

b. The design and provision of roads, pedestrian and cycle ways; and

c. The design and provision of access;

d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. Any requirements arising from meeting the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure;

g. The provision of easements;

h. The provision of local purpose reserves;

i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R1~~2~~**0**;

~~j. Effects of development phase works on the surrounding area;~~

j. Effects on Poutini Ngāi Tahu values, notable trees or historic heritage within or adjacent to the site;

k. The provision of esplanade reserves or strips;

l. The extent to which any land identified as contaminated is safe for habitation; and

m. Natural hazards ~~or~~ **and** geotechnical ~~constraints~~ **considerations**.

~~n. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~

n. Management of potential reverse sensitivity effects on ~~existing land uses~~ **lawfully established activities**, including **regionally significant infrastructure**, network utilities, rural activities or significant hazardous facilities; **and**

o. **The protection, maintenance or enhancement of waterbodies.**

Activity status where compliance not achieved:

Restricted Discretionary where 3 and 4 is not complied with.

Discretionary 2, 6, 7 or 8 is not complied with.

Non-complying where 5 is not complied with.

SUB – R6	**Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone**

Activity Status Controlled

Where:

1. This is not within a Significant Natural Area **or an area of significant indigenous biodiversity** ~~as identified in Schedule Four and~~ subject to Rule SUB - R7;

2. This is not within one of the following locations in the coastal environment:
    i. Outstanding Natural Landscape as identified in Schedule Five;
    ii. Outstanding Natural Feature as identified in Schedule Six;
    iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or
3. This is not within an area of:
    i. Outstanding Natural Landscape as identified in Schedule Five;
    ii. Outstanding Natural Feature as identified in Schedule Six;
    iii. Sites of Historic Heritage as identified in Schedule One;
    ~~iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;~~
    ~~v. This is not within the Earthquake Hazard Overlay;~~
4. ~~This is not within an area of~~ **It does not create a building platform for a Potentially Hazard Sensitive or Hazard Sensitive Activity in the**:
    i. **Flood Susceptibility, Earthquake Susceptibility, Land Instability, Coastal Alert, or Hokitika Coastal Hazard Overlay**;
    ii. Westport Hazard Overlay
    iii. Flood Severe, Coastal Severe **or Earthquake Severe Overlay** ~~or the Airport Noise Control Overlay~~;
5. **This is not within an Airport Noise Control Overlay;**
6. All Subdivision Standards are complied with; and
7. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.

Matters of control are:

a) The size, design, shape, location and layout of allotments **including space for a compliant building platform within any vacant allotment.**
b) The design and provision of roads, pedestrian and cycle ways;
c) The design and provision of access;
d) Efficient use of land and compatibility with rural character and the role, function and predominant character of the Rural or Māori Purpose Zone in which the subdivision is located;
e) Any requirements arising from meeting the relevant District Council's Engineering Standards, or where no such Standards exist, NZS 4404:2010 Land Development and Subdivision Infrastructure;
f) The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
g) The adequacy of water supply for firefighting;
h) The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
i) Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;

j) The provision of esplanade reserves or strips;

k) Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;

~~l) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~

l) Management of potential reverse sensitivity effects on existing land uses, including **regionally significant infrastructure** network utilities, rural **and rural industry** activities or significant hazardous facilities~~.~~**;**

m) Natural hazards and geotechnical considerations; and

n) The provision of easements.

o) The protection, maintenance or enhancement of the margins of waterbodies.

Activity status where compliance not achieved:

Restricted Discretionary where 3 **or 4(i)** is not complied with.

Discretionary 2 or ~~5~~**4(ii)** ~~5 7~~**6-8** is not complied with.

Non-complying where **4(iii) and 5** is not complied with.

SUB - R7 Considered in Ecosystems and Biodiversity Recommendation

SUB – R8	**Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard (This does not apply to the National Grid Subdivision Corridor)**

Activity Status Controlled

Where:

~~1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB – R7;~~

~~2. This is not within one of the following locations in the coastal environment:~~

~~i. Outstanding Natural Landscape as identified in Schedule Five;~~

~~ii. Outstanding Natural Feature as identified in Schedule Six;~~

~~iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or~~

~~3. This is not within an area of:~~

~~i. Outstanding Natural Landscape as identified in Schedule Five;~~

~~ii. Outstanding Natural Feature as identified in Schedule Six;~~

~~iii. Sites of Historic Heritage as identified in Schedule One;~~

~~iv. Sites and Areas of Significance to Māori as identified in Schedule Three;~~

~~v. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;~~

~~4. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;~~

~~5. All Subdivision Standards are complied with; and~~

~~6. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.~~

~~7. This is not within the Earthquake Hazard Overlay;~~

1. Any allotment created can contain a 15x15m area of land which:
   i. Is located entirely outside of the Electricity Transmission and Distribution Yard;
   ii. Has reasonable physical and legal access; and
   iii. Could accommodate a building which can comply with **the standards for a** ~~all~~ Permitted Activity **in the District Plan** ~~standards for the Zone it is located in~~.
2. The subdivision maintains any existing access to Electricity Transmission and Distribution Yard;
3. Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission **or Distribution** [314]Operator including any response from the operator; and
4. The minimum lot size for any allotment that contains any part of the Electricity Transmission Corridor shall be 1ha.

Matters of control are:

a. The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;

b. The provision for the on-going efficient operation, maintenance, development and upgrade, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;

c. The size, design, shape, location and layout of allotments **including the extent to which potential adverse effects are mitigated through the location of building platforms, roads, and reserves;**

d. Management of potential reverse sensitivity effects on existing land uses, including **regionally significant infrastructure** ~~network utilities~~, rural activities or significant hazardous facilities;

e. Natural hazards and geotechnical considerations; and

f. The provision of easements.

~~a. Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;~~

~~b. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;~~

~~c. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;~~

~~d. The adequacy of water supply for firefighting;~~

~~e. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;~~

~~f. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;~~

~~g. Management of any contaminated land;~~

[314] Westpower Limited (S547.370)

~~h. Management of reverse sensitivity effects on the national grid;~~

~~i. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;~~

~~j. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;~~

~~k. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~

Advice Note:

1. This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

Activity status where compliance not achieved:

~~Restricted Discretionary where 1, 3 or 4 is not complied with~~

~~Discretionary where 2 or 5 is not complied with~~

Non-complying where **1-4** ~~6-11~~ is not complied with

SUB – R9 Considered in Ecosystems and Biodiversity Recommendation

Restricted Discretionary Activities

SUB – R10 **Subdivision of Land to create allotment(s) in Areas of Historic Heritage identified in Schedule One or within Sites or Areas of Significance to Māori identified in Schedule Three not meeting Rule SUB - R5**

Activity Status Restricted Discretionary

Where:

1. Written confirmation is provided by the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngati Waewae or Te Rūnanga o Makaawhio, that the activity will not impact on any sites or areas of significance to M~~a~~ā~~a~~ori within Schedule Three **(except for those sites and areas of significance to Māori listed in SUB-R5.4.i. where no written confirmation is required);** and
2. All Subdivision Standards are complied with.

Discretion is restricted to:

a. Ensuring the values for which the area is scheduled or identified in Te Tai o Poutini Plan are maintained and protected;

b. Ensuring sufficient land is provided around the heritage resource to protect associated heritage values including from any potential effects of natural hazards;

c. Measures used to minimise obstruction of views of the heritage resource from adjoining public spaces that may result from any future land use or development;

d. Whether there are any adverse effects on a Notable Tree, that has any associated heritage or Poutini Ngāi Tahu values; and

e. The size, design, shape, location and layout of allotments**, including space for a compliant building platform within any vacant allotment**;

f. Whether the allotments are of a size that will continue to provide the heritage resource with a suitable setting to maintain the associated heritage or Poutini Ngāi Tahu values.

g. The provision of infrastructure and services for **transport,** drinking water, wastewater and stormwater, telecommunications and energy;

h. The adequacy of water supply for firefighting;

i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;

j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

k. Natural hazards and geotechnical considerations; and

l. The provision of easements

Notification:

1. **When making notification decisions in relation to** ~~A~~**a**pplications to subdivide a lot with**in** a Site or Area of Significance to Māori identified in Schedule Three**, the Council will be informed by advice from** ~~will always be limited notified to~~ the relevant rūnanga ~~and may be publicly notified~~.
2. **When making notification decisions in relation to** ~~A~~**a**pplications to subdivide a lot with a Historical Heritage feature**, the Council will be informed by advice from** ~~will always be limited notified to~~ Heritage New Zealand - Pouhere Taonga ~~and may be publicly notified~~.

Advice Note:

~~3~~ **1.** This rule did not apply to subdivisions to create allotments for network utilities, **regionally significant infrastructure** access or reserves which are subject to Rule SUB - R4.

Activity status where compliance is not achieved: Discretionary

SUB–R11 Considered in the Natural Features and Landscapes Recommendation

SUB – R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with.

Discretion is restricted to:

a. The size, design, shape, location and layout of allotments;

b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5;

c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;

d. The provision of infrastructure and services for **transport,** drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;

g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;

h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;

~~**i.** Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~

i. Management of potential reverse sensitivity effects on ~~existing land uses~~ **lawfully established activities**, including **regionally significant infrastructure** ~~network utilities~~, rural activities or significant hazardous facilities.

Advice Note: This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

Activity status where compliance is not achieved: Non-complying

SUB-R13 Considered in Natural Hazards Recommendation

SUB – R14 Subdivision to create allotment(s) in the National Grid Subdivision Corridor

Activity Status Restricted Discretionary

Where:

1. All resulting allotments, except allotments for access or a public work, demonstrate they are capable of accommodating a building platform for the principal building or any dwelling or sensitive activity entirely outside of the National Grid Yard; and

2. The subdivision maintains any existing access to National Grid support structures.

Discretion is restricted to:

a. **The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;**

b. **The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;**

c. **The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for the principal building or any dwelling or sensitive activity can be located outside of the National Grid Yard for each new allotment;**

d. **The size, design, shape, location and layout of allotments, including the extent to which potential adverse effects, including visual and reverse sensitivity effects on the National Grid and on public safety and property, are mitigated through the location of building platforms, roads, and reserves;**

e. **The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid; and**

f. **The outcome of any consultation with the owner and operator of the National Grid.**

Activity status where compliance not achieved: Non-complying

Discretionary Activities

SUB – R15 Subdivision to create allotment(s) in the Hospital, Stadium, Mineral Extraction, Buller Coalfield and Airport Special Purpose Zones or in the Māori Purpose Zone where no Iwi/Papatipu Rūnanga Management Plan is in place.

Activity Status Discretionary

~~Where:~~

~~1. The subdivision is in general accordance with any development plan in place for the site.~~

Activity status where compliance not achieved: ~~Non-complying~~ **N/A**

SUB-R16 Considered in Ecosystems and Biodiversity Recommendation

SUB–R17 Considered in the Natural Features and Landscapes Recommendation

SUB–R18 Considered in the Coastal Environment Recommendation

SUB – R19	**Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, where one or more of the Subdivision Standards are Not Complied With**

Activity Status Discretionary

~~Where:~~

~~1. This is not in an Overlay area subject to Rules SUB - R14, SUB - R15, SUB - R18 or SUB - R20;~~

~~2. This is not the subdivision of a minor residential unit from the principal dwelling in the GRUZ - General Rural Zone; and~~

~~3. This is not the subdivision of units within a papākainga development or within the GRUZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met.~~

~~**Actvitiy status where compliance not achieved:**~~

~~Non-complying where 2 or 3 are not complied with.~~

SUB – R20	**Subdivision in any OSRZ - Open Space and Recreation Zone**

Activity status Discretionary

Activity status where compliance not achieved: N/A

SUB–R21 Considered in the Natural Hazards Recommendation

SUB–R22 Considered in the Natural Hazards Recommendation

SUB – R23	**Subdivision within the Airport Noise Control Overlay**

Activity status Discretionary

Activity status where compliance not achieved: N/A

SUB – R24	**Subdivision to create Allotments in the Flood Susceptibility, ~~Flood Plain~~, Land Instability, Coastal Alert, and Coastal Setback~~, Lake Tsunami and Coastal Tsunami~~ Overlays not meeting Restricted Discretionary Activity Standards**

Activity status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

SUB – R25	**Considered in the Coastal Environment Recommendation**

SUB – R26	**Subdivision of land not subject to another Rule in this Plan**

Activity status Non-complying

Activity status where compliance not achieved: N/A

SUB – R27	**Subdivision of land separating a minor residential unit from the principal dwelling in the GRUZ – General Rural Zone**
Activity status Non-complying	
Activity status where compliance not achieved: N/A	
SUB – R28	**Subdivision of land within a papākainga development or within the GRUZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met**
Activity status Non-complying	
Activity status where compliance not achieved: N/A	
SUB–R29	Considered in the Natural Hazards Recommendation
SUB–R30	Considered in the Ecosystems and Biodiversity Recommendation
SUB–R31	Considered in the Natural Hazards Recommendation

Subdivision Standards

SUB – S2 Requirements for building platforms for each allotment

1. Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.
2. On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and:
    b. Must allow the buildings to comply with the standards for a permitted activity in the ~~underlying zone under this~~ **District Plan**; and
    c. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and
    d. Must be outside of any area identified in a Natural Hazard overlay.

SUB – S3 Water Supply

1. Where a connection to a District Council or Community reticulated water supply system is available, all new allotments must ~~be provided with~~ **provide** a connection at the boundary and net boundary where access is shared (including firefighting water supply).

2. Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments must ~~be provided with~~ **provide** access to a self-sufficient potable water supply (including firefighting water supply).

Advice Notes

1. SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.
2. Where water is to be taken from ground or surface water, resource consent from West Coast Regional Council may be required.

SUB – S4 Stormwater

1. All allotments must provide the means for disposal of stormwater from the roof of all buildings and all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces.
2. Where a connection to a District Council or Community stormwater management system is available, all new allotments must ~~be provided with~~ **provide** a connection at the boundary or net boundary where access is shared.
3. Where a connection to a District Council or Community stormwater management system is not available, the applicant ~~shall~~ **must** demonstrate that stormwater will be treated and disposed of in such a way that surface flooding of adjacent properties and roads will not be exacerbated, nor shall there be adverse water quality effects on ~~freshwater~~ **waterbodies**.
4. Where the means of stormwater disposal is to ground, that area ~~shall~~ **must** not be subject to instability, slippage or inundation, or used for the disposal of wastewater.
5. Where the stormwater discharge is from industrial land or large areas of impervious surface, the applicant ~~shall~~ **must** demonstrate that sufficient treatment is undertaken that adverse effects on ~~freshwater~~ **waterbodies** and the receiving environment will be mitigated.

Advice Note:

1. If stormwater disposal to a river, stream, lake or wetland is proposed then a resource consent may be required from West Coast Regional Council.
2. State Highway Infrastructure such as swales or roadside drains is not considered a "Community stormwater management system" and disposal of stormwater to this infrastructure is not an appropriate method of managing stormwater in terms of this standard.

SUB – S5 Wastewater

1. All allotments must ~~provide~~ **demonstrate** the means for disposal of wastewater from all potential land uses that could be established on the respective allotments that did not involve a direct discharge to fresh or coastal water.
2. Where a connection to a District Council or Community wastewater management system is available, all new allotments must ~~be provided with~~ **provide** a connection at the boundary or the net boundary where access is shared.
3. Where a connection to a District Council or Community wastewater management system is not available, the applicant shall demonstrate that wastewater will be disposed of in a sanitary manner within the net site area of the allotment with no direct discharge to water.
4. For a subdivision where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.

Advice Note:

On site wastewater systems may require a resource consent from the West Coast Regional Council.

SUB – S6 Transport and Access

1. All allotments must ~~be provided with~~ **provide** vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Transport Performance Standards

2. In all zones any vehicle rights of way or crossings ~~shall~~ **must** be constructed in accordance with the Transport Performance Standards

3. All new roads and upgrades of existing roads ~~shall~~ **must** be constructed in accordance with the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

Advice Note:

SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice ~~shall~~ **must** be consulted to ensure compliance with the access way dimensions required for fire appliances for developments where a fire appliance is not able to reach either the residential house or the source of firefighting water supply from the public road.

SUB – S7 Energy Supply

1. ~~For all new allotments electricity services must be provided~~ **All new allotments must be provided with electricity** to the boundary of each new lot or the applicant ~~shall~~ **must** demonstrate that electricity services are able to be provided by alternative means.

2. At the time of subdivision, sufficient land for transformers and any associated ancillary services must be set aside. ~~For a subdivision that creates more than 15 lots, c~~**C**onsultation with energy network utility operators ~~may~~ **will** be required.

3. All necessary easements for the protection of **and access to** energy network utility services **and infrastructure** must be duly granted and reserved.

SUB – S8 Telecommunications

1. ~~For all new allotments telecommunication services must be provided~~ **All new allotments must be provided with telecommunication services, including to an open access fibre network where it is available** to the boundary of each new lot or the applicant ~~shall~~ **must** demonstrate that telecommunication services are able to be provided by alternative means.

2. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services **required to service the new allotments** must be set aside. ~~For a subdivision that creates more than 15 lots, c~~**C**onsultation with telecommunications network utility operators ~~may~~ **will** be required.

3. All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved.

SUB – S9 Requirement for Esplanade Reserves or Esplanade Strips

1. An esplanade reserve or esplanade strip **of 20 metres in width** shall be provided where any subdivision creates an allotment **(other than an allotment created by boundary adjustment)** smaller than 4ha where that ~~allotment~~ adjoins any of:

   a. The coastal marine area;

   b. A lake **with a bed that has an area of 8 hectares or greater**; or

   c. The bank of a river ~~whose~~ **with a** bed **that** has an average width of 3m **or greater**.

SUB – S10 Easements for Any Purpose

1. Easements ~~shall~~ **must** be provided where necessary for:

   a. Public works and ~~utility~~ **infrastructure** services;

   b. Easements in gross where a service or access is required by the district council;

c. Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title;

d. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements ~~shall~~ **must** apply when the line is privately owned.

2. Easements can also be required for any of the following purposes:

i. Accessways, whether mutual or not;

ii. Stormwater, wastewater disposal, water supply, utilities;

iii. Party walls and floor/ceilings; or

iv. ~~Other utilities~~ **Regionally significant infrastructure**.

SUB – S11 Point Strips

1. Point strips ~~shall~~ **must** be provided where in the course of subdivision a new road is constructed and vested that will ~~or could~~ provide frontage to other land **either at the time of subdivision or in the future**. ~~In this instance an~~ **A point strip** agreement ~~is~~ **will be** entered ~~into by~~ **between** the first subdivider ~~with~~ **and** the Council, ~~to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road~~. The point strip agreement sets the amount to be paid **by the subdivider**, which will be updated from the date of signature of the agreement by the Consumers Price Index.

2. Point strips ~~may~~ **will** also be required where access to any road ~~would~~ **is determined to** be unsafe **by the Council**.

3. A point strip of no less than 100mm in width ~~shall~~ **must** be created along the State Highway 7 frontage of any new allotment, or balance allotment created within the Kaiata Park development area and fronting State Highway 7 including any allotment created to contain the wetland area. Such point strip ~~shall~~ **must** vest in ~~Her~~ **His** Majesty the ~~Queen~~ **King** for Use in Connection with a road (point strip).

Financial Contributions Chapter

Overview

This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure ~~and for their use to offset adverse effects on the environment of the West Coast/Te Tai o Poutini~~.

Currently the three District Councils on the West Coast/Te Tai o Poutini use financial contributions under the RMA as the sole mechanism to provide for the costs and impacts of development on Council infrastructure and these draft provisions have been developed on the basis of that approach continuing.

However, the District Councils are exploring the potential to move to a Development Contributions regime under the Local Government Act 2002 (LGA). If the Councils do introduce Development Contributions under the LGA then these provisions will be amended by Variation or Plan Change to reflect the updated regime.

FC – O1	Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it did not adversely affect natural and physical resources, or compromise the quality of service provided to existing users~~, through the use of financial contributions~~.
FC – O2	To ensure that new activities and development contributes fairly and equitably towards the costs of ~~avoiding, remedying, mitigating or offsetting~~ **managing** adverse effects on the environment ~~and infrastructure resources~~ of the West Coast/Te Tai o Poutini.

FC – P1	To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or upgrade public infrastructure, reserves and community facilities as a result of the subdivision, **land** use or development.
FC – P2	Financial contributions ~~shall~~ **must** be applied in a fair and equitable manner that: a) Is financially transparent **reasonable and appropriate to the circumstances**; b) Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development; c) Is complementary to the Council's other financial management policies; and d) Takes into account any costs incurred **and financial benefits associated with the** ~~in~~ taking, holding and allocating the financial contributions.
FC – P3	Financial contributions may be taken in the form of cash, land, ~~works~~ or a combination of these ~~in discussion with the applicant but at the final discretion of the Council~~.
FC – P4	**Ensure that** ~~Where~~ land ~~is~~ provided by way of a financial contribution ~~to ensure that such land shall be~~ **is** suitable for the intended use bearing in mind the community to be served.
FC – P5	To use financial contributions in money to provide additional capacity, and to meet the need for community infrastructure and facilities that arise from the activity. This ~~shall~~ **can** include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and community facilities.
~~**FC – P6**~~	~~To provide for the use of financial contributions for managing adverse environmental effects, including those on significant indigenous biodiversity and outstanding natural landscapes where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and critical infrastructure.~~
~~**FC – P7**~~	~~When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.~~

Financial Contribution Rules

FC – R1 Financial Contributions as Conditions of Consent

1. A condition may be imposed on a subdivision**, development**[315] or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes:

~~i. The management of potential adverse effects arising from the activity;~~[316]

~~ii. Securing environmental compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, remedied or otherwise mitigated;~~

i. Providing and/or upgrading public network utility services and transport infrastructure;

ii. Providing and/or upgrading public reserves, public access and community facilities; and

2. No financial contribution is payable for:

i. Additions and alterations to residential buildings;

ii. A residential building replacing one previously on the site;

iii. An approved boundary adjustment;

iv. An approved subdivision creating a certificate of title solely for a utility;

v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; ~~and~~

vi. Infrastructure for which a financial contribution has been made previously;

vii. Any allotment that is vested in the Council or the Crown; and

viii. An approved subdivision resulting in the amalgamation of, or a reduction in, the number of titles.

3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:

i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;

ii. Agreements ~~shall~~ **must** be made in writing between the developer and the relevant District Council, and ~~shall~~ **must** state the amount of the financial contribution and timing of any payments to be made **by the relevant District Council**;

iii. In the event that the relevant District Council did not contribute to the funding at ~~that~~ **the** time **the infrastructure is required by the proposed land-use, subdivision or development**, the developer will be reimbursed by the **relevant District** Council;

iv. Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in **relevant District** Council's Long Term Plan; and

[315] Buller District Council S538.231
[316] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.262

v. Reimbursement will not include interest additional to that which would have been payable by the relevant District Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.

FC – R2 Nature Of Financial Contributions

1. Financial contributions may at the relevant District Council's discretion, take the form of money or land ~~or works~~ or any combination of money~~,~~ **and** land ~~and works~~;
2. Financial contributions ~~shall~~ **must** not be imposed on a use, development or subdivision for the same purpose as a development contribution that is **already** required, or has already been paid in relation to that use, development or subdivision;
3. Where a financial contribution is, or includes the payment of money, the relevant District Council may specify any one or more of the following in the conditions of the resource consent;
   a. The amount to be paid by the consent holder;
   b. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into;
   c. When the payment is to be made:
      i. In the case of subdivision, generally before ~~uplifting~~ **issuing** the section 224 certificate;
      ii. In the case of land use, **the time of payment as specified in the conditions** at the time of issuing of the resource consent;
   d. If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted; and
   e. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
4. Where a financial contribution is, or includes land, the relevant District Council may specify any one or more of the following in the conditions of the resource consent:
   a. The location and area of the land **within the land being subdivided or under application**;
   b. The state the land is to be in before vesting in or transferring to the Council; and
   c. The purpose of the land if it is to be classified under the Reserves Act 1977, or the general purpose of the land.
5. When and how the land is to be vested in, or transferred to the relevant District Council or other infrastructure provider. In the case of subdivision consent the land ~~shall~~ **must** be vested on the deposit of the survey plan under section 224 of the Act, or transferred as soon as legal certificate of title is available; and
6. Where any land is to be vested in the relevant District Council or other infrastructure provider as part of a financial contribution a registered valuer ~~shall~~ **must** determine its market value at the date on which the resource consent (imposing the financial contribution condition) commenced under section 116 of the Resource Management Act 1991.

For the purposes of this rule, 'market value' has the same meaning as defined in the International Valuation Standard, as adopted by Australian Property Institute 2008 and Property Institute of New Zealand 2009, which is as follows:

'Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper

marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.'

This rule does not apply to land that is to be vested in Council as a financial contribution in circumstances where the value of the land does not need to be determined.

FC – R3 Calculation of Financial Contributions - Roads

1. The maximum contribution required for the ~~development~~, maintenance and upgrading of roads **including intersections** that serve a subdivision, land use or development ~~shall~~ **must** be 100% of the ~~estimated~~ cost **calculated in FC-R3(3); and**
2. Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road **or intersection**, the financial contribution ~~shall~~ **must** be calculated as the cost of upgrading the road **from the level of service required for existing land uses** to the ~~required~~ level of service **required for the development or subdivision** specified in the relevant Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Financial contributions for roading will be calculated in accordance with the following formulae ~~based on the number of new allotments created~~:
   i. Financial contribution for subdivision - based on number of new allotments created:

      Cp = Lg x D1 x Rc + Ic

      Cp = Value of contribution ($)

      Lg = Number of new allotments created in the proposed subdivision

      D1 = Length of road frontage (km) along the application site. If the subdivision is on both sides of the road the length must be added together

      Rc = Cost ($/km) determined by the Council based on the road hierarchy

      Ic = Cost ($/m^2) to upgrade the intersection as determined by the Council (if required)

      ~~Contribution = Cost of forming or upgrading road to the nearest Allotment boundary of the site + Cost of upgrading road along the frontage of the site~~

      ~~$Cp = \frac{D1 \times Rc \times Lg}{Le + Lg} + \frac{D2 \times Rc}{2}$~~

      ~~Where~~

      ~~Cp = Value of contribution ($)~~

      ~~D1 = Length of road (km) required to be upgraded to the closest boundary of the site~~

      ~~D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.~~

      ~~Le = Total number of existing allotments fronting to the road to be upgraded measured as D1~~

      ~~Lg = Number of new allotments created in the proposed subdivision~~

      ~~Rc = Cost ($/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.~~

   ii. Financial Contribution for Land-use and Development - Based on traffic generation:

Cp = Rc x Tg + Ic

Cp = Value of contribution ($)

Rc = Cost ($/vehicle movement) determined by the council based on the road hierarchy and activity

Tg = Total amount of traffic generated by the development (annual average daily traffic)

Ic = Cost ($/m^2) to upgrade the intersection as determined by the council (if required)

~~Contribution = Cost of upgrading road to the nearest boundary of the site multiplied by the total traffic to be generated by the proposal + cost of upgrading road along the frontage of the site~~

~~Cp = D1 x Rc x Tg + D2 x Rc~~

~~Te + Tg 2~~

~~Where:~~

~~Cp = Value of contribution ($)~~

~~D1 = Length of road (km) required to be upgraded to the closest boundary of the site~~

~~D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.~~

~~Te = Total amount of traffic currently using this road (as vehicles per day, AADT)~~

~~Tg = Total amount of traffic generated by the development (as vehicles per day, AADT)~~

~~Rc = Cost ($/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.~~

4. **Financial contributions do not apply to the forming of new roads and intersections. These will form part of resource consent and vesting under section 224c of the RMA.**

~~**FC – R4 Full Cost Financial Contribution for Roads**~~

~~1. Roads outlined in 2 below which are at capacity for their structure are unable to accommodate additional loadings. The financial contribution for these roads shall be the full cost to accommodate the additional loadings and to bring the road up to the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code standard for its place in the road hierarchy or where no such Code of Practice exists, the standards in NZS 4404:2010 Land Development and Subdivision Infrastructure.~~

~~2. This rule applies to the following roads:~~

~~i. No roads have been identified in the proposed Plan.~~

FC – R~~5~~4 Financial Contributions for Vehicle Parking

1. A financial contribution for vehicle parking may be required where the on - site accessible parking, on - site bicycle parking, on - site trailer/boat parking or EV charging requirements cannot be achieved as required for the activity in the zone in accordance with the Transport Performance Standards. The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site ~~and~~ **or** for every 5 bicycle parks not provided.

Contribution = value of land required + Cost of construction

Cp = (VI x A) + (D x A)

Where:

Cp = Value of contribution ($)

VI = Value of 35m^2 of land in the vicinity of the off-site vehicle parking area as determined by an independent registered valuer

A = Number of vehicle parks required to make up the on-site shortfall where 5 bicycle parks equate to 1 carpark

D = cost of construction of 35m^2 of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage, electricity connection and charge station for EV charging and marking determined either by an independent cost assessment or from the current Construction Price Index.

2. The financial contributions taken by the Council in lieu of the on-site vehicle parking ~~shall~~ **must** be used to provide, upgrade or extend public vehicle parking/EV charging in the vicinity of the location from which it is collected. It may also be used to contribute towards the cost of vehicle parking/EV charging facilities that have already been constructed.
3. The relevant District Council may reduce the value or waive the contribution in one or more of the following circumstances:
   i. The Council has not provided or did not intend to provide additional off-site vehicle parking/EV charging in the vicinity of the site;
   ii. The Council has provided vehicle parking/EV charging or intends to do so, but this has been or will be funded through a different funding source in the Council's Long Term Plan, such as user fees and charges; or
   iii. The site contains a Historic Heritage resource scheduled in this plan and the reduction will enable the continued use of the building and support its protection or conservation.

FC – R~~6~~5 Financial Contributions for Service Lanes

1. Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, or the upgrading of a service lane, a ~~development or~~ subdivision **or land use consent** ~~of the land~~ ~~shall~~ **must** include a condition requiring the land to be formed to the standards specified in the relevant district Council Engineering Standards or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

FC – R~~7~~6 Financial Contributions for Water Supply

1. Financial contributions may be required to ensure a supply of:
   i. Potable drinking water for human consumption (complying with the NZ Standard for Drinking Water);
   ii. Water for industrial and commercial activities;
   iii. Water for fire fighting and irrigation; and
   iv. Where proposed allotments, sites or buildings are intended for human habitation or occupation.

Advice Note: It shall be noted that even though existing three waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.

2. The maximum contribution required for the development and upgrading of water supply infrastructure that services a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing potable drinking water supply is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to serve the proposed allotments, sites and buildings.
4. Where no supply is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of providing a supply and/or increasing the capacity, if necessary, together with the cost of reticulation within the subdivision or land use.

FC – R~~8~~7 Financial Contribution for Wastewater Treatment and Disposal

1. Financial contributions may be required to maintain the health and public safety and amenity of inhabitants or occupants and to protect the natural environment from harmful disposal of wastewater where new allotments, sites or buildings are intended for human habitation or occupation.

Advice Note: It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.

2. The maximum contribution required for the development and upgrading of wastewater treatment and disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing wastewater treatment system is available and has adequate capacity within it's operational limits and environmental compliance requirements to meet the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to connect the proposed allotments, sites and buildings.
4. Where no wastewater system is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of treatment and disposal and/or increasing the capacity, including design and investigation, acquiring sufficient land for on-site land-based treatment and disposal of wastewater likely from the activities on the site, together with the cost of reticulation within the subdivision or land use.

FC – R~~9~~8 Financial Contribution for Stormwater Treatment and Disposal

1. Financial contributions may be required to prevent damage and loss of property and amenity from uncontrolled run-off and to protect the natural environment from harmful disposal of stormwater where new allotments, roads and/or other impervious surface are created by subdivision or land use and create a need for stormwater treatment and disposal.

Advice Note: It shall be noted that even though existing three waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.

2. The maximum contribution required for the development and upgrading of stormwater treatment and disposal infrastructure that serve a subdivision, land use or development shall

be 100% of the estimated cost. Stormwater reticulation and any stormwater treatment devices shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

3. Where an existing stormwater piped outfall or stormwater treatment system is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing for the conveyance of stormwater to the outfall or treatment system.

4. Where there is no stormwater piped outfall or treatment system (and treatment is required), or the capacity of the piped outfall or treatment system is inadequate, the financial contribution shall be the full and actual costs of providing for the stormwater treatment and disposal and/or increasing the existing stormwater system capacity, together with the cost of reticulation within the subdivision or land use.

FC – R~~10~~9 Financial Contribution for Reserves and Community Facilities

1. Financial contributions may be required to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.

2. The maximum contribution shall be required as follows:

   i. 7.5% **of the value** of the additional allotments at the time of subdivision consent (either in cash or land equivalent, at Council's discretion) except that in the case of subdivisions where allotments are greater than 4000m², the value of the rural allotment for this purpose shall be the proportional value of a house site of 1,000m² within each allotment;

   ii. Cash equivalent of the value of 20m² of land for each additional residential unit created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding ~~five~~ **eight** years; and

   iii. Cash equivalent of the value of 4m² of land for each additional 100m² of net, non-residential building floor area created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding ~~five~~ **eight** years.

FC – R1~~1~~0 Financial Contribution for Shared Pathways

1. The maximum contribution required for the development and upgrading of shared pathways that serve a subdivision, land use or development shall be 100% of the estimated cost.

2. Where a development or subdivision will generate effects that require the creation or upgrading of a footpath, walkway or cycleway access, the financial contribution shall be calculated as**:**

   i. the cost of building **the footpath, walkway or cycleway access;** or

   ii. the cost of upgrading the ~~pedestrian/cycle access~~ **footpath, walkway or cycleway access from the level of service required for existing land uses** to the ~~required~~ level of service **required for the subdivision, land use or development** specified in the relevant district Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.

~~**FC – R12 Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscapes Values or Biodiversity Values**~~

~~1. The maximum financial contribution for offsetting or compensation for adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, remedied or mitigated.~~

~~2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P9 will be adhered to.~~

Public Access Chapter

Overview

The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is a matter of national importance provided for under Section 6 of the Resource Management Act. Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008.

Being able to access these areas is an important facet of our well-being providing opportunities for the re-establishment of cultural connection to waterbodies as well as supporting recreation and relaxation. This is recognised and provided for in the New Zealand Coastal Policy Statement and the West Coast Regional Policy Statement and West Coast Regional Plans.

The majority of the plan provisions to support this Chapter have been woven through other chapters including; Poutini Ngāi Tahu, Sites and Areas of Significance to Māori, Subdivision, Natural Character and ~~Activities Adjacent to~~ **and the Margins of** Waterbodies, Activities on the Surface of the Water and the Coastal Environment.

Esplanade Reserves, Esplanade Strips and Access Strips

Esplanade reserves can be created through subdivision, when land is reclaimed, when a road is stopped, or can be created voluntarily.

Esplanade strips and access strips can be created either through subdivisions, or at any other time by agreement between the land owner and Council. The creation of strips outside of subdivision uses the process set out in s235 RMA (for esplanade strips) or in s237B RMA (for access strips).

Objectives, policies, rule requirements, and matters for control or discretion for all of esplanade reserves, esplanade strips and access strips are located in the Subdivision Chapter.

Unformed Legal Roads

Unformed legal roads provide a valuable network of public access opportunities to the outdoors with many allowing access to and along the coast, freshwater bodies and other public resources. Many also ~~cross~~ **bisect** private land or traverse sensitive ecological environments and careful decision making is needed to ensure that any new provision for public access through unformed legal roads is undertaken in a way that the impacts on natural resources and the safety and security of private landowners are well managed to avoid adverse effects on those resources and private landowners.

Public Access Objective

PA - O1	To maintain and enhance customary and public access to and along the coastal marine area, waterbodies and public resources.
Public Access Policies	
PA – P1	**Provide for public access to and along the coastal marine area and waterbodies, while having regard to public safety.**
~~**NC-P5**~~**PA-P2**	Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat or when required for public safety due to the operational requirements of regionally significant infrastructure**.** When assessing proposals ~~for natural hazard structures~~, effects on public access should be considered and ways to minimise them found, including: a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Variation 1

Activities on the Surface of Water

Hearing Date: 4 December 2024

HEARING PANEL

Dean Chrystal (Chair)

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with my appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to Variation 1: Activities on the Surface of Water ('Variation 1'). Variation 1 proposed three very specific and interrelated changes to the Plan relating to activities on the surface of water to achieve the one specific outcome (i.e. avoiding undue regulation of Port activities by the Plan itself). It includes the addition of a new Policy ASW-P4, a new Rule ASW-R4A, and the amendment to the title of Rule ASW-R6. Through these additions and amendment, Variation 1 provides for the commercial activity of the Ports of Greymouth and Westport on the surface of water as permitted activities, whereas other commercial activities on the surface of water are covered by Rule ASW-R6 and Rule ASW-R7 and are either restricted discretionary or discretionary activities.

3. This Recommendation Report contains my evaluations and recommendations to the TTPP Committee on the submissions received on the Activities on the Surface of Water subsection of the General District-Wide Matters section of Part 2 – District Wide Matters of the Plan.

4. The Section 32 Report[1] ('s32 Report'), authored by Ms Lois Easton, a principal planner, provided an evaluation of the options for the management of commercial activities on the surface of rivers, lagoons and lakes. It notes that the need for the Variation was brought about because of an omission in the proposed TTPP which failed to recognise that the Coastal Marine Area boundary, as set out in the West Coast Regional Coastal Plan is downstream of the two ports and as a consequence commercial activities are a Restricted Discretionary Activity. The s32A report notes that it was never intended that the Plan would regulate commercial port activities in this way, and on discovery of this oversight, the Section 32 Report concluded that a Variation to the Plan would be the best means to rectify the situation.

5. Five submissions were received on Variation 1. No further submissions were received.

6. The Section 42A Officer's Report[2] ('s42A Report'), authored by Mr Douglas Bray, a senior policy planner with West Coast Regional Council acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of the submissions received; and made recommendations on the Plan. It also included a Section 32AA Evaluation for Variation 1 which considered the effectiveness and efficiency, costs and benefits, and the risk of acting or not acting on the variation.

7. The s42A Report recorded the relatively brief submissions received from the entities listed below, with the brevity due to the submissions primarily being matters of clarification rather than substance.

    (a) The Harbourmaster, Buller District Council (S665.003)

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report - Variation 1: Commercial Activities on the Surface of Water
[2] Activities on the Surface of Water

(b) Westpower Limited (S547.0513)

(c) The West Coast Regional Council (S488.041)

(d) The Manager, Port of Greymouth (S666.002)

(e) WMS Group HQ Limited and WMS Land Co Limited (S599.176)

8. The s42A Report summarised the submissions and relief sought; an analysis of the submissions on the provisions; and recommendations on the provisions and submissions. Specifically, the Reporting Officer recommended that all the requested decisions be accepted as detailed in the s42A Report.

9. This Recommendation Report follows the same structure of the s42A Report and provides a summary of the issues raised in submissions, the s42A Report analysis and recommendations, before providing my evaluation and recommendation. As the submitters did not provide evidence, the Reporting Officer does not have reply evidence.

10. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as **Appendix 1** to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified pTTPP provisions made by the Panel. The tracked change version of the pTTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in **Appendix 1** of this Report must prevail.

11. This Recommendation Report contains the reasons for my recommendations. These comprise either adoption of the reasoning and recommendations of the original s42A Reports or a specific reasoning.

12. Where I recommend the pTTPP provisions should remain as notified, it is because:

(a) I have adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or

(b) I have recommended to retain the provision as notified for reasons set out in this Recommendation Report.

13. Where there is a recommended change to a notified provision of the pTTPP, it is because:

(a) I have recommended amendments to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

(b) I have adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

(c) I have adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

(d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

14. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

15. If there are circumstances where I consider that alternative relief is more appropriate than that requested in submissions to give effect to the RMA, NZCPS, national policy statements, RPS and/or the West Coast Regional Coastal Plan but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

16. If any changes are recommended to the provisions (since the s32A Report was completed) a further evaluation, if required, has been undertaken pursuant to s32AA of the RMA. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

17. Clause 16(2) of Schedule 1 of the RMA enables me to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (**Appendix 1** of this Report) records any such minor amendments.

1.2. Terminology in this Report

18. Throughout this Report, the following abbreviations will be used:

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
NCO	National Conservation (Grey River) Order 1991
NES-FW	National Environmental Standards for Freshwater
NPS-FW	National Policy Statement for Freshwater Management
NZCPS	New Zealand Coastal Policy Statement
Planning Standards	National Planning Standards
Port of Greymouth	PoG
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement

The Ports	The Westport Harbour Port and the Port of Greymouth
WCO	Water Conservation (Buller River) Order 2001
WCRC	West Coast Regional Council
WCRCP	West Coast Regional Coastal Plan
WCRLTP	West Coast Regional Land Transport Plan
WCRLWP	West Coast Regional Land and Water Plan
WMS	Westland Mineral Sands

1.3. Hearing Arrangements

19. The hearing was held via Audio Visual on the 4 December 2024.

1.4. Appearances

20. No submitters appeared at the hearing.

1.5. Right of Reply

21. No right of reply was necessary.

1.6. Procedural Steps and Issues

22. No procedural matters were raised at the hearing.

1.7. Site Visits

23. No site visits relating to these chapters were undertaken.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

24. The Activities on the Surface of Water subsection is one of seven subsections in the General District Wide Matters section located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. This subsection has objectives, policies and rules for activities occurring on the surface of rivers, streams, lagoons and lakes across the districts. The activities include the use of motorised watercraft for non-commercial, commercial, and Ports purposes; commercial activities; and the installation of structures and swimming platforms.

25. The s32 Report outlined the relevant statutory considerations applicable to Activities on the Surface of Water; and the relationships between the sections of the RMA and higher order documents.

26. The s42A Report highlighted the relevant matters from section 6, 7 and 8 of the RMA, along with the NPS-FW, NES-FW, NZCPS, National Planning Standards, WCO, NCO, RPS, WCRCP, WCRLWP, WCRLTP, and iwi management plans.

27. The s42A Report indicated that three Iwi Management Plans apply specifically within the West Coast/Te Tai o Poutini Region. However, the Report highlights that none of the three plans are of relevance to the particular issue of concern, being activities on the surface of water. The Report acknowledged that the Buller/Kawatiri/Kawatere River and Grey/Mawhera/Mawheranui River do have particular significance within the wider landscape to Poutini Ngai Tahu. However, it points out that neither River is subject to a Statutory Acknowledgement or any other means of protection or recognition provided for in the Ngai Tahu Claims Settlement Act 1998.

28. Clause 10 of Schedule 1 of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation. References to relevant submissions are made in the footers.

29. The National Planning Standards mandatory direction 7.27 requires provisions relating to managing activities on the surface of water be in an Activities on the Surface of Water chapter within the General District Wide Matters section of the Plan. I am satisfied the Plan structure, including Variation 1, is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. ACTIVITIES ON THE SURFACE OF WATER

2.1. Policy ASW-P4

Submissions

30. Five submissions relating to Policy ASW-P4 were received and are summarised in a Table on page 17 of the s42A Report.

31. All submissions supported the new Policy ASW-P4 and requested that the policy be added / retained / supported / adopted in the Plan. No submissions requested amendments to the wording of Policy ASW-P4.

32. I have considered the relevant submissions received and adopt the summaries in the s42A Report.

Section 42A Report

33. The Reporting Officer recommended that the five submissions be accepted, and Policy ASW-P4 as worded in Variation 1 be inserted into the Plan. In doing so, the Reporting Officer highlighted that Policy ASW-P4 would improve the workability of the Plan, particularly in relation to the Ports and their operations.

Hearing and Submitter Evidence

34. No submitters appeared at the hearing, and no hearing evidence was received.

Hearing Panel's Evaluation

35. I agree with the Reporting Officer's s32AA Report.

36. The Reporting Officer implied in the s32AA Report that the insertion of Policy ASW-P4 in the Plan would clarify that the Ports day-to-day operations on the surface of water are supported by the Plan's policy and rule framework. The Reporting Officer also implied that this clarification would improve the Ports certainty of operating on the surface of water, and the future development of the Ports. I agree with these implications.

Hearing Panel's Recommendation

37. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, I recommend that Policy ASW-P4 be added to the Plan as set out in the below section.

ASW-P4

Enable the use of the Port of Greymouth and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.

2.2. Rule ASW-R4A

Submissions

38. Five submissions relating to Rule ASW-R4A were received and are summarised in a Table on pages 17 to 18 of the s42A Report.

39. All submissions supported the new Rule ASW-R4A and requested that the rule be added / retained / adopted in the Plan. The WCRC highlighted that the continued operation of the Ports is consistent with the WCRLTP. No submissions requested amendments to the wording of Rule ASW-R4A.

40. I have considered the relevant submissions received and adopt the summaries in the s42A Report.

Section 42A Report

41. The Reporting Officer recommended that the five submissions be accepted, and Rule ASW-R4A as worded in Variation 1 be inserted into the Plan.

42. In doing so, the Reporting Officer indicated that Rule ASW-R4A would clarify that the Ports day-to-day operations on the surface of water are permitted activities under the Plan. This is suggested as removing considerable uncertainty about whether the Ports require resource consent for their specific activities on the surface of water. Therefore, the insertion of Rule ASW-R4A will improve the workability of the Plan generally, as stated by the Reporting Officer.

43. Additionally, the Reporting Officer highlighted that not adding Rule ASW-R4A to the Plan would not be conducive to future development of the Ports, nor enabling the Ports to continue to function effectively as regionally significant infrastructure.

44. Lastly, the Reporting Officer highlighted that the Plan is not intended to, nor does it need to, regulate the activities of the Ports.

Hearing and Submitter Evidence

45. No submitters appeared at the hearing, and no hearing evidence was received.

Hearing Panel's Evaluation

46. I agree with the Reporting Officer's s32AA Report.

47. Specifically, I agree that providing specifically for the Ports operations on the surface of water will distinguish them from other activities occurring on the surface of water, thereby reducing uncertainty in the application of the Plan. Consequently, the insertion of Rule ASW-R4A in the Plan will avoid any unnecessary regulatory process for regionally significant infrastructure, for example requiring the Ports to obtain a resource consent for their day-to-day operations on the surface of water.

Hearing Panel's Recommendation

48. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, I recommend that Rule ASW-R4A be added to the Plan as set out in the below section.

ASW-R4A	**Use of watercraft for Commercial Activities and Port Activities on the Surface of Water**
Activity Status Permitted: **Where: This is the use of the surface of water for commercial activities on water and other Port Activities** 1. **Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or** 2. **Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.** **Activity status where compliance not achieved: Restricted Discretionary**	

2.3. Rule ASW-R6

Submissions

49. Five submissions relating to Rule ASW-R6 were received and are summarised in a Table on page 18 of the s42A Report.

50. All submissions supported the amendment to Rule ASW-R6 and requested that the amendment be supported / retained / adopted in the Plan. The WCRC highlighted that the continued operation of the Ports is consistent with the WCRLTP. No submissions requested amendments to the wording of Rule ASW-R6.

51. I have considered the relevant submissions received and adopt the summaries in the s42A Report.

Section 42A Report

52. The Reporting Officer recommended that the five submissions be accepted, and the amendment to Rule ASW-R6 as worded in Variation 1 be inserted into the Plan.

53. In doing so, the Reporting Officer indicated that the amendment to Rule ASW-R6 will further assist in clarifying which commercial activities on the surface of water are not a permitted activity and, therefore, require resource consent.

54. Consequently, the Reporting Officer implied that providing this certainty will improve the workability of the Plan generally.

55. Lastly, as previously mentioned above, the Reporting Officer highlighted that not amending Rule ASW-R6 would not be conducive to future development of the Ports, nor enabling the Ports to continue to function effectively as regionally significant infrastructure.

Hearing and Submitter Evidence

56. No submitters appeared at the hearing, and no hearing evidence was received.

Hearing Panel's Evaluation

57. I agree with the Reporting Officer's s32AA Report.

58. For similar reasons as detailed above, I agree that distinguishing the Ports operations from other activities occurring on the surface of water, specifically by excluding the Ports from Rule ASW-R6, will reduce uncertainty in the application of the Plan and avoid any unnecessary regulatory process.

Hearing Panel's Recommendation

59. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, I recommend that the amendment to Rule ASW-R6 be added to the Plan as set out in the below section.

ASW-R6	Commercial Activities on the Surface of Rivers, Lagoons and Lakes **not associated with Westport Harbour Port and Port of Greymouth**

Activity Status Restricted Discretionary

Where:

1. Any commercial activity on the Makaawhio River, Arahura River, Lake Mahinapua, Mahinapua Creek/Tuwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata/New River is in accordance with an Iwi/Papatipu Rūnanga Management Plan and has written approval of the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio.

Discretion is restricted to:

a. Effects on public access and recreational use of the waterbody;

b. Effects on landscape, natural features or natural character of the waterbody and its margins;

c. Effects on the amenity values or any adjacent residential activities;

d. Effects on significant natural or historic heritage values including effects on scheduled sites or areas;

e. Effects of noise on the natural character, ecological and amenity values; and

f. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Advice Note:

1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these also subject to rules in the Sites and Areas of Significance to Māori Chapter.

Activity status where compliance not achieved: Discretionary



Dean Chrystal

Hearings Panel - Chair

Date: 7 April 2025

ASW Activities on the surface of water - Ngā mahi ki te kārewa o te wai

Add the following provisions:

ASW – P4 **Enable the use of the Port of Greymouth and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.**

ASW - R4A	Use of watercraft for Commercial Activities and Port Activities on the Surface of Water
Activity Status: Permitted Where: This is the use of the surface of water for commercial activities on water and other Port Activities 1. Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or 2. Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.	Activity status where compliance not achieved: Restricted Discretionary

ASW - R6	Commercial Activities on the Surface of Rivers, Lagoons and Lakes **not associated with Westport Harbour Port and Port of Greymouth**	
Activity Status Restricted Discretionary Where: 1. Any commercial activity on the Makaawhio River, Arahura River, Lake Mahinapua, Mahinapua Creek/Tuwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata/New River is in accordance with an Iwi/Papatipu Rūnanga Management Plan and has written approval of the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. **Discretion is restricted to:** • Effects on public access and recreational use of the waterbody; • Effects on landscape, natural features or natural character of the waterbody and its margins; • Effects on the amenity values or any adjacent residential activities; • Effects on significant natural or historic heritage values including effects on scheduled sites or areas; • Effects of noise on the natural character, ecological and amenity values; and • Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas. **Advice Note:** 1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these also subject to rules in the Sites and Areas of Significance to Māori Chapter.		**Activity status where compliance not achieved:** Discretionary

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Report and Decisions of Hearing Panel

Recommendation Report

Designations

Ngā Ratonga Matua

Hearing Date: 13 December 2023

HEARING PANEL

Dean Chrystal (Chair)

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with my appointment and other preliminary matters applicable to all Hearing Panel's recommendations on the Proposed Te Tai o Poutini Plan (pTTPP or 'the Plan') are recorded and addressed in Recommendation Report 1.

2. This Recommendation Report relates to Designations within the pTTPP. The Report contains my evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on designations within the pTTPP.

3. The Designations Section 32 Report provides a detailed record of the relevant statutory considerations around 'roll-over' designations and new designation and identifies the various designations proposed in the pTTPP.

4. The Section 42A Officer's Report ('s42A Report'), authored by Ms Kasey Zhai, a planner with Barker & Associates acting as the Reporting Officers, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on modifications and minor amendment to designations and addressed new designations. (any changes were included in Appendix 1). The report was structured on an Issue-by-Issue basis which has been followed in this recommendation report.

5. A hearing into the submissions received on Topic 8: Designations was held on the 13th of December 2023.

1.2. Terminology in this Report

6. Throughout this Report, the following abbreviations will be used.

Councils	Buller District Council, Grey District Council, and Westland District Council
BDC	Buller District Council
RMA or the Act	Resource Management Act 1991
Director General	Director General of Conservation
DOC	Department of Conservation
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
KiwiRail	KiwiRail Holdings Limited
Ngāi Tahu	Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio

NOR	Notice of Requirement
NZTA	NZ Transport Agency Waka Kotahi
RNZ	Radio New Zealand Limited
WDC	Westland District Council

1.3. Appearances

7. Ms Kasey Zhai, Section 42A reporting officer, was the only appearance at the hearing.

8. No submitters appeared at the hearing, however written statements were received from:

    - Ms Sheena McGuire, RMA Advisor on behalf of KiwiRail;
    - Mr Stuart Pearson on behalf of NZTA; and
    - Mr Ben Williams, legal counsel for RNZ

1.4. Topics Considered

9. A total of 77 submissions (72 submission points and five further submissions) were received on the Designations section. A number of matters were raised by submitters, and these have been grouped into the following key issues:

    - 'Roll over' of existing designations;
    - Modifications to existing designations;
    - Inclusion of new designations;
    - Grouping of designations; and
    - Minor amendments and corrections.

1.5. Hearing Arrangements

10. As no submitters wished to be heard on the designations topic the hearing was held via audio visual link with the section 42A (of the RMA) reporting officer Ms Zhai.

1.6. Procedural Steps and Issues

Scope Issue

11. Following the close of the submissions period, correspondence had been received from Buller District Council in relation to the Designation Schedule. These included:

    a. Decisions requested that were excluded from the Buller District Council submission;

    b. Submissions made to include two new designation sites at Muria Landfill and Westreef Quarry; and

c. The deletion of Designation 7 at McKay Road, Westport.

12. Ms Zhai considered these requests to be out of scope as they had not been received during the submissions process.

13. Submissions received from WDC (S181.063) and The Proprietors of Mawhera Incorporation (S621.031) sought to include new designations at the Hokitika Transfer station (Part Reserve 452 on Hau Hau Road) and the water supply tanks and water supply extraction and pumping building at Arahura (33 Old Christchurch Road) respectively.

14. Ms Zhai considered that the requests to include new designation sites were outside of the scope as they were not 'on' the pTTPP as notified. In particular, she considered there was a risk that persons potentially affected by the inclusion of new designations had not had the opportunity to participate in the decision-making process. She also noted that section 170 and Schedule 1 of the RMA sets out the procedures for the inclusion of a new designation and that these requests fell outside that process.

15. I have addressed these scope issues in the decision below.

1.7. Right of Reply

16. Ms Zhai provided a right of reply in which she addressed questions raised during the hearing. These are further addressed below.

1.8. Site Visits

17. No site visits relating to these chapters were undertaken.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

2. STATUTORY REQUIREMENTS

18. Clause 4 of the First Schedule sets out the requirements to be inserted prior to notification of proposed district plans. This includes giving written notice to any requiring authority that has a designation that has not lapsed inviting them to give written notice stating whether they require the designation to be included, with or without modification, in the proposed plan. Where the requiring authority states that a designation is to be included in the proposed plan, with modifications, it shall include in its written notice the nature of the modifications, and the reasons for the modifications.

19. If the requiring authority fails to notify the territorial authority no provision for the designation shall be included in the proposed plan.

20. Clause 5 (1B) of the First Schedule requires that a territorial authority ensures that notice is given of any requirement or modification of a designation under clause 4 to landowners and occupiers who, in the territorial authority's opinion, are likely to be directly affected. On behalf of the TTPP Committee letters were sent out to all requiring authorities in April/May 2020.

21. In assessing Notices of Requirements (NOR) to be included in a proposed District Plan as designations, the territorial authority makes a recommendation or decision, depending on who has lodged the NOR.

22. If the NOR is received from a Council (i.e. Council is the requiring authority), the Panel (in this case myself) hearing the NOR is delegated to make a recommendation to that Council in accordance with section 168A(4) of the Act to confirm, modify, impose conditions or withdraw the requirement. The Council will then make its decision under clause 9(2) of the First Schedule of the Act.

23. In terms of those NOR's lodged by other requiring authorities, the Panel (being myself) makes a recommendation to the requiring authority under clause 9(1) of the First Schedule in accordance with section 171(2) of the Act to confirm, modify, impose conditions or withdraw the requirement. The requiring authority then makes a decision whether to accept or reject the recommendation in whole or in part pursuant to section 172 of the Act.

24. When making a recommendation on a NOR, the territorial authority must have regard to matters listed in Sections 168A(3) or 171(1) and must not have regard to trade competition. It must provide reasons for the recommendation or decisions. Sections 168A(3) and 171(1) provide that:

> When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -
>
> (a) any relevant provisions of -
>
> (i) a national policy statement;
>
> (ii) a New Zealand coastal policy statement;
>
> (iii) a regional policy statement or proposed regional policy statement;
>
> (iv) a plan or proposed plan; and
>
> (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if -
>
> (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
>
> (ii) it is likely that the work will have a significant adverse effect on the environment; and
>
> (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
>
> (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

25. For those NOR for the rollover of designations to which no submissions have been received upon and there is no recommendation for any new conditions, the territorial authority is not allowed to make a recommendation. It must simply include the 'roll over' designation in the Proposed District Plan (Clause 9(3) of the First Schedule of the RMA).

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

3. SUBMISSIONS

3.1. Overview of issues raised in Submissions

26. Submitters on the designation chapter sought to include designations that had been omitted, add new designations and amend/correct existing designations, including legal descriptions and delete existing designations or oppose the inclusion of existing designations.

27. Submitters and further submitters included Buller, Grey and Westland District Councils, Director General of Conservation (Director-General), NZTA, KiwiRail, the Ministry of Education, RNZ, Buller Conservation Group, Frida Inta, The Proprietors of Mawhera Incorporation, Laura Coll McLaughlin, William McLaughlin, Chris J Coll Surveying Limited, Chris & Jan Coll, Martin & Co Westport Ltd and Lumberland Building Market Westport, the Department of Corrections, Forest and Bird and Ngāi Tahu.

3.2. Section 42A Report

28. Ms Zhai provided a report addressing each of the topics and submissions identified above. Her conclusions are discussed in the body of each topic.

3.3. Post Hearing

29. At the conclusion of the hearing Ms Zhai was asked to respond to a number of questions (outlined above) in her right of reply stemming from questions asked at the hearing. These included:

    - The scope to include new designations or modifications to existing designations;
    - The need for the inclusion of a roading hierarchy;
    - Whether to include mapped Outstanding Natural Landscapes, Outstanding Natural Features, and Outstanding Natural Character within KiwiRail designated areas;
    - Amendment of KiwiRail KRH1 designation hierarchy to ‘varies’ and
    - Amendments to designation boundaries (NZTA-1 – NZTA-10) sought by NZTA.

30. Ms Zhai provided a right of reply on the 21 December 2023 which addressed the matters above. One particular issue that remained unresolved was in relation to the amendments to designation boundaries which had been sought by NZTA in Mr Pearsons evidence.

31. In her response Ms Zhai, while agreeing that it was appropriate to amend the state highway designation said she could not confirm whether the expanded designation extents apply to existing private property and that based on her analysis, she considered that the number of amendments sought was high, and there was potential for the recommended expansion areas to result in significant change to the existing state highway designation boundaries. She acknowledged that this would be a significant undertaking, and considered NZTA should show the changes to the designation boundary in greater detail to ensure that the mapping amendments they had recommended could be assessed for accuracy.

32. Consequently, a Minute (Minute 15) was issued seeking a response from NZTA as to whether they were able to provide the necessary information referred to.

33. A response was received from Mr Pearson on 23 February 2024 and is addressed below.

3.4. Scope

34. The issue of scope centred around submissions that were made by various parties seeking lodged new designations or amendments to existing designations.

35. Buller District Council (BDC) had, following the close of the submissions, provided correspondence in relation to matters relevant to the Designation Schedule. These included:

    a. Decisions that were excluded from the Buller District Council submission;

    b. Submissions made to include two new designation sites at Muria Landfill and Westreef Quarry; and

    c. The deletion of Designation 7 at McKay Road, Westport.

36. The requests by BDC were considered by Ms Zhai to be out of scope as they were not within the scope of a submission received through the submissions process.

37. Submissions from WDC (S181.063) and The Proprietors of Mawhera Tiamana Mawhera Incorporation (S621.031) sought to include new designations at the Hokitika Transfer station (Part Reserve 452 on Hau Hau Road) and the water supply tanks and water supply extraction and pumping building at Arahura (33 Old Christchurch Road) respectively.

38. Ms Zhai also considered these requests were beyond scope as they were not 'on' the pTTPP as notified. In particular, she said there was a risk that persons potentially affected by the inclusion of new designation sites had not had the opportunity to participate in the decision-making process. She also noted that section 170 and Schedule 1 of the Act set out the procedures for the inclusion of a new designation.

39. I sought a legal opinion on these matter as part of the right of reply. In particular I was interested as to where the various delegation around designations sat given the rather different circumstances of the pTTPP process.

40. The response (in summary) from Wynn Williams was:

    1. *The TTPP committee has been transferred powers under Schedule 1 of the RMA which includes a requirement under clause 4 to give notice to requiring authorities of a new district plan, prior to the proposed plan being notified.*

    2. *The Order in Council transferring powers to the West Coast Regional Council, which have been delegated to the TTPP Committee, does not explicitly refer to section 170. However, the purpose of the transfer of powers does more broadly refer to the preparation and notification of a district plan. In the context of the preparation and notification of district plans, we consider this includes any NORs for designations prior to the TTPP being notified, particularly given clause 4(5) of Schedule 1 refers to designations to which section 170 applies.*

3. *There are other processes where new designations (or alterations) can be included in a proposed plan. However, we do not consider that the powers and obligations transferred to the TTPP committee extend to these other processes. These include the processes for making alterations to existing designations under section 181 and the inclusion of new designations under section 175.*

4. *Under the RMA, there is no process that provides for the inclusion of NORs for designations in a proposed plan through relief sought in submissions. Therefore, any requests for new designations received via submissions cannot be included in the TTPP.*

41. In terms of s181, Wynn Williams opinion was that the Buller, Grey and Westland District Council's powers under section 181 of the RMA have not been transferred to the West Coast Regional Council or delegated to the TTPP Committee. It therefore appears open to them individually to make alterations to a designation in the TTPP pursuant to the requirements of s181 should they choose to.

Evaluation and Recommendation

42. Dealing first with the WDC and The Proprietors of Mawhera Tiamana Mawhera Incorporation submissions, I agree with Ms Zhai that there is no scope to include the new designations for the Hokitika Transfer station and the water supply tanks and water supply extraction and pumping building at Arahura. As pointed out by Ms Zhai and confirmed in the Wynn Williams legal opinion, the request to introduce new designations needed to have occurred prior to the notification of the pTTPP on 14 July 2022. As a result, I recommend that these particular submission points be **rejected**. Notwithstanding this, as referred to above, it is open to WDC to go through the normal NOR process to designate these sites.

43. Notwithstanding the above, in reviewing this matter it has been discovered that the address of the Hokitika Transfer station is shown in the Site identifier for Butlers Landfill (WDC8) which is a completely different designation. This appears to be an error, and I consider it can be addressed pursuant to Clause 16(2) of the First Schedule of the RMA as shown in **Appendix 1**.

44. Turning to the BDC correspondence, this has come post the closure of hearings. I acknowledge many of the changes sought through this correspondence appear on the face of it to be simple changes in the title of the designation and/or errors within the contents of the information initially provided. However, those involving the change from Refuse Tip to Landfill would also impact upon the designations purpose. My concern here is that these names may mean different things i.e. a Refuse Tip may include both the transfer of waste and/or the landfilling of waste, whereas a Landfill, which I note is defined in the National Planning Standards, is solely for the disposal of waste. The change therefore may have a perverse outcome. I was also concerned as to whether this type of change sat within the ambit of Clause 16(2).

45. I therefore sought some further advice of this from Wynn Williams[1], which looked at the BDC situation and in summary states:

> *In these circumstances, we consider that a change to the purpose through the use of clause 16 is not available, and the relevant requiring authority will instead have to proceed through the amendment procedure set out in Part 8 of the RMA.*

46. On the basis of the above, I consider that changes to BDC 20-BDC 23 & BDC 25-28 to refer to "landfill" rather than "refuse tip" would need to go through a s181 modification process and

[1] Memorandum dated 6 March 2025 - Proposed Te Tai o Poutini Plan - designation amendments, paragraph 7

are therefore beyond scope. It may be however that through that process BDC might be better able to define the current purpose of each designation moving forward.

47. In terms of Addisons Cemetery, this appears to have been inadvertently left off the roll over designations put forward by BDC, however as its neither an alteration of minor effect or correcting a minor error. The Wynn Williams memorandum[2] confirms that:

> *The process for including designations in a proposed district plan requires the requiring authority to give notice to the territorial authority* (in this case the TTPP Committee) *of its intention to include certain designations … must occur prior to notification of the proposed plan and clause 4(4) makes it clear that if a requiring authority fails to notify the territorial authority that it wants its designations included in the district plan, no provision for the designation shall be included in the proposed plan".*
>
> And that:
>
> *Accordingly, given Buller District Council did not give notice to the TTPP Committee of its desire to have the Addison Cemetery designation rolled over into the TTPP and it therefore cannot be included in the pTTPP through the Schedule 1 process. Buller District Council must rely on the Part 8 process to include this designation in the TTPP.*

48. I have therefore reached a conclusion that I am unable to support this designation being included in the pTTPP and it would now need to go through the formal NOR process.

49. In terms of the Muria Landfill and Westreef Quarry sites, these appear to be new NORs that were filed as submissions on the pTTPP well after 14 July 2022 (although they do not appear to have been recorded as submissions). As referred to in the legal opinion any requests for new designations received via submissions cannot be included in the TTPP, therefore again I can take these no further and for the sake of clarity they are rejected, but it is open to the Council to go through the normal NOR process.

50. Notwithstanding the above there are in my view some matters within the BDC correspondence that can be address with under Clause 16(2) of the First Schedule of the RMA which enables alterations of minor effect or corrects of minor errors. In my opinion making these amendments now is both efficient in terms of costs and will result in improvements to the pTTPP.

51. The first of those relate to the Reefton Resource Recovery Park and the Westport Water Supply Catchment. These are clearly alterations of minor effect and/or corrects of minor errors. In this context the recommended amended wording is as follows (and set out in **Appendix 1**):

- **BDC 24** Amend as follows:

  Reefton ~~Resource Recovery Park~~ **Transfer Station and Recycling Centre**

Designation unique identifier	BDC24
Designation purpose	Collection, Storage and Transfer of Solid Waste

[2] Memorandum dated 6 March 2025 - Proposed Te Tai o Poutini Plan - designation amendments, paragraphs 14-15

Site Identifier	Part Section 135 Square 131, Section 264 Square 131, Section 12 Block XIV SO 7456
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	1. The access to the site from Willowbank Road shall be formed and sealed as a two lane road, to NZS 44004:2010 prior to the opening of the Resource Recovery Park. 2. All buildings shall comply with the relevant standards in the ~~Rural one of the Buller District Plan,~~ **Rural Zone Chapter of the Te Tai o Poutini Plan.** 3. Screen planting, of native species such as Flax, Toitoi, Manuka, shall be provided around the entire perimeter of the Operational Area. 4. A ~~section~~ **security** fence shall be erected and lined with wind cloth.

- **BDC 33** Amend 'Westport Water Supply Catchment' to 'Westport Wastewater Treatment Plant'.

52. In relation to the extent of the Westport Refuse Tip, and based on further investigations into this matter, I have concluded that the correct information was provided to the TTPP Committee, however because of the status of the existing piece of land identified in the operative Buller District Plan being 'reclamation' and which appears to have no legal description, it has been left off the Planning Maps in the pTTPP in error (this is also the opinion in the Wynn Williams Memorandum[3]). It is however clear both in the section 32 statement and in the list of designation in the pTTPP that the Site Identifier is Sections 41 & 42, Block III, Kawatiri Survey District (the two sites identified on the Planning Maps in the pTTPP) and Reclamation [emphasis added]. The reference to reclamation in my opinion is clearly referring to the site west of Craddock Drive currently designated in the operation Buller District Plan.

53. Finally, the issue of the deletion of Designation 7 at McKay Road. This is a Transpower designation, and it transpires that it was actually confirmed to be removed from the operative Buller District Plan by BDC in October 2019. The fact that it has been drawn across into the

[3] Memorandum dated 6 March 2025 - Proposed Te Tai o Poutini Plan - designation amendments, paragraphs 16-22

pTTPP is therefore clearly an error and I accept it should be removed from the Planning Maps, as detailed in **Appendix 1**, regardless of the late notification by BDC.

54. I note that the dismantling of the transmission lines (which are shown on the pTTPP Planning Maps) servicing the substation associated with the above former Transpower designation was discussed at the Energy Infrastructure and Transport hearing by Ms Eng representing Transpower.

3.5. Discussion of Issues

Issue 1 - 'Roll over' of Existing Designations

Submissions

55. Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.001) sought to include the Westport Community Hall (including Memorial Hall, PYC Hall) and Victoria Park in the Designations.

56. GDC (S608.833 and S608.838) sought that a number of designations within the operative Grey District Plan which have been given effect to but have been omitted from the pTTPP be rolled over.

57. The Director-General (S602.235 and S602.236) sought to delete designations for Fox River (DOC1) and Te Ana Matuku Caves (DOC2). Fox River is gazetted as Punakaiki Scenic Reserve and Te Ana Matuku Caves gazetted as a historic reserve. The Director-General therefore consider that these designations are not necessary.

Section 42A Report

58. Ms Zhai noted that the Westport Community Hall had already been rolled over and included in the designations but that Victoria Square, which was designation in the operative Buller District Plan, had not and she supported its inclusion. She also said that with the exception of the designation for Wildlife reserve – Blaketown Lagoon wildlife management reserve, which had been included in the pTTPP, the sites referred to by the GDC were existing designations included in the operative Grey District Plan that are identified as having been given effect to. She therefore considered that it was appropriate to include those designations.

59. Ms Zhai accepted that Designations DOC1 and DOC2 were not necessary.

Hearing and Submitter Evidence

60. No further information was provided at the hearing by submitters.

Reporting Officer Reply Evidence

61. No further response to the above matters was made by Ms Zhai in her right of reply.

Evaluation and Recommendation

62. I agree with Ms Zhai that the Westport Community Hall is already identified in the pTTPP and I also note the Mackay Street and Guiness Street service lane is also already identified. I therefore recommend these particular submission points are **accepted,** and no changes are required.

Reserves

63. In terms of the various reserves sought to be designated and subsequent to the hearing, I have received a memorandum from Ms Easton, Principal Planner making me aware that with the development of Te Tai o Poutini Plan, a decision was made by the three Councils and the TTPP Committee to change the approach for managing parks and reserves through the use of an Open Space Zone, and to not roll over or continue the designation approach. I note that this is discussed with the s32 report for Open Space Zones and is identified as the preferred option. In supporting submissions seeking to roll over designations for a number of parks and reserves in Buller and Grey Districts it appears that Ms Zhai was unaware of this decision and approach.

64. On the basis that the various reserves referred to have been zoned Open Space in a new approach, I recommend that the submission points seeking their designation be rolled over be **rejected**.

Greenstone Cemetery

65. GDC had sought the inclusion of GDC21 Greenstone Cemetery within the designation schedule, indicating that it was missing from the designation list in the plan. It is clear that Greenstone Cemetery is shown as designated on the pTTPP planning maps on Kumara-Inchbonnie Road. The designation schedule also appears to be missing a designation in jumping from GDC20 to GDC 22. In my view therefore an error has occurred in the notification of the pTTPP whereby the Greenstone Cemetery was left off the designation schedule. It is therefore recommended that this component of the GDC submission is **accepted** and GDC21 Greenstone Cemetery is included in the schedule as shown in **Appendix 1**.

Minister of Conservation

66. In terms of the Minister of Conservation Designations I **accept** their positions and recommend that the following designations be deleted from the designation schedule and planning maps as set out in **Appendix 1**:

    - Fox River
    - Te Ana Matuku Caves

Issue 2 - Modifications to Existing Designations

Submissions

67. WDC sought to include the following within existing designations:

    a. Lot 4 DP 419200 with Lot 1 DP 2170 within the Franz Josef Oxidation Pond designation.

    b. Lots 5, 7, 11 and part 12 DP 2393 and Lot 2 DP 2702 within the Hokitika Airport designation.

    c. Part Reserves 2101 and 2102 and Part Reserve 1015 within the Franz Josef Aerodrome designation. This was opposed by Forest & Bird on the basis that it was unclear whether the reserve land is already designated for the Franz Josef Aerodrome. Forest & Bird consider that if not, a NOR process should be followed.

    d. Lot 1 DP 462988 as Water Supply Storage and Treatment Designation (WDC7).

68. NZTA (S450.326) sought a number of amendments to modify the designation boundaries.

69. RNZ (S476.043) sought the inclusion of the designation boundaries of the Cape Foulwind Transmission Site within the Planning Maps.

70. KiwiRail (S442.096) sought to amend the Planning Maps to delete any overlays for Outstanding Natural Features, Outstanding Natural Landscapes, and Outstanding Natural Character on KiwiRail's designation.

71. William McLaughlin (S567.730), Chris & Jan Coll (S558.704), Chris J Coll Surveying Limited (S566.704), and Laura Coll McLaughlin (S574.704) sought to amend NZTA designations so that they do not extend beyond the legal road boundary.

Section 42A Report

72. In terms of the WDC submission points, Mr Zhai:

    i. noted in relation to the Franz Josef Oxidation Pond (WDC2), that Lot 4 DP 419200 was not part of the existing designation under the operative Westland District Plan, and therefore did not support its inclusion as a designation;

    ii. supported the inclusion of the lots within the Hokitika Airport Designation Schedule as these were currently accessory to the operation of the Airport and located within the designation boundaries notified within the pTTPP;

    iii. supported the inclusion of Part Reserves 2101 and 2012 into the Franz Josef Aerodrome designation as this land was currently located within the designation boundaries notified within the pTTPP, however, she did do not support the inclusion of Part Reserve 1015, which is excluded from the existing designation extent in the operative Westland District Plan; and

    iv. supported the inclusion of Lot 1 DP 462988 within the Water Supply Storage and Treatment Designation Schedule as this site is an existing designated site under the operative Westland District Plan.

73. In relation to the relief sought by NZTA, Ms Zhai agreed that it may be appropriate to amend the spatial extent of designations within the Planning Maps to align with the formed and operational road corridor, as this would not provide for new roading works on land that was not previously designated. However, she pointed out that NZTA had not identified the specific designations to be amended and invited them to provide further evidence and mapping to clarify the land to be included within designations NZTA-2, NZTA-3, NZTA-5, and NZTA-8.

74. Ms Zhai did not support the widening of state highway designation boundaries adjacent to structures such as bridges, viaducts and overbridges to 5m either side the edge of the structure to allow for ongoing operation, maintenance and improvements. In her view, potential effects resulting from these works, including on existing waterbodies, were appropriately managed under the provisions of the District Plan or through an application to alter the existing designation.

75. NZTA also sought to expand the state highway designation in three other locations, as set out below:

a. To include 'missing' road parcels that form part of the operational state highway network but are currently excluded from the designation boundary;

b. To include existing non-road parcels that form part of the operational road network; and

c. To include areas such as gravel areas, lay-by's, etc. used for network maintenance.

76. Ms Zhai agreed with NZTA that in instances where the land is contained within the road network and not under private ownership, it may be appropriate to expand various state highway designation boundaries. However, she said insufficient detail of the specific parcels to be included had been provided. As such Ms Zhai extended an invitation to NZTA to provide further evidence and mapping of the land to be included within each designation.

77. In a related matter, several submitters sought to amend NZTA designations so that they did not extend beyond the legal road boundary. In the absence of specific and sufficient details provided by the submitters, Ms Zhai did not support the relief sought.

78. Ms Zhai supported the inclusion of the Cape Foulwind Transmission Site within the Planning Maps to record the geographic extent of this existing designation.

79. Turning to KiwiRail submission, Ms Zhai did not support the removal of the overlays on the grounds that it was neither necessary nor efficient. She stated that the designation purpose and conditions already take precedence over the provisions of the District Plan and that retention of the plan overlays will ensure that it will still apply should the designated land no longer be used its designated purpose.

Hearing and Submitter Evidence

NZTA

80. Mr Pearson on behalf of NZTA provided evidence which addressed NZTA's general position and the state highway designation mapping errors. In this context his evidence provided details on the amended state highway designation shapefiles which had now been provided. He considered these amendments were appropriate to ensure that the state highway network can be constructed, operate, be maintained and improved in accordance with the purpose of these designations.

81. In terms of the 5m additional width either side of road structures such as bridges, viaducts, overbridges etc sought by NZTA, Mr Pearson said he considered that there was benefit in extending the width of the designation to provide ease of identification in the proposed TTPP for the maintenance and protection of state highway infrastructure and that there was no impact on private property created by the modifications. He said it was no more than a minor change, which results in no more than minor effects.

82. Me Pearson said the additional 5m width on either side of a structure did not remove the responsibility for NZTA to get appropriate approvals, such as a regional consent, to undertake works within waterways for the maintenance and repair of these structures.

83. Mr Pearson did not consider that there was a difference in effects doing the alteration through the Schedule 1 process under the RMA compared to a s181 process in this instance. He said Clause 4 of Schedule 1 allows for new requirements to be included into existing designations, with or without modifications and it does not restrict the extent to how much a designation can be modified where there are no more than minor effects.

RNZ

84. In a memorandum from legal Counsel, RNZ had supported the description of its designation at Cape Foulwind but sought that the geographic extent be clearly identified on the Proposed Plan maps and had provided a site plan for mapping purposes and clarified that the land at Cape Foulwind that is occupied by its facilities is administered by the DOC and that RNZ holds a telecommunications concession from DOC for Commercial Radio Purposes. RNZ indicated that they supported the recommendation to accept its submission and to identify the Cape Foulwind designation on the pTTPP maps. They noted however that the recommendation appeared to be in error in referring to Lot 1 DP 462988 instead of Lot 2 DP 353986 but that the spatial extent of RNZ's designation was correct.

KiwiRail

85. In terms of their submission to delete any overlays over KiwiRail's designation Ms McGuire, on behalf of KiwiRail she considers this submission point should be addressed in a later hearing for Ecosystems and Indigenous biodiversity, and Outstanding Natural Landscapes. She noted that the designation purpose and conditions take precedent over the overlay provisions. However, KiwiRail did not consider it appropriate to include an established, developed rail corridor within an overlay recognised for having outstanding natural values. She said overlays should include land which accurately meets the values of that overlay as opposed to unnecessarily including built infrastructure.

Reporting Officer Reply Evidence

86. As referred to above, Ms Zhai still considered further information was required from NZTA on the state highway designations which is addressed below in NZTA's response.

87. Specifically in relation to mapping corrections recommended to NZTA-2 and NZTA-3, NZTA-7, and NZTA-8, Ms Zhai noted that it was unclear from the planning maps whether the new designation extent would apply to private property in terms of the Taramakau River Bridge and Ahaura River Bridge. She noted that the planning maps had not been updated to incorporate the latest LINZ parcel boundaries. In relation to NZTA-8, she said the expanded designation was located within the existing road parcel and incorporates the existing formed and operational road network, therefore in this instance she considered there was sufficient information available to support the requested mapping amendment.

88. In related to NZTA's submission to extend the state highway designation by 5m on either side of an existing structure, Ms Zhai reiterated she did not support the request noting that in some instances, the extension may include land outside of the existing road parcel, which in her view would necessitate conditions ensuring these areas were only used for maintenance activities. Alternatively, she said further assessment would be necessary to determine whether the expanded areas could accommodate future physical works to extend the existing structure. She also was of the view that as a number of structures were located within waterbodies, expansion of the designation extent had the potential to affect cultural values. Ms Zhai concluded that there was potential for more than minor effects in expanding the designation extent to 5m on either side of the edge of existing structures. She also advised that it didn't appear that a similar approach had been taken in other recently reviewed district plans.

89. Ms Zhai agreed with Ms McGuire that the KiwiRail submission on overlays was more appropriately determined as part of the Ecosystems and Indigenous Biodiversity hearing and indicated that submission S442.096 has subsequently been reallocated to that hearing stream.

NZTA Response

90. In response to Minute 15 referred to above, Mr Pearson said NZTA was aware that there are several encroachments where it appears that the designation is outside a legal road parcel. However, he said these encroachments were primarily because of historical geospatial issues when identifying the spatial boundaries of the state highway that have resulted in inconsistencies when displayed on a spatial display system, such as GIS. In many instances he said the surveyed legal property boundary on the ground is correct, but the digital representation in the GIS is incorrect.

91. To ensure that NZTA can provide clarity to the amendments sought to the state highway designations, Mr Pearson said a robust process was worked through where each of the discrete areas identified were checked to be consistent with the original submission. Where the amendments were consistent with the original submission, it ensured that any affected landowners had the opportunity to comment on such request. Where any of these discrete areas were inconsistent with the original submission or were investigated to no longer be required, these had been removed. By undertaking these additional checks, Mr Pearson said it should provide enough detail and reasoning as to why the amendments are required and it can then be checked for accuracy. He said each discrete area has been reviewed and coded in accordance with a series of categories which align with the scope of the original submission.

92. Mr Pearson provided a series of spreadsheets with a breakdown for each discrete area and how they've been coded against each category and identifying which were within and outside of scope. Where a discrete area was determined to be out of scope or determined to not be required, these had been removed and the designation shapefiles. Overall, he considered that the amendments sought to the state highway designations in the original NZTA submission were within scope of the original submission and the spreadsheets should provide sufficient detail to be checked for accuracy and can confirm the need for the amended designation shapefiles.

93. Mr Pearson considered that the discrete areas and associated amendments to the shapefiles were consistent with Ms Zhai's position above, with the exception of the widening of the designation 5m on either side of a bridge or structure which he considered to be appropriate through Clause 4 of Schedule 1 of the Resource Management Act 1991.

Evaluation and Recommendation

Westland District Council

94. In term of the Hokitika Water Supply Storage and Treatment Designation (WDC7), I accept Ms Zhai's conclusion that Lot 1 DP 462988 should be included in the designation. It is clearly shown as designated on the planning maps in the operative district plan (although not in the legal description) and contains water reservoirs. The sites in the legal description in the operative district plan, which have been transferred over to the pTTPP, were not identified on the planning maps of that plan. In my opinion there have been errors here in operative district which have now been transferred to the pTTPP. WDC have sought via submission to correct these and under Clause 16(2) of the First Schedule of the RMA corrects of minor errors, which I consider this is, are enabled. This submission point by WDC is therefore recommended to be **accepted**.

95. I disagree with Ms Zhai in relation to the Franz Josef Aerodrome amendments. The two legal descriptions she recommends be included within the designation (Part Reserves 2101 and 2012) are not located within the designation boundaries notified within the pTTPP as she suggests. I

believe Ms Zhai has confused the designation boundary with the Airport Zone which the two legal descriptions are inside. I do however accept that while airfield related activities occur on Pt RS 1015 this land is also not within the current designation. As I have discussed earlier in this decision, and as addressed in the Wynn Williams legal opinion, these titles needed to be introduced into the designation prior to the notification of the TTPP on 14 July 2022 (accompanied by a relevant assessment) as part of the requirements under Clause 4 of the First Schedule of the RMA. There is no ability to modify (i.e. add to) a designation via the submission process as is being sought here. This submission point by WDC is therefore recommended to be **rejected** and the further submissions of Forest and Bird **accepted**.

96. Similarly, and for the reasons discussed in the above paragraph, I agree with Ms Zhai with regards the Franz Josef Oxidation Pond and the submission by WDC seeking to introduce Lot 4 DP 419200 into the designation. This submission point by WDC is therefore recommended to be **rejected**.

97. In term of the inclusion of Lots 5, 7, 11 and part lot 12 DP 2393 and Lot 2 DP 2702 within the Hokitika Airport Designation Schedule I have reviewed the site identifier and the planning maps within the pTTPP and I do not agree with Ms Zhai's conclusions. While I acknowledge that these lots may well be accessory to the operation of the Airport, they are not located within the designation boundaries notified within the pTTPP nor are they identified on the site identifier within the Designation Schedule for Hokitika Airport (WDC5). Furthermore, these lots and others in this location, which the Council did not seek to designate, are zoned General Industrial rather than Airport Zone Again, for the reasons discussed above, the inclusion of these lots cannot be dealt with by way of a submission. Furthermore, it seems to me that there is a broader issue as to what needs to be included in any modification of the Hokitika Airport designation. This submission point by WDC is therefore recommended to be **rejected**.

NZTA

98. Submission point S450.326 for NZTA seemed to have two parts. The first was to request that the state highway designation geospatial shapefiles be modified to better reflect the existing formed and operational state highway corridor. The second was that all state highway designations be widened adjacent to structures, such as bridges, viaducts and overbridges, to 5m either side beyond the edge of the structure to allow for ongoing operation, maintenance and improvements. This request only appears in Attachment B to the NZTA submission rather than in the main body of the submission under the Designations heading.

99. Dealing with the first part of the submission, NZTA have now provided a series of files to correct situations associated with the state highways where there are encroachments where it appears that the designation is outside a legal road parcel. However, he said these encroachments were primarily because of historical geospatial issues when identifying the spatial boundaries of the state highway that have resulted in inconsistencies when displayed on a spatial display system, such as GIS. In many instances he said the surveyed legal property boundary on the ground is correct, but the digital representation in the GIS is incorrect.

100. I agree that these amendments are appropriate and will ensure that the state highway network can be constructed, operated, maintained and improved in accordance with the purpose of the designations. I therefore recommended that the first part of the NZTA submission be **accepted**.

101. In terms of the second part of the submission to widen the state highway adjacent to structures, I agree with Ms Zhai that the approach sought be NZTA would be better managed through an application to alter the existing designations. There are potential effects resulting from

expanding the designations around structures which should, in my view, be appropriately assessed. I therefore recommend that this component of the NZTA submission be **rejected**.

RNZ

102. In terms of the RNZ submission, I recommended their submission be **accepted** noting that the error in referring to Lot 1 DP 462988 instead of Lot 2 DP 353986 be corrected.

KiwiRail

103. I acknowledge that this submission has been transferred to another hearing.

Other Submitters

104. A number of submitters sought to amend Waka Kotahi designations so that they do not extend beyond the legal road boundary, however they have not identified specific designations or property addresses. I agree with Ms Zhai that in the absence of details, the relief sought is not supportable and I recommend that these submissions be **rejected**.

Issue 3 – Inclusion of other existing designations

Submissions

105. Frida Inta (S553.203) and Buller Conservation Group (S552.203) sought to include a roading hierarchy in the Designation schedule.

106. GDC (S608.539) sought to confirm or clarify whether all roads are automatically designated, noting that additional or specific details on the purpose of the designation could provide an opportunity to include more common activities and thereby limit the need for authorisation through a resource consent when fully within the road reserve.

Section 42A Report

107. Ms Zhai acknowledged that all public roads were designated under the Grey District Plan. She also noted that the pTTPP provides for operation, removal, repair, and maintenance within a road reserve or transport corridor under TRN-R2 as a permitted activity. In her view, the management of works within the road reserve under the provisions in the pTTPP, including TRN-R2, is effective and efficient, particularly as a number of the operative District Plans do not include a general roading designation that can be rolled over. She said in her opinion, TRN-R2 will provide clear direction to all plan users, while other provisions, such as those in relation to overlays, apply where there are additional environmental effects or considerations. She therefore did not support amendments to the Designation schedule to include public roads.

Hearing and Submitter Evidence

108. No further information was provided at the hearing by submitters.

Reporting Officer Reply Evidence

109. In addressing the issue of a roading hierarchy or classification in accordance with the One Network Framework, Ms Zhai said she understood this was subject to consideration under the Energy, Infrastructure, and Transport topic and in her view, the Transport chapter was the more appropriate place for it to be addressed. She said that in the event that a roading hierarchy or

classification was to be included within the pTTPP, she did not consider it was necessary to do so under the Designation schedule and that it was more appropriate for this information to be located within an appendix or schedule as was the case with other recently adopted district plans.

Evaluation and Recommendation

110. On the basis of the information received I accept the recommendations of the s42A reporting officer not to include within the designations a schedule of public roads or a roading hierarchy and recommend that these submissions are **rejected**.

Issue 4 - Grouping of designations

Submissions

111. Buller Conservation Group (S552.202) and Frida Inta (S553.202) sought to group designations by purpose. Both parties (S552.221 & S553.234) also sought to amend listings in the designation schedule to run north to south.

Section 42A Report

112. Ms Zhai did not support the relief sought in relation to the grouping of designations as the National Planning Standards direct that each requiring authority name must be a chapter under the Designations section. She recommended that no amendments were made in response to these submission points.

Hearing and Submitter Evidence

113. No further information was provided on this issue.

Evaluation and Recommendation

114. On the basis of the information received I accept the recommendations of the s42A reporting officer and recommend that all the submissions are **rejected**.

Issue 5 - Minor amendments and corrections

Submissions

115. A number of submissions sought minor amendments and corrections to the notified Designation schedule. The submissions were from:

- Ara Poutama Aotearoa, Department of Corrections (Corrections) (S349.012)
- KiwiRail (S442.094)
- NZTA (S450.305 - S450.325)
- Ministry of Education Te Tāhuhu o Te Mātauranga (MoE) (S456.054 - S456.057)
- Grey District Council (GDC) (S608.818 - S608.832, S608.834 - S608.837)

116. The amendments sought included changes to, or the inclusion of, legal descriptions and addresses, the removal of land no longer forming part of the designation, amendments to the wording of designations and the provision of further information.

Section 42A Report

117. In terms of the Corrections submission regarding MCOR 1- CCS Johnston Street, Greymouth being amended to 20 Johnston Street Ms Zhai said that 20 Johnston Street did not correspond to the Greymouth Community Corrections facility, and she did not support this particular part of the amendments being sort by Corrections. Otherwise, Ms Zhai considered the relief sought was a minor amendment and/or correction that will improve accuracy and will not affect the purpose, conditions, or boundaries of the designation.

118. In relation to the KiwiRail submission, Ms Zhai agreed that it may be appropriate to identify KRH1 as the primary designation in accordance with s177 of the Act, however noted that the submission excludes specific detail on whether there are any other designations or heritage orders located within the extent of KRH1. She therefore considered that further information was necessary to confirm whether there are overlaps between KRH1 and other designations or heritage orders within the relevant districts. The exception was in relation to NZTA designations, as she noted NZTA have sought to amend their designation hierarchy to 'varies' where there is overlap with KiwiRail's. Ms Zhai considered KiwiRail should provide further evidence on this matter.

119. Ms Zhai supported the NZTA, MoE and GDC submissions considering them to be minor amendments and/or corrections that will improve accuracy and will not affect the purpose, conditions, or boundaries of the designation

Hearing and Submitter Evidence

120. In relation to their request to specify the Designation Hierarchy for the rail designation KRH1 as 'Primary', Ms McGuire for KiwiRail accepted there were overlapping designations within the three West Coast districts with road designations and therefore agreed with the Ms Zhai recommendation to use the word 'Varies' as the Designation Hierarchy for KRH1.

Evaluation and Recommendation

121. In terms of the Corrections submission, I have rechecked the address of the Greymouth and Westport facilities and found that both are correct. Therefore, I'm comfortable that this address should be included on the site identifier. I note however that both the addresses for the Greymouth and Westport Corrections are already correct on the e-plan. The changes sought to the pdf maps for Westport and Greymouth by Corrections (the e-plan is correct) will be made in due course.

122. In terms of the change to the pdf map 171 in Hokitika where Corrections state they no longer own or operate the site concerned and that it is no longer required for community correction purposes and therefore should be deleted. The site is not in the Designation schedule. I have also noted the e-plan maps shows the site as being designation with a range of notation including MCOR3, CORC3, CORC5 and CORC2. These appear to be an error and should be removed which will then be reflected on the pdf maps.

123. I therefore recommend the Correction submissions are **accepted** however only the change to the planning maps in Hokitika is required to be implemented.

124. In terms of the KiwiRail submissions I note that Ms McGuire accepts that the word 'Varies' as the Designation hierarchy is appropriate given the overlaps with the NZTA designation. On that basis I recommend that the KiwiRail submission be **accepted in part**.

125. The NZTA and MoE submission sought to correct a number of Site identifiers within various designations, and I agree those are appropriate and recommend their submissions be **accepted**. In terms of MoE, I note that the removal of part of St Mary's School- NoR in Hokitika identified as the non-integrated church land was not correctly picked up in Ms Zhai's report. MoE had noted that the designated area shown on the pTTPP maps did not accurately represent the designated area as provided by the Notice of Requirement and had sought from that to be corrected as identified in their submission. The correction has now been made and is shown in **Appendix 1**.

126. GDC sought to include a few legal descriptions for various designated sites into the relevant Site identifiers and make some minor corrections in wording. I agree that these are important and recommend that the various submission points are **accepted**.

127. All the amendments in the above Issue are shown in **Appendix 1**.

Issue 6 - Miscellaneous

Transpower Designations

128. As a result of addressing the Transpower designation at McKay Road under the Scope Heading above, it was discovered that there were different and incorrect descriptions being used on the Planning Maps associated with Transpower designations when compared to the TTPP text itself. I was provided with a report from Mr Doug Bray, Senior Policy Planner at West Coast Regional Council outlining each of the incorrect descriptions and the amendments required to correct this

129. In short, the Planning Maps were using a TRAN identification whereas the TTPP text was using TRP. Furthermore, two sites identified on the Planning Maps as TRAN (Transpower) were in fact Westpower designations.

130. In my view these are also matters that can be dealt with under Clause 16(2) of the First Schedule referred to above of the RMA as minor errors. The following corrections to the Planning Maps are therefore recommended pursuant to Clause 16(2) of the RMA and are identified in **Appendix 1**:

- Amend the Transpower designations at Otira from TRAN 3 to TPR – 01
- Amend the Transpower designations at Dobson from TRAN 4 to TPR – 02
- Amend the Transpower designations at Waimangaroa from TRAN 5 to TPR – 03
- Amend the Transpower designations at Inangahua from TRAN 6 to TPR – 04
- Amend the designations at State Highway 69, Waitahu from TRAN 2 to WESTP-1
- Amend the designations at Bold Head Road, Waitaha from TRAN 1 to WESTP-2

3.6. Concluding Comment

131. As has become apparent throughout this report what was provided by the Councils to the TTPP Committee in terms of designations had not been effectively scrutinised prior to its provision and contained numerous errors and omissions. Throughout the decision, where possible I have sought to correct errors and omissions within the legal constraints that apply, however there remain a number of designations which I have been unable to address in part or in full. These will now fall to the respective Councils to consider individually.

For the Hearing Panel



Dean Chrystal

Date: 25th March 2025

APPENDIX 1 – DESIGNATION RECOMMENDATIONS

Plan Text Amendments

Recommended amendments to the provisions in response to submissions are shown in ~~strikethrough~~ and **bold** and **underline**.

Add the following Designation to the Te Tai o Poutini Plan.

Buller District Council

Reefton ~~Resource Recovery Park~~ **Transfer Station and Recycling Centre**	
Designation unique identifier	BDC24
Designation purpose	Collection, Storage and Transfer of Solid Waste
Site identifier	Part Section 135 Square 131, Section 264 Square 131, Section 12 Block XIV SO 7456
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	1. The access to the site from Willowbank Road shall be formed and sealed as a two lane road, to NZS 440:2004, prior to the opening of the Resource Recovery Park. 2. All buildings shall comply with the relevant standards in the ~~Rural one of the Buller District Plan~~ **Rural Zone Chapter of the Te Tai o Poutini Plan**. 3. Screen planting, of native species such as Flax, Toitoi, Manuka, shall be provided around the entire perimeter of the Operational Area. 4. A ~~section~~ **security** fence shall be erected and lined with wind cloth.
Additional information	N/A

Westport ~~Water Supply Catchment~~ **Wastewater Treatment Plant**	
Designation unique identifier	BDC33
Designation purpose	Treating and Discharging Sewage and Trade Waste

Site identifier	Part Section 130, Block III, Kawatiri Survey District
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	1. An area of land contained within 50m radius of the site containing the wastewater treatment plant (excluding legal road) shall at all times during the operation and decommissioning of the wastewater treatment plant be in the ownership or control of Buller District Council for the purpose of mitigating potential effects. 2. Existing planting shall be retained on the site containing the wastewater treatment plan. Further planning shall take place on the western and eastern boundaries of the buffer zone preferred to in condition 1 for the purpose of screening the ponds from surrounding properties provided that the planting shall not significantly affect the air from into the treatment site. Planting shall have been carried out by the time the wastewater treatment plant is commissioned. The requiring authority shall thereafter be required to maintain the planted areas from the wasterwater treatment plant is commissioned until the time the plant is decommissioned. 3. A lockable gate shall be installed on the Wastewater Treatment Plant access road to prevent access to the railway.
Additional information	N/A

Grey District Council

Add the following:

Greenstone Cemetery	
Designation unique identifier	**GDC21**

Designation purpose	**Cemetery**
Site identifier	**Reserve 256, Road Reserve Tuke Street,**
Lapse date	**Given effect to**
Designation hierarchy under section 177 of the Resource Management Act	**N/A**
Conditions	**No**
Additional information	**N/A**

Amend as follows:

Karoro Sewage Treatment Ponds	
Designation unique identifier	GDC1
Designation purpose	Sewage disposal
Site identifier	**Reserve 1484**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Runanga Sewage Treatment Ponds	
Designation unique identifier	GDC3
Designation purpose	Sewage disposal
Site identifier	**Lot 1 DP 1625, RS 5058**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Redjacks Road Landfill Site	
Designation unique identifier	GDC6
Designation purpose	Landfill and Refuse Disposal
Site identifier	**Road reserve of Red Jacks Road**
Lapse date	Given effect to

Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Greymouth Aerodrome	
Designation unique identifier	GDC7
Designation purpose	Aerodrome
Site identifier	**Part Reserve 51, Part Reserve 2118, Reserve 2116, Reserve 2117, LOT 1 DP 1677, PT LOT 1 DP 1992, PT SECT 487 TN OF Greymouth**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Cobden Island Transfer Station	
Designation unique identifier	GDC8
Designation purpose	Landfill and Refuse Disposal
Site identifier	**Part Reserve 1428**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Service Lane	
Designation unique identifier	GDC10
Designation purpose	Service Lane
Site identifier	Service Lane ~~bw~~ **between** Herbert St and Tarapuhi St
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No

Additional information	N/A

Service Lane	
Designation unique identifier	GDC11
Designation purpose	Service Lane
Site identifier	Service Lane ~~b/w~~ **between** Mackay Street and Guinness Street
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Dobson Transfer Station	
Designation unique identifier	GDC14
Designation purpose	Landfill and Refuse Disposal
Site identifier	**Lot 1 DP 2522**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Blackball Landfill	
Designation unique identifier	GDC15
Designation purpose	Landfill and Refuse Disposal
Site identifier	**Rural Section 5127**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Karoro Cemetery	
Designation unique identifier	GDC16
Designation purpose	Cemetery
Site identifier	**Part Reserve 50, PT LOT 2 RS 2303, Part Reserve 1860, PtR:**

	1101, PtR: 1870, Reserve 1871, PT LOT 1 RS 2303
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Blackball Cemetery	
Designation unique identifier	GDC17
Designation purpose	Cemetery
Site identifier	**Part Reserve 1356**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Stillwater Cemetery	
Designation unique identifier	GDC18
Designation purpose	Cemetery
Site identifier	**PT RS 572**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Ahuara Cemetery	
Designation unique identifier	GDC19
Designation purpose	Cemetery
Site identifier	**Section 3 SO 430273**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Barrytown Cemetery	
Designation unique identifier	GDC20
Designation purpose	Cemetery
Site identifier	**Reserve 1057**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Maori Gully Cemetery	
Designation unique identifier	GDC22
Designation purpose	Cemetery
Site identifier	**Reserve 1484**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Nelson Creek / Ngahere Cemetery	
Designation unique identifier	GDC23
Designation purpose	Cemetery
Site identifier	**Reserve 1344**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Notown Cemetery	
Designation unique identifier	GDC24
Designation purpose	Cemetery
Site identifier	**Reserve 1042**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A

Conditions	No
Additional information	N/A

Runanga Landfill	
Designation unique identifier	GDC25
Designation purpose	Landfill and Refuse Disposal
Site identifier	**PT RS 6605**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Blaketown Lagoon Wildlife Management Reserve	
Designation unique identifier	GDC26
Designation purpose	Wildlife Reserve
Site identifier	**Reserve 92, Section 300 MR 31, Section 300A MR 31, LOT 3 DP 2605, LOT 2 DP 2605, Part Reserve 91**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

KiwiRail

Amend as follows:

Kiwi~~r~~**R**ail Holdings Limited Designations

Rail Corridors West Coast	
Designation unique identifier	KRH 1
Designation purpose	Railway **purposes**
Site identifier	
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~N/A~~ **Varies**

Conditions	No
Additional information	N/A

Minister of Education

Buller High School II	
Designation unique identifier	MEDU13
Designation purpose	Education Purposes
Site identifier	Buller High School Pakington Street, Westport Lot 2, DP 19~~8~~**8**326 Town of Westport Block III Kawatiri Survey District
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	No
Additional information	N/A

~~St~~ John Paul II High School - NoR	
Designation unique identifier	MEDU33
Designation purpose	Education Purposes
Site identifier	St John Paul II High School 10 Alexander Street Greymouth Lot 2 DP 421099, Lot 6 DP 2780, Lot 3 DP 1510, Lot 4 D**P**~~O~~ 1510 and Lot **1** DP 1510
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	No
Additional information	N/A

St Patrick's School - NoR	
Designation unique identifier	MEDU34

Designation purpose	Education Purposes
Site identifier	St Patrick's School 13 Puketahi Street Greymouth Lot 1 DP 2780, Lot 3 DP 330, Lot 4 D**P**~~O~~ 330, and Lot 2 DP 421099
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	No
Additional information	N/A

Minister of Conservation

Delete the following Designations from the Te Tai o Poutini Plan.

~~**Fox River**~~	
~~Designation unique identifier~~	~~DOC1~~
~~Designation purpose~~	~~Scenic~~
~~Site identifier~~	~~Sections 8 and 9 Block V Brighton Survey District~~
~~Lapse date~~	~~Given effect to~~
~~Designation hierarchy under section 177 of the Resource Management Act~~	~~N/A~~
~~Conditions~~	~~No~~
~~Additional information~~	~~N/A~~

~~**Te Ana Matuku Caves**~~	
~~Designation unique identifier~~	~~DOC2~~
~~Designation purpose~~	~~Historic~~
~~Site identifier~~	~~Unformed Legal Road~~
~~Lapse date~~	~~Given effect to~~
~~Designation hierarchy under section 177 of the Resource Management Act~~	~~N/A~~
~~Conditions~~	~~No~~

~~Additional information~~	~~N/A~~

NZ Transport Agency Waka Kotahi

Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-1**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure
Site identifier	**State Highway 6** from the boundary with the Tasman District in the Upper Buller Gorge in the north to the boundary with Grey District at the Punakaiki River ~~to~~ **in** the south.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**
Conditions	~~Notes~~ ~~The following section of State Highway 6 is a Limited Access Road, as declared under Section 88 of the Government Road Powers Act 1989:~~ ~~1934, Dated 6th July 1978.~~ **None**
Additional information	~~N/A~~ **Notes** **The following section of State Highway 6 is a Limited Access Road, as declared under Section 88 of the Government Road Powers Act 1989:** **- From Bullock Creek to Punakaiki River, as declared by NZ Gazette 61, Page 1934, Dated 6th July 1978.**
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-2**

Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure
Site identifier	**State Highway 6** from the boundary with the Buller District at the Punakaiki River Bridge in the north to the boundary with Westland District at the Taramakau River Bridge ~~to~~ **in** the south.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**
Conditions	~~Notes~~ ~~The following section of State Highway 6 is a Limited Access Road, as declared under Section 88 of the Government Road Powers Act 1989:~~ ~~From South Beach Overbridge to Taramakau River, as declared by NZ Gazette 95, Page 2986, Dated 2nd November 1978.~~ **None**
Additional information	~~N/A~~ **Notes** **The following section of State Highway 6 is a Limited Access Road, as declared under Section 88 of the Government Road Powers Act 1989:** **- From South Beach Overbridge to Taramakau River, as declared by NZ Gazette 95, Page 2986, Dated 2nd November 1978.**
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-3**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure

Site identifier	**State Highway 6** from the boundary with the Westland District at the Taramakau River Bridge ~~to~~ **in** the north to the boundary with Queenstown-Lakes District in the Haast Pass ~~to~~ **in** the south.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**
Conditions	~~Notes~~ ~~The following section of State Highway 6 is a Limited Access Road, as declared under Section 88 of the Government Road Powers Act 1989:~~ ~~- From Taramakau to Hokitika, as declared by NZ Gazette 86, Page 2641, Dated 25th August 1994;~~ ~~- From Hokitika to Ruatapu, as declared by NZ Gazette 86, Page 2641, Dated 25th August 1994.~~ **None**
Additional information	~~N/A~~ **Notes** **The following section of State Highway 6 is a Limited Access Road, as declared under Section 88 of the Government Road Powers Act 1989:** - **From Taramakau to Hokitika, as declared by NZ Gazette 86, Page 2641, Dated 25th August 1994;** - **From Hokitika to Ruatapu, as declared by NZ Gazette 86, Page 2641, Dated 25th August 1994.**
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-4**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure

Site identifier	**State Highway 7** from the Hurunui District boundary in the Lewis Pass ~~to~~ **in** the east of the Grey District Boundary at the Grey River Bridge, south of Ikamatua, ~~to~~ **in** the west.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**
Conditions	None
Additional information	N/A
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-5**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure
Site identifier	**State Highway 7** from the Buller District boundary at the Grey River Bridge ~~to~~ **in** the northeast ~~of~~ **to** the intersection with the State Highway 6, Greymouth ~~to~~ **in** the southwest.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**
Conditions	None
Additional information	N/A
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-7**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure
Site identifier	**State Highway 67** from the northern side of the Mokihinui River Bridge next to the intersection with De Malmanches Road in the north to the intersection with State Highway 6 in the Lower Buller Gorge, Westport in the south.

Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**
Conditions	None
Additional information	N/A
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-8**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure
Site identifier	**State Highway 67A** from the intersection with State Highway 67, west of the Buller River Bridge in the east, to **just west of the entrance of Holcim Cement in the west** ~~to the intersection of Limestone Road~~.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	None
Additional information	N/A
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-9**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure
Site identifier	**State Highway 69** from the intersection with State Highway 6 in Inangahua in the north to the intersection with State Highway 7 in Reefton in the south.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**

Conditions	None
Additional information	N/A
Waka Kotahi - New Zealand Transport Agency	
Designation unique identifier	**NZTA-10**
Designation purpose	To construct, operate, maintain and improve a state highway, cycleway and / or shared path, and associated infrastructure
Site identifier	**State Highway 73** from the boundary with Selwyn District Council in Arthurs Pass ~~to~~ **in** the east to the intersection with State Highway 6 at the Kumara Junction roundabout in the west.
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	~~Primary~~ **Varies**
Conditions	None
Additional information	N/A

Radio New Zealand Limited

Cape Foulwind Transmission Site	
Designation unique identifier	RNZ1
Designation purpose	Radio Communication and Telecommunication (including broadcasting) Purposes and Ancillary Purposes and Land Uses
Site identifier	~~Part Lot 2 DP 353986~~ **Lot 2 DP 353986**
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	None
Additional information	N/A

Westland District Council

Amend as follows:

Water Supply Storage and Treatment	
Designation unique identifier	WDC7
Designation purpose	Public Water Supply Reservoir and Treatment
Site identifier	**Lot 1 DP 462988**, Rural Sections 3697, 3698, 3699, and Part RS 1130, So 6625 Cement Lead Road and Hau Hau Road, Blue Spur
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

Butlers Landfill	
Designation unique identifier	WDC8
Designation purpose	Landfill and Refuse Disposal
Site identifier	Approximately 42.4920 hectares of land being legally described as Rural Section 1998, Block XV, Mahinapua SD (CT WS2D/1488). ~~84 Hau Hau Road, Hokitika 7811~~
Lapse date	Given effect to
Designation hierarchy under section 177 of the Resource Management Act	N/A
Conditions	No
Additional information	N/A

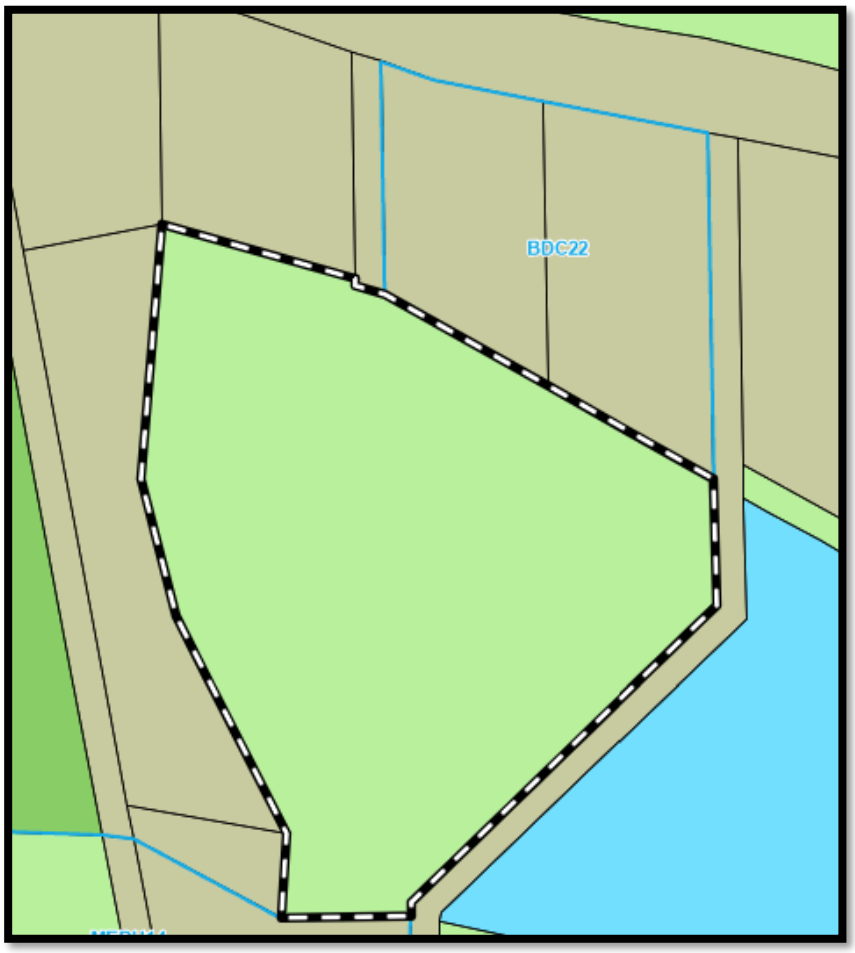
Planning Map Amendments

1. NZ Transport Agency Waka Kotahi

   Amended the state highway designation in line with the geospatial shapefiles provided by NZTA.

2. Buller District Council

   Include the following piece of land in the Westport Refuse Tip (BDC22) designation:

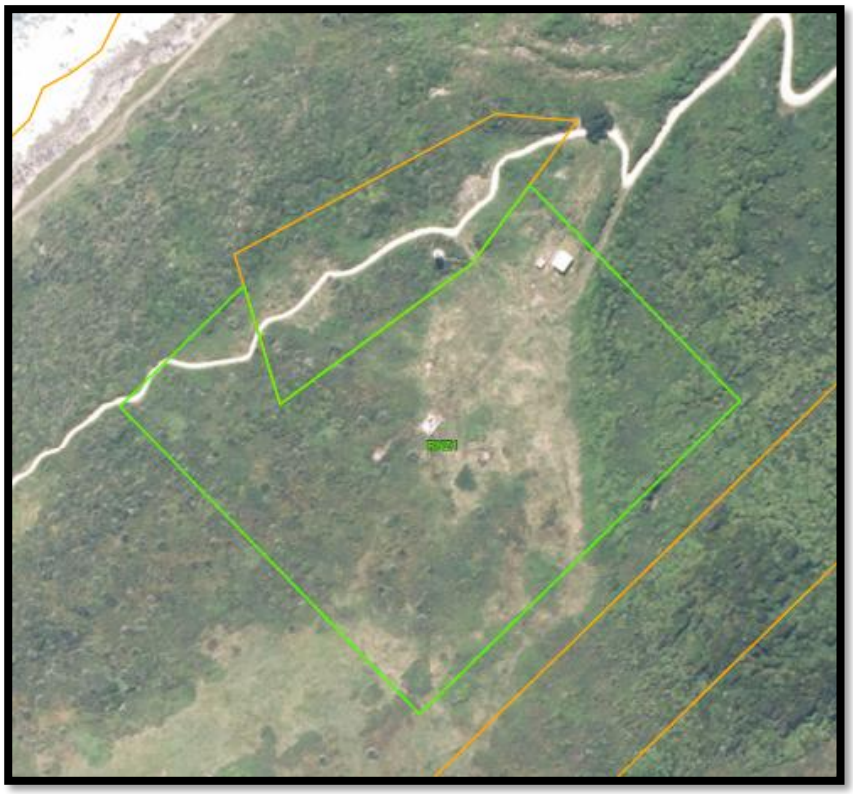


3. Minister for Corrections Designations

   Delete the Minister for Corrections Designation notations MCOR3, CORC3, CORC5 and CORC2 at 71–79 Revell Street Hokitika.

4. Radio New Zealand Limited

   Include the following piece of land as the Cape Foulwind Transmission Site (RNZ1):



5. Westland District Council

   Include the following piece of land in the Water Supply Storage and Treatment (WDC7) designation:



6. Ministry of Education

Remove the following piece of land from the St Marys School designation in Hokitika.

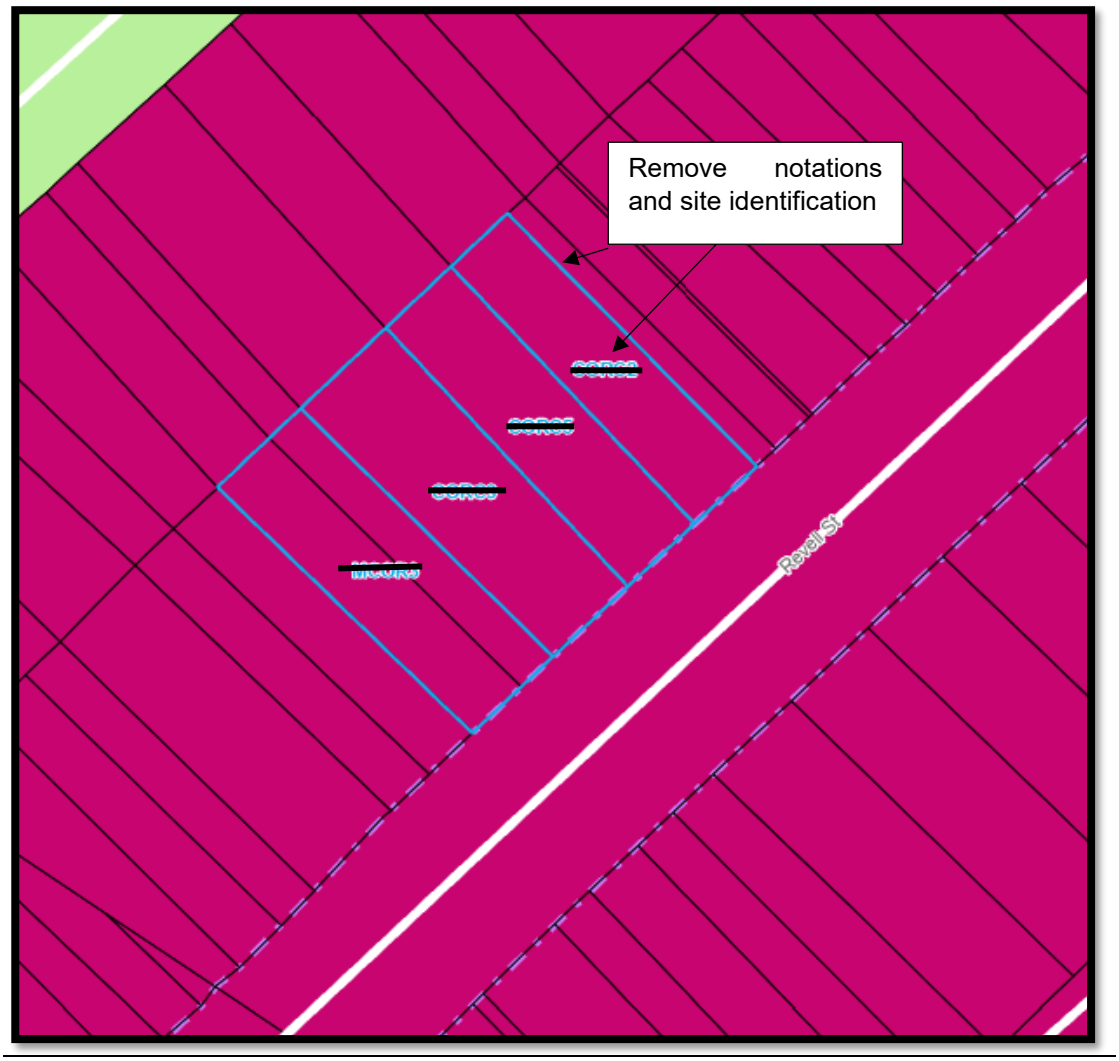
St Mary's School Designation – MEDU35



Area to be removed from Designation MEDU35 on the Planning Maps

7. Ministry of Education

   Remove the notations MCOR3, CORC3, CORC5 and CORC2 and the associated site identification on Revell Street, Hokitika from the planning maps



8. Transpower

   - Delete Transpower designation TRAN 7 at McKay Road, Cape Foulwind
   - Amend the Transpower designations at Otira from TRAN 3 to TPR – 01
   - Amend the Transpower designations at Dobson from TRAN 4 to TPR – 02
   - Amend the Transpower designations at Waimangaroa from TRAN 5 to TPR – 03
   - Amend the Transpower designations at Inangahua from TRAN 6 to TPR – 04
   - Amend the designations at State Highway 69, Waitahu from TRAN 2 to WESTP-1
   - Amend the designations at Bold Head Road, Waitaha from TRAN 1 to WESTP-2